

White observed the way Ramsey kept saying “the Indian,” rather than Roan’s name. As if to justify his crime, Ramsey said that even now “white people in Oklahoma thought no more of killing an Indian than they did in 1724.”

White still had questions about the murder of Mollie’s sister Anna Brown. Ernest Burkhart remained cagey about the role of his brother Bryan, evidently not wanting to implicate him. But he revealed the identity of the mysterious third man who had been seen with Anna shortly before her death. It was someone whom the agents knew, knew all too well: Kelsie Morrison, their undercover informant who had supposedly been working with the agents to *identify* the third man. Morrison had not just been a double agent who had funneled information back to Hale and his henchmen. It was Morrison, Ernest said, who had put the fatal bullet in Anna Brown’s head.

While the authorities went to round up Morrison, they also made sure that a doctor went to check on Mollie Burkhart. She seemed near death, and based on her symptoms, authorities were certain that someone had been secretly poisoning her and doing it slowly so as not to arouse suspicions. In a later report, an agent noted, “It is an established fact that when she was removed from the control of Burkhart and Hale, she immediately regained her health.”

Burkhart never admitted having any knowledge that Mollie was being poisoned. Perhaps this was the one sin that he couldn’t bear to admit. Or perhaps Hale had not trusted him to kill his own wife.

The Shoun brothers were brought in and interrogated over what, exactly, they had been treating Mollie with. One of the prosecutors who was working with White asked James Shoun, “Weren’t you giving her insulin?”

“I may have been,” he said.

The prosecutor grew impatient. “Wasn’t she taken away from you and taken to the hospital at Pawhuska? Weren’t you administering insulin to her?”

Shoun said that maybe he’d misspoken: “I don’t want to get balled up and don’t want to get in bad.”

The prosecutor asked again if he’d administered injections to her. “Yes, I gave her some,” he said.

“For what?”

“For sugar diabetes.”

“And she got worse?”

“I don’t know.”

“And she got so bad she was taken away from you and taken to a hospital at Pawhuska, and she got better immediately under the care of another doctor?”

James Shoun and his brother denied any wrongdoing, and White could not prove who was responsible for the poisoning. When Mollie was feeling better, she was questioned by authorities. Mollie was not one who liked to be seen as a victim, but for once she admitted that she was scared and bewildered. At times, she relied upon an interpreter to help with her English—a language that now seemed to convey secrets beyond comprehension. An attorney assisting the prosecution explained to her, “We are all your friends and working for you.” He informed her that her husband, Ernest, had confessed that he knew something about these murder cases and that Hale had apparently engineered them, including the bombing of her sister Rita’s house.

“Bill Hale and your husband are kin-folks, are they not?” he added.

“Yes, sir,” she replied.

At one point, the attorney asked her if Hale was at her house around the time of the explosion.

“No, he was not there. Just my husband and my children was all that was at home.”

“No one came there that night?”

“No.”

“Was your husband at home all evening?”

“Yes, all evening.”

He asked her if Ernest had ever told her anything about Hale’s plot. She said, “He never told me anything about it.” All she wanted, she said, was for the men who did this to her family to be punished.

“It makes no difference who they are?” the attorney asked.

“No,” she said adamantly. But she couldn’t, *wouldn’t*, believe that Ernest had been involved in such a plot. Later, a writer quoted her saying, “My husband is a good man, a kind man. He wouldn’t have done anything like that. And he wouldn’t hurt anyone else, and he wouldn’t ever hurt me.”

Now the attorney asked her, “You love your husband?”

After a moment, she said, “Yes.”

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Once armed with the statements of Ernest Burkhart and Ramsey, White and Agent Smith confronted Hale. White sat across from this gentlemanly-looking figure who, he was convinced, had killed nearly all the members of Mollie’s family and who had killed witnesses and co-conspirators. And White had discovered one more disturbing development; according to several people close to Anna Brown, Hale had had an affair with Anna and was the father of her baby. If true, it meant that Hale had killed his own unborn child.

White tried to contain the violent passions inside him as Hale greeted him and Agent Smith with the same politeness that he had demonstrated while being arrested. Burkhart once described Hale as the best man you “ever saw until after you found him out and knewed him,” adding, “You could meet and you’d fall in love with him. Women were the same way. But the longer you stayed around him, he’d get to you. He’d beat you some way.”

White did not waste time. As he later recalled, he told Hale, “We have unquestioned signed statements implicating you as the

principal in the Henry Roan and Smith family murders. We have the evidence to convict you.”

Even after White detailed the overwhelming evidence against him, Hale seemed unperturbed, as if he still held the upper hand. Kelsie Morrison had earlier told agents that Hale was certain that “money will buy the protection or acquittal of any man for any crime in Osage County.”

White could not anticipate the bitter, sensational legal battle that was about to ensue—one that would be debated in the U.S. Supreme Court and would nearly destroy his career. Still, hoping to tie up the case as neatly and quickly as possible, he made one last attempt to persuade Hale to confess. “We don’t think you want to expose [your family] to a long trial and all its sordid testimony, the shame and embarrassment,” White said.

Hale stared at White with gleeful zeal. “I’ll fight it,” he said.

19 A TRAITOR TO HIS BLOOD

The revelations of the arrests and the horror of the crimes held the nation in their grip. The press wrote about “an evidently well-organized band, diabolic in its ruthlessness, to destroy with bullet, poison, and bomb the heirs to the oil-rich lands of the Osage”; about crimes that were “more blood-curdling than those of the old frontier days”; and about the federal government’s effort to bring to justice the alleged “King of the Killers.”

White had been consumed with the cases involving Roan and Mollie Burkhart’s family members, and he and his men had not yet been able to connect Hale to all of the twenty-four Osage murders or to the deaths of the attorney Vaughan and the oilman McBride. Yet White and his team were able to show how Hale benefited from at least two of these other killings. The first was the suspected poisoning of George Bigheart, the Osage Indian who, before dying, had passed on information to Vaughan. White learned from witnesses that Hale had been seen with Bigheart just before he was rushed to the hospital, and that after his death Hale made a claim upon his estate for \$6,000, presenting a forged creditor’s note. Ernest Burkhart disclosed that Hale, before filling out the note, had practiced making his handwriting look like Bigheart’s. Hale was also implicated in the apparent poisoning of Joe Bates, an Osage Indian, in 1921. After Bates, who was married and had six children, suddenly died, Hale had produced a dubious deed to his land. Bates’s widow later wrote a letter to the Office of Indian Affairs, saying, “Hale kept my husband drunk for over a year. Hale would come to the house and ask him to sell his inherited shares in land. Joe always refused no matter how drunk he was. I never believed that he sold that land,

he always told me he would not even up to a few days before his death....Well, Hale got the land.”

Despite the brutality of the crimes, many whites did not mask their enthusiasm for the lurid story. OSAGE INDIAN KILLING CONSPIRACY THRILLS, declared the *Reno Evening Gazette*. Under the headline OLD WILD WEST STILL LIVES IN LAND OF OSAGE MURDERS, a wire service sent out a nationwide bulletin that the story, “however depressing, is nevertheless blown through with a breath of the romantic, devil-may-care frontier west that we thought was gone. And it is an amazing story, too. So amazing that at first you wonder if it can possibly have happened in modern, twentieth-century America.” A newsreel about the murders, titled “The Tragedy of the Osage Hills,” was shown at cinemas. “The true history of the most baffling series of murders in the annals of crime,” a handbill for the show said. “A Story of Love, Hatred and Man’s Greed for Gold. Based on the real facts as divulged by the startling confession of Burkhart.”

Amid the sensationalism, the Osage were focused on making sure that Hale and his conspirators did not find a way to wriggle free, as many feared they would. Bates’s widow said, “We Indians cannot get our rights in these courts and I have no chance at all of saving this land for my children.” On January 15, 1926, the Society of Oklahoma Indians issued a resolution that said,

Members of the Osage Tribe of Indians have been foully murdered for their headrights...

Whereas, the perpetrators of these alleged crimes deserve to be vigorously prosecuted and, if convicted, punished to the full extent of the law...

THEREFORE, BE IT RESOLVED by this Society that we commend the federal and state officials for their efforts in trying to ferret out and prosecute the criminals guilty of these atrocious crimes.

Yet White knew that America’s judicial institutions, like its policing agencies, were permeated with corruption. Many lawyers and judges were on the take. Witnesses were coerced, juries tampered with. Even Clarence Darrow, the great defender of the downtrodden, had been charged with trying to bribe prospective jurors. A *Los Angeles Times* editor recalled Darrow once telling him,

“When you’re up against a bunch of crooks you will have to play their game. Why shouldn’t I?” Hale held enormous influence over Oklahoma’s fragile legal institutions; as a reporter who visited the region noted, “Townspeople, from low to high, speak of him with bated breath. His influence and that of his associates is felt everywhere.”

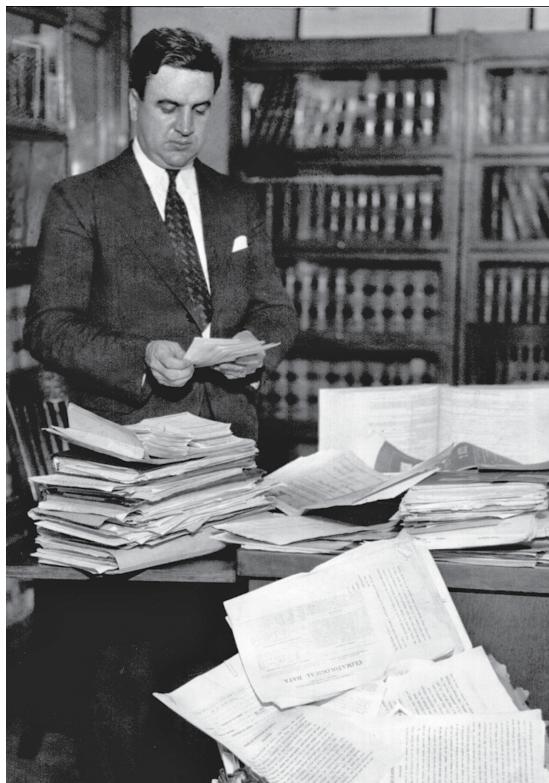
Because of Hale’s power, a federal prosecutor warned that it was “not only useless but positively dangerous” to try him in the state legal system. But, as with many crimes against American Indians, the question of which government entity had jurisdiction over the Osage murders was confounding. If a murder occurred on Indian territory, then the federal authorities could claim jurisdiction. The Osage territory, however, had been allotted, and much of the surface land where the murders had occurred, including the slaying of Anna Brown, was no longer under the tribe’s control. These cases, Justice Department officials concluded, could only be tried by the state.

Yet, as officials scoured the various cases, they thought that they’d found an exception. Henry Roan was killed on an Osage allotment that hadn’t been sold to whites; moreover, the Osage property owner was under guardianship and considered a ward of the federal government. Prosecutors working with White decided to move forward with this case first, and Hale and Ramsey were charged in federal court with Roan’s murder. They faced the death penalty.

The assembled prosecution team was formidable. It included two high-ranking officials in the Justice Department, as well as a young, newly appointed U.S. attorney, Roy St. Lewis, and a local attorney named John Leahy, who was married to an Osage woman and who had been hired by the Tribal Council to assist in the various trials.

Hale was aided by his own array of lawyers—some of the “ablest legal talent of Oklahoma,” as one newspaper put it. Among them was Sargent Prentiss Freeling, a former Oklahoma attorney general and a staunch advocate of states’ rights. He had often traveled around the region giving a lecture titled “The Trial of Jesus Christ from a Lawyer’s Standpoint,” warning, “When a small-natured man indulges to the extent of his ability in villainy and goes as far as his

contemptible nature will permit, he then employs some disreputable lawyer to assist him.” To defend John Ramsey, Roan’s alleged shooter, Hale hired an attorney named Jim Springer, who was known as a fixer. Under Springer’s counsel, Ramsey quickly recanted his confession, insisting, “I never killed anyone.” Ernest Burkhart told White that Hale had earlier assured Ramsey “not to worry, that he—Hale—was on the inside and had everything fixed from the road-overseer to the Governor.”



~~~~ *Prosecutor Roy St. Lewis reviewing the voluminous Osage murder case files* Credit 55

Soon after the grand jury proceedings began, in early January, one of Hale’s cronies—a pastor—was charged with committing perjury on the stand. At a later proceeding, another associate was arrested for trying to intoxicate witnesses. As the trial neared, crooked private eyes began trailing witnesses and even trying to make them disappear. The bureau put out a physical description for one private eye who agents feared might be hired as an assassin: “Long face...

gray suit and light Fedora hat...several gold teeth...has reputation as being very cunning and 'slippery.' ”

Another gunman was hired to assassinate Kelsie Morrison's former wife, Katherine Cole, who was Osage and had agreed to testify for the prosecution. The gunman later recalled, "Kelsie said that he wanted to make some arrangement to get shed of Katherine, his wife, because she knew too much about the Anna Brown murder deal. Kelsie said that he would give me a note to Bill Hale and that Hale would fix the arrangements." Hale paid the gunman and told him to "get her out drunk and get rid of her." But at the last minute the gunman wouldn't go through with it, and after being picked up on a robbery charge, he told authorities about the plan. Still, the plots continued.

White, who had ordered his men to work in pairs for security, received a tip that a former member of the Al Spencer Gang had shown up in Pawhuska to kill federal agents. White told Agent Smith, "We'd better head this off," and armed with .45 automatics, they confronted the man at a house where he was staying. "We hear you've threatened to run us out of town," White said.

The outlaw assessed the lawmen and said, "I'm just a friend of Bill Hale's. Just happened in town, is all."

White subsequently informed Hoover, "Before this man could put into execution any of his 'dirty' work, he left...as he was given to understand that it would be healthier for him some other place."

White was extremely concerned about Ernest Burkhart. Hale later told one ally that Burkhart was the only witness he was afraid of. "Whatever you do, you get to Ernest," Hale told him. Otherwise, he said, "I'm a ruined man."

On January 20, 1926, Burkhart—whom the government had not yet charged, waiting to see the extent of his cooperation—told White that he was sure he was going to be "bumped off."

"I'll give you all the protection the government can afford," White promised him. "Whatever is necessary."

White arranged for Agent Wren and another member of his team to spirit Burkhart out of the state and guard him until the trial. The agents never registered Burkhart in hotels under his own name, and referred to him by the alias "E. J. Ernest." White later told Hoover, "We think that it is likely that they will endeavor to kill Burkhart. Of course, every precaution is being taken to prevent such a step, but there are many ways that this could be done, for friends of Ramsey and Hale could probably slip poison to him."

Mollie, meanwhile, still didn't believe that Ernest was "intentionally guilty." And when he did not return home for days, she became frantic. Her whole family had been decimated, and now it appeared as if she'd lost her husband, too. An attorney assisting the prosecution asked whether she'd feel better if agents brought her to see Ernest.

"That is all I wanted," she said.

Afterward, White and Mollie met. He promised her that Ernest would be back soon. Until then, White said, he would make sure that they could correspond.

After Mollie received a letter from Ernest saying that he was well and safe, she replied, "Dear husband, I received your letter this morning and was very glad to hear from you. We are all well and Elizabeth is going back to school." Mollie noted that she was no longer so sick. "I feel better now," she said. Clinging to the illusion of their marriage, she concluded, "Well Ernest I must close my short letter. Hoping to hear from you soon. Good by from your wife, Mollie Burkhart."

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On March 1, 1926, White and the prosecution received a devastating setback. The judge, agreeing with a defense motion, ruled that even though Roan's murder had occurred on an individual Osage allotment, this was not the equivalent of tribal lands, and therefore the case could be adjudicated only in state court. Prosecutors appealed the decision to the U.S. Supreme Court, but

with a ruling not expected for months, Hale and Ramsey would have to be released. “It appeared that Bill Hale’s lawyers—just as his friends predicted—had clipped the government’s tail feathers good,” one writer observed.

Hale and Ramsey were celebrating in the courtroom, when they were approached by Sheriff Freas. He shook hands with Hale, then said, “Bill, I have a warrant for your arrest.” White and prosecutors had worked with the Oklahoma attorney general to keep Hale and Ramsey behind bars by filing state charges against them for the bombing murders.

White and the prosecutors had no choice but to initiate the state case in Pawhuska, the Osage County seat and a Hale stronghold. “Very few, if any, believe that we can ever be able to get a jury in Osage County to try these parties,” White told Hoover. “Trickeries and all methods of deceit will be resorted to.”

At a preliminary hearing, on March 12, Osage men and women, many of them relatives of the victims, crammed into the courtroom to bear witness. Hale’s wife, his eighteen-year-old daughter, and his many boisterous supporters clustered behind the defense table. Journalists jostled for space. “Seldom if ever has such a crowd gathered in a court room before,” a reporter from the *Tulsa Tribune* wrote. “Here are well-groomed business men, contesting standing room with roustabouts. There are society women sitting side by side with Indian squaws in gaudy blankets. Cowboys in broad brimmed hats and Osage chiefs in beaded garb drink in the testimony. Schoolgirls crane forward in their seats to hear it. All the cosmopolitan population of the world’s richest spot—the Kingdom of the Osage—crowd to catch the drama of blood and gold.” A local historian later ventured that the Osage murder trials received more media coverage than the previous year’s Scopes “monkey trial,” in Tennessee, regarding the legality of teaching evolution in a state-funded school.

Many people in the gallery gossiped about an Osage woman who was sitting on one of the benches, quiet and alone. It was Mollie Burkhart, cast out from the two worlds that she’d always straddled:

whites, loyal to Hale, shunned her, while many Osage ostracized her for bringing the killers among them and for remaining loyal to Ernest. Reporters portrayed her as an “ignorant squaw.” The press hounded her for a statement, but she refused to give one. Later, a reporter snapped her picture, her face defiantly composed, and a “new and exclusive picture of Mollie Burkhart” was transmitted around the world.

Hale and Ramsey were escorted into the courtroom. Though Ramsey appeared indifferent, Hale acknowledged his wife and daughter and supporters confidently. “Hale is a man of magnetic personality,” the *Tribune* reporter wrote. “Friends crowd about him at every recess of court and men and women shout cheerful greetings.” In jail, Hale had jotted down these lines from a poem as he remembered them:

*Judge Not! The clouds of seeming guilt may dim thy brother's fame,  
For fate may throw suspicion's shade upon the brightest name.*

White sat down at the prosecution table. In an instant, one of Hale’s lawyers said, “Your honor, I demand that T. B. White over there, head of the federal Bureau of Investigation in Oklahoma City, be searched for firearms and excluded from this courtroom.”

Hale’s supporters hooted and stamped their feet. White stood, opening his coat to show that he wasn’t armed. “I will leave if the court orders it,” he said. The judge said that this wouldn’t be necessary, and White sat back down and the crowd quieted. The hearing proceeded uneventfully until that afternoon, when a man entered the courtroom who had not been seen in Osage County for weeks: Ernest Burkhart. Mollie watched her husband as he walked unsteadily down the long aisle to the stand. Hale glowered at his nephew, whom one of Hale’s lawyers denounced as a “traitor to his own blood.” Moments before, Burkhart had confided to a prosecutor that if he testified, “they’ll kill me,” and as Burkhart sat in the witness chair, it was evident that whatever strength he had mustered to reach this point was fading.

A lawyer for Hale rose and demanded to confer privately with Burkhart. “This man is my client!” he said. The judge asked Burkhart if this individual was really his attorney, and Burkhart, with one eye on Hale, said, “He’s not my attorney...but I’m willing to talk to him.”

White and the prosecutors watched incredulously as Burkhart stepped down from the stand and went with Hale’s lawyers into the judge’s chambers. Five minutes drifted by, then ten, then twenty; at last, the judge ordered the bailiff to retrieve them. Hale’s lawyer Freeling emerged from the chamber and said, “Your Honor, I’d like to ask the court to allow Mr. Burkhart until tomorrow to confer with the defense.” The judge agreed, and for a moment Hale personally buttonholed Burkhart in the courtroom, the plot unfolding this time right in front of White. Leahy, the prosecutor who had been hired by the Osage Tribal Council, considered all this to be the most “high-handed and unusual course of conduct I had ever witnessed on the part of attorneys.” As Burkhart left the courtroom, White strove to catch his attention, but Burkhart was swept away by a mob of Hale’s supporters.

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The next morning in court one of the prosecutors made the announcement that White and everyone in the buzzing gallery were expecting: Ernest Burkhart refused to testify for the state. In a memo to Hoover, White explained that Burkhart’s “nerve went back on him and, after he was allowed to see Hale and once more be placed under his domination, there was no hope of his testifying.” Instead, Burkhart took the stand as a defense witness. One of Hale’s lawyers asked him if he’d ever spoken to Hale about the murder of Roan or any other Osage Indian.

“I never did,” Burkhart murmured.

When the lawyer asked if Hale had ever requested that he hire someone to kill Roan, Burkhart said, “He never did.”

Step-by-step, in a quiet monotone voice, Burkhart recanted. Prosecutors tried to salvage their case by filing separate charges

against Burkhart, naming him as a co-conspirator in the bombing of the Smiths' house. Hoping to bolster their position against Hale and Ramsey by gaining an early conviction against Burkhart, prosecutors scheduled his trial first. But the two most important pillars of evidence against Hale—the confessions of Burkhart and Ramsey—had crumbled. White recalled that in the courtroom “Hale and Ramsey gave us triumphant grins,” adding, “The King on top again.”

When Burkhart’s trial began, in late May, White found himself in the midst of an even greater crisis. Hale took the stand and testified, under oath, that during his interrogation White and his agents, including Smith, had brutally tried to coerce a confession from him. Hale said that the men from the bureau had told him that they had ways of making people talk. “I looked back,” Hale continued. “What caused me to look back was hearing a pistol cock behind me. Just as I looked back, Smith jumped across the room, grabbed me by the shoulder and shoved a big gun in my face.”

Hale said that Smith had threatened to beat his brains out and that White had told him, “We will have to put you in the hot chair.” Then, he said, the agents shoved him in a special chair, attached wires to his body, and put a black hood over his head and a device like a catcher’s mask over his face. “They kept talking about putting the juice to me and electrocuting me and did shock me,” Hale said.

Burkhart and Ramsey testified that they had received similar abuse, which was the only reason they had made their confessions. When Hale was on the stand, he gestured wildly, dramatizing how the electricity had allegedly jolted his body. One agent, he claimed, had sniffed the air and cried, “Don’t you smell that human flesh burning?”

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One morning in early June, Hoover was in Washington. He liked to eat a poached egg on toast for breakfast. A relative once observed that Hoover was “quite a tyrant about food” and that if the yolk seeped at all, he would send it back to the kitchen. Yet this morning

it was not the food that disturbed him. He was stunned to pick up the *Washington Post* and find, above the fold, the following headline:

**PRISONER CHARGES USE OF ELECTRICITY BY JUSTICE AGENTS...**

ATTEMPT TO FORCE HIM TO ADMIT MURDERS TOLD ON STAND....

OFFICERS SNIFFED AT "FLESH BURNING," HE SAYS.

While Hoover had no particular devotion to the niceties of the law, he did not seem to believe that White was capable of such tactics. What worried Hoover was scandal or, to use his preferred term, “embarrassment.” He sent White an urgent telegram demanding an explanation. Though White did not want to dignify the “ridiculous” allegations, he promptly responded, insisting that the charges were a “fabrication from start to finish as there was absolutely no third degree method used. I never used such tactics in my life.”

White and his agents took the stand to refute the allegations. Still, William B. Pine—a U.S. senator from Oklahoma who was a wealthy oilman and had defended the guardianship system—began to lobby government officials for White and his men to be fired from the bureau.

At Ernest Burkhart’s trial, tempers could no longer be contained. When a defense attorney alleged that the government had committed fraud, a prosecutor shouted, “I’ll meet the man who says it out in the courtyard.” The two men had to be separated.

With the government’s case in trouble, prosecutors eventually called a witness who, they believed, could sway the jury in their favor: the bootlegger and former bureau informant Kelsie Morrison. White and his men had earlier confronted Morrison after learning of his deception. Morrison seemed to have only one guiding force: his own self-interest. When he thought that Hale was more powerful than the U.S. government, he’d served as a double agent for the King of the Osage; once he was caught and realized that the government controlled his fate, he flipped sides and admitted his role in the conspiracy.

Now, as rain fell and thunder clapped outside the courtroom, Morrison testified that Hale had plotted to eliminate all the members of Mollie's family. Hale had informed him that he wanted to get rid of "the whole damn bunch" so that "Ernest would get it all."

As for Anna Brown, Morrison said that Hale had recruited him to "bump that squaw off" and had given him the weapon—a .380 automatic. Bryan Burkhart had acted as his accomplice. After making sure that Anna was good and drunk, they drove out to Three Mile Creek. Morrison's wife at the time, Cole, was with them, and he told her to stay in the car. Then he and Bryan grabbed hold of Anna. She was too drunk to walk, Morrison recalled, and so they carried her down into the ravine.



~~~ ***Anna Brown*** Credit 56

Eventually, Bryan helped Anna sit up on a rock by the creek. "He raised her up," Morrison said. A defense attorney asked, "Pulled her up?"

“Yes, sir.”

The courtroom was still. Mollie Burkhart looked on, listening.

The attorney continued, “Did you tell him in what position to hold her while you shot her in the head?”

“Yes, sir.”

“You stood there and directed him how to hold this drunken helpless Indian woman down in the bottom of that canyon while you got ready to shoot a bullet into her brain?”

“Yes, sir.”

“Then when he got her just in the position you wanted him to have her, then you shot a bullet from this .380 automatic?”

“Yes, sir.”

“Did you move her after you shot her?”

“No, sir.”

“What happened when you shot her?”

“Turned her loose and she fell back down.”

“Just fell over?”

“Yes, sir.”

“Did she make any outcry?”

“No, sir.”

The attorney continued, “Did you stand there and watch her die?”

“No, sir.”

“You had satisfied yourself that with that gun you shot that bullet into her brain you had killed her, didn’t you?”

“Yes, sir.”

Asked at one point what he had done after the shooting, he replied, “I went home and ate supper.”

Morrison’s former wife, Cole—who said she hadn’t come forward right after the murder because Morrison had threatened to “stomp me to death”—corroborated his account. She said, “I stayed in the car alone about twenty-five or thirty minutes, until they returned. Anna Brown was not with them, and I never saw her alive again.”

On June 3, in the middle of the trial, Mollie was called away. Her younger daughter with Ernest, Anna, whom a relative had been raising since Mollie became seriously ill, had died. She was four years old. Little Anna, as she was called, had not been well of late, and doctors had attributed her death to illness, because there seemed to be no evidence of foul play. But for the Osage every death, every apparent act of God, was now in doubt.

Mollie attended the funeral. She had relinquished her daughter to another family so that she would be safe; now she watched as Little Anna, in her small plain box, disappeared into the grave. There were fewer and fewer Osage who knew the old prayers for the dead. Who would chant every morning at dawn for her?

After the burial, Mollie went straight to the courthouse—the cold stone building that seemed to hold the secrets to her grief and despair. She sat down in the gallery by herself, not saying a word, just listening.

On June 7, several days after the death of his daughter, Ernest Burkhart was being escorted from the courtroom back to the county jail. When no one was looking, he slipped a note to the deputy sheriff. “Don’t look at it now,” he whispered.

Later, when the deputy unfolded the note, he discovered that it was addressed to John Leahy, the prosecutor. It said simply, “See me tonight in the county jail. Ernest Burkhart.”

The deputy passed the note to Leahy, who found Burkhart in his cell pacing restlessly. He had deep circles around his eyes, as if he hadn’t slept for days. “I’m through lying, judge,” Burkhart said, the words rushing out of him. “I don’t want to go on with this trial any longer.”

“Being with the prosecution, I’m in no position to advise you,” Leahy said. “Why don’t you tell your lawyers?”

"I can't tell them," Burkhart said.

Leahy looked at Burkhart, not sure if the impending confession was yet another trick. But Burkhart looked sincere. The death of his daughter, the haunting face of his wife each day at the trial, the realization that the evidence against him was piling up—it was too much to withstand. "I'm absolutely helpless," Burkhart said. He beseeched Leahy to ask Flint Moss, an attorney whom Burkhart knew, to come see him.

Leahy agreed, and on June 9 Burkhart returned to the courtroom after having spoken to Moss. This time, Burkhart did not sit at the defense table with Hale's team of attorneys. He walked to the bench and whispered something to the judge. Then he stepped back, breathing loudly, and said, "I wish to discharge the defense attorneys. Mr. Moss will now represent me."

There were protests from the defense, but the judge agreed to the request. Moss stood beside Ernest and pronounced, "Mr. Burkhart wishes to withdraw his plea of not guilty and enter a plea of guilty."

Gasps filled the courtroom. "Is this your desire, Mr. Burkhart?" the judge asked.

"It is."

"Have state or federal officials offered you immunity or clemency if you changed your plea?"

"No."

He had decided to throw himself at the mercy of the court, having earlier told Moss, "I'm sick and tired of all this....I want to admit exactly what I did."

Burkhart now read a statement admitting that he'd delivered a message from Hale to Ramsey, saying to let Kirby know it was time to blow up the Smith house. "I feel in my heart that I did it because I was requested to do it by Hale, who is my uncle," he said. "The truth of what I did I have told to many men, and as I see it the honest and honorable thing for me to do was to stop the trial and acknowledge the truth."

The judge said that before he accepted the plea, he needed to ask a question: Had federal agents forced Burkhart to sign a confession at gunpoint or under threat of electrocution? Burkhart said that other than keeping him up late, the men from the bureau had treated him just fine. (Later, Burkhart said that some of Hale's attorneys had prodded him to lie on the stand.)

The judge said, "Then your plea of guilty will be accepted."

The courtroom erupted. The *New York Times* reported on the front page, BURKHART ADMITS OKLAHOMA KILLING: CONFESSES HE HIRED MAN TO DYNAMITE SMITH HOME...SAYS UNCLE HEADED PLOT.

White sent a message to Hoover. Burkhart, he reported, "was very much disturbed and, with tears in his eyes, told me that he had lied and that he was now going to tell the truth...and would testify to any Court in the United States to that effect."

After Burkhart's admission, the campaign to fire White and his men ended. Oklahoma's attorney general said, "Too much credit cannot be given these gentlemen."

Yet only a fraction of the case had been completed. White and the authorities still had to convict the other henchmen, including Bryan Burkhart and Ramsey. And, most treacherous of all, they still had to bring down Hale. White, after witnessing the shenanigans in Ernest's trial, was less certain that Hale could be convicted, but he received at least one encouraging bit of news: the U.S. Supreme Court had ruled that the place where Roan had been murdered was indeed on Indian lands. "That put us back in federal district courts," White noted.



---- ***Ernest Burkhart's mug shot*** Credit 57

On June 21, 1926, Burkhart was sentenced to life imprisonment and hard labor. Even so, the people around him detected relief on his face. A prosecutor said that he was now someone "whose mind is at ease because he has relieved his tortured soul of a terrible secret and now seeks repentance and forgiveness." Before being led away in irons to the state penitentiary, Burkhart turned and smiled wanly at Mollie. But her expression remained impassive, perhaps even cold.

20 SO HELP YOU GOD!

In the last week of July 1926, as the summer heat reached infernal temperatures, the trial of Hale and Ramsey for the murder of Henry Roan began at the redbrick courthouse in Guthrie. “The stage is set: the curtain rises slowly on the great tragedy of the Osage—the long-awaited federal trial of two old-time cowboys,” the *Tulsa Tribune* reported. “The trial of Ernest Burkhart, although it ended in a melodramatic flourish with his confession to the Smith murder conspiracy implicating Hale, was merely a prologue to the life and death tragedy that goes on the boards today.”

White stationed extra guards at the jail after attempts to break out the outlaws who were going to testify against Hale. Later, when Hale was being held on a separate tier from the cell housing Blackie Thompson, he passed him a note through a hole where a radiator pipe went through the ceiling. Blackie admitted to agents that Hale had asked him what he required to “not testify against him.” Blackie added, “I wrote one note that I would not testify against him if he would get me out.” Hale wrote back promising to arrange his escape in return for one more thing—that Blackie then kidnap Ernest Burkhart and make him disappear before he could testify. “He wanted me to take Ernest Burkhart to Old Mexico,” Blackie said, adding that Hale didn’t “want Burkhart killed in this country where he would be found.”

Given the abundance of evidence against Hale and Ramsey, White believed that the verdict would depend, in large part, on whether the witnesses and the jury became tainted. At Ernest Burkhart’s trial, the first panel of prospective jurors had been dismissed after evidence surfaced that Hale had attempted to bribe them. Now, before

selecting a jury, prosecutors probed prospective candidates to ascertain whether anyone had approached them. The judge then asked the twelve chosen jurors to swear that they would render a true verdict according to the law and the evidence—“so help you God!”

There was one question that the judge and the prosecutors and the defense never asked the jurors but that was central to the proceedings: Would a jury of twelve white men ever punish another white man for killing an American Indian? One skeptical reporter noted, “The attitude of a pioneer cattleman toward the full-blood Indian...is fairly well recognized.” A prominent member of the Osage tribe put the matter more bluntly: “It is a question in my mind whether this jury is considering a murder case or not. The question for them to decide is whether a white man killing an Osage is murder—or merely cruelty to animals.”



.... Hale (second from left) and Ramsey (third from left) with two U.S. marshals Credit 58

On July 29, as testimony was set to begin, throngs of spectators arrived early in order to get a seat. The temperature outside was ninety degrees, and it was hard to breathe in the courtroom. John Leahy, the prosecutor, rose to give his opening statement. “Gentlemen of the jury,” he said. “William K. Hale is charged with aiding and abetting to the killing of Henry Roan, while John Ramsey is charged with the killing.” Leahy outlined the alleged facts of the insurance murder plot in a matter-of-fact voice. One observer noted that “the veteran of legal battles does not go in for fireworks or courtroom histrionics but he makes his points all the stronger for his quiet reserve.” Looking on, Hale smiled ever so slightly, while Ramsey leaned back in his chair, fanning himself in the heat, a toothpick between his teeth.

On July 30, the prosecution called Ernest Burkhart to the stand. There was speculation that Burkhart would defect again and return to the fold of his uncle, but this time Burkhart answered the prosecution’s questions forthrightly. Burkhart recalled that one time Hale and Henry Grammer had discussed how to eliminate Roan. The original plan was not for Ramsey to shoot Roan, Burkhart said. Instead, Hale intended to use one of his other primary methods—a batch of poisoned moonshine. Burkhart’s testimony finally made public what the Osage had long known: members of the tribe had been systematically killed with intentionally contaminated alcohol. In the case of Roan, Burkhart said, Hale ultimately decided to have him shot, but Hale was furious when he later learned that Ramsey had not, as instructed, fired the bullet into the front of Roan’s head and left the gun at the scene. “Hale said to me if John Ramsey had done it the way I told him to nobody would have known but that Roan had attempted suicide,” Burkhart recalled.

On August 7, the prosecution rested, and the defense soon summoned Hale to the stand. Addressing the jurors as “gentlemen,” he insisted, “I never devised a scheme to have Roan killed. I also never desired his death.” Although Hale had made a compelling witness, White was confident the government had proven its case. In addition to Burkhart’s testimony, White had testified to Ramsey’s

confession, and witnesses had described Hale's fraudulent acquisition of the insurance policy. The prosecutor Roy St. Lewis called Hale "the ruthless freebooter of death." Another prosecutor said, "The richest tribe of Indians on the globe has become the illegitimate prey of white men. The Indian is going. A great principle is involved in this case. People of the United States are following us through the press. The time has now come for you gentlemen to do your part."

On August 20, a Friday, the jury started its deliberations. Hours went by. The next day, the deadlock continued. The *Tulsa Tribune* said that though the government's case was strong, bets around Guthrie were "five to one for a hung jury." After five days of deliberations, the judge called the parties into the courtroom. He asked the jurors, "Is there any possibility of an agreement on a verdict?"

The foreman rose and said, "There is none."

The judge asked if the government had any remarks, and St. Lewis stood. His face was red, his voice trembling. "There are some good men on the jury and some that are not good," he said. He added that he had been informed that at least one, if not more, members of the panel had been bribed.

The judge considered this, then ordered that the jury be dismissed and the defendants held for further trial.

White was stunned. More than a year of his work, more than three years of the bureau's work, had reached an impasse. The jury was also hung when Bryan Burkhart was tried for the murder of Anna Brown. It seemed impossible to find twelve white men who would convict one of their own for murdering American Indians. The Osage were outraged, and there were murmurings about taking justice into their own hands. White suddenly had to deploy agents to protect Hale, this man whom he so desperately wanted to bring to justice.



---- ***Hale leaving the courthouse*** Credit 59

The government, meanwhile, began preparing to retry Hale and Ramsey for the murder of Roan. As part of this effort, White was asked by the Justice Department to investigate corruption during the first Hale trial. He soon uncovered that there had been a conspiracy to obstruct justice, including bribes and perjury. According to one witness, the defense attorney Jim Springer had offered him money to lie on the stand, and when he refused, Springer aimed what appeared to be a gun in his pocket at him and said, "I will kill you." In early October, a grand jury recommended filing charges against Springer and several witnesses for what it called flagrant attempts to obstruct justice. The grand jury issued a statement: "Such practices should not be endured, otherwise our courts will be a mockery, and justice defeated." Several witnesses were indicted and convicted, but prosecutors decided not to charge Springer, because he would demand delaying the second trial of Hale and Ramsey until his own case was resolved.

Before the retrial of Hale and Ramsey for the murder of Roan began, in late October, a Justice Department official advised St. Lewis, the prosecutor, that “this whole defense is a tissue of lies, and it is up to us to get at the facts.” He added, “There will be no one to blame except ourselves if they succeed in fixing this jury.” White’s men were assigned to safeguard the jury.

The prosecution presented essentially the same case, though in more streamlined form. To the surprise of the courtroom, Mollie was briefly summoned to the stand by Hale’s attorney Freeling.

“Will you state your name?” he asked her.

“Mollie Burkhart.”

“Are you the present wife of Ernest Burkhart?”

“Yes, sir.”

He then exposed the secret that she’d long kept from Ernest, asking, Was Henry Roan your husband at one time?

“Yes, sir,” she said.

The prosecution protested that the question was immaterial, and the judge agreed. Indeed, there seemed to be no point to the line of questioning other than to inflict more suffering upon her. After she identified a photograph of Roan, she stepped down from the stand and returned to the gallery.

When Ernest Burkhart was on the stand, the prosecutor Leahy questioned him about his marriage to Mollie. “Your wife is an Osage Indian?” Leahy asked him.

“She is,” Ernest replied.

At an earlier proceeding, he was asked what his profession was, and he said, “I don’t work. I married an Osage.”

One of Hale’s lawyers now asked Ernest if he’d pleaded guilty to murdering his wife’s sister by blowing up her house while she was inside.

“That is right,” he said.

Hoping to place the blame for the killings on Ernest, Hale’s lawyer recited the names of Mollie’s murdered family members, one after

the other. “Has your wife now any surviving relatives outside of the two children she has by you?”

“She has not.”

There was a hush in the courtroom as Mollie looked on; her gaze could no longer be avoided. After only eight days of testimony, both parties rested. One of the prosecutors said in his closing statement, “The time now has come for you men to stand for law and order and decency, time to uncrown this King. You should say by your verdict as courageous men, decent men, that they shall hang by the neck until they are dead.” The judge advised the jury members that they must set aside sympathies or prejudices for either side. He warned, “There never has been a country on this earth that has fallen except when that point was reached...where the citizens would say, ‘We cannot get justice in our courts.’” On the evening of October 28, the jury began deliberating. By the next morning, word spread that the jurors had reached a decision, and the courtroom filled with the familiar participants.

The judge asked the foreman if indeed the jury had reached a verdict. “Yes, sir,” he replied, and handed him a sheet of paper. The judge looked at it for a moment, then passed it on to the clerk. The courtroom was so quiet that the ticking of a clock on the wall could be heard. A reporter later observed, “Hale’s face expressed a guarded eagerness; Ramsey’s was a mask.” Standing in front of the still room, the clerk read out that the jury found John Ramsey and William K. Hale guilty of first-degree murder.

Hale and Ramsey appeared shocked. The judge said to them, “A jury has found you guilty of the murder of an Osage Indian, Mr. Hale and Mr. Ramsey, and it becomes my duty to pass sentence. Under the law the jury may find you guilty and that carries the death penalty in a first-degree murder case. But this jury has qualified it with life imprisonment.” The jurors were willing to punish the men for killing an American Indian, but they would not hang them for it. The judge told Hale and Ramsey, “Stand before the bench.” Hale rose quickly, Ramsey hesitantly. The judge declared that he was

sentencing them to the penitentiary for the “period of your natural lives.” He then asked, “Have you anything to say, Mr. Hale?”

Hale stared straight ahead, vacantly. “No, sir,” he said.

“And you, Mr. Ramsey?”

Ramsey simply shook his head.

Reporters rushed out of the courtroom to file their stories, proclaiming, as the *New York Times* put it, “KING OF OSAGE HILLS” GUILTY OF MURDER. The attorney Leahy would hail the outcome as “one of the greatest indications of law and justice that has been realized in the country.” Mollie welcomed the verdict, but, as White knew, there were some things that no successful investigation, no system of justice, could restore.

A year later, when Anna Brown’s murder was prosecuted, Mollie attended the trial. By then, Morrison had recanted his confession, shifting his allegiance yet again in the hope of securing compensation from Hale. Authorities had seized a note that he had sent to Hale in prison, in which he had promised to “burn” down the authorities “if I ever get the Chance.” Prosecutors gave Bryan Burkhart immunity, believing that it was necessary to obtain Morrison’s conviction. During the trial, Mollie listened again to the gruesome details of how Bryan, her brother-in-law, had gotten her sister drunk and then propped up her body while Morrison shot her in the back of the head —or, as Bryan put it, “watered” her.

Bryan recalled that a week after the shooting he had returned to the scene of the crime with Mollie and her family to identify Anna’s rotting corpse. The memory had lingered with Mollie, but only now could she fully comprehend the scene: Bryan was standing near her, staring down at his victim while feigning grief.

“Did you go out to see this body?” an attorney asked Bryan.

“That is what we all went for,” he said.

The shocked attorney asked him, “You knew Anna Brown’s dead body was out there, didn’t you?”

“Yes, sir.”

Morrison had been among the onlookers. Ernest had been there, too, comforting Mollie, even though he had known that Anna's two killers were standing only a few feet away from them. Similarly, Ernest had known from the moment Rita and Bill Smith's house exploded who was responsible; he had known the truth when, later that evening, he had crept into bed with Mollie, and he had known the whole time she had been desperately searching for the killers. By the time Morrison was convicted of Anna's murder, Mollie could no longer look at Ernest. She soon divorced him, and whenever her husband's name was mentioned, she recoiled in horror.

For Hoover, the Osage murder investigation became a showcase for the modern bureau. As he had hoped, the case demonstrated to many around the country the need for a national, more professional, scientifically skilled force. The *St. Louis Post-Dispatch* wrote of the murders, "Sheriffs investigated and did nothing. State's Attorneys investigated and did nothing. The Attorney General investigated and did nothing. It was only when the Government sent Department of Justice agents into the Osage country that law became a thing of majesty."

Hoover was careful not to disclose the bureau's earlier bungling. He did not reveal that Blackie Thompson had escaped under the bureau's watch and killed a policeman, or that because of so many false starts in the probe other murders had occurred. Instead, Hoover created a pristine origin story, a founding mythology in which the bureau, under his direction, had emerged from lawlessness and overcome the last wild American frontier. Recognizing that the new modes of public relations could expand his bureaucratic power and instill a cult of personality, Hoover asked White to send him information that he could share with the press: "There is, of course, as you can appreciate, a difference between legal aspects and human interest aspects and what the representatives of the press would have an interest in would be the human interest aspect, so I would like to have you emphasize this angle."

Hoover fed the story to sympathetic reporters—so-called friends of the bureau. One article about the case, which was syndicated by William Randolph Hearst's company, blared,

NEVER TOLD BEFORE! —

How the Government with the Most Gigantic Fingerprint System on Earth Fights Crime with Unheard-of Science Refinements; Revealing How Clever Sleuths Ended a Reign of Murder and Terror in the Lonely Hills of the Osage Indian Country, and Then Rounded Up the Nation's Most Desperate Gang

In 1932, the bureau began working with the radio program *The Lucky Strike Hour* to dramatize its cases. One of the first episodes was based on the murders of the Osage. At Hoover's request, Agent Burger had even written up fictional scenes, which were shared with the program's producers. In one of these scenes, Ramsey shows Ernest Burkhart the gun he plans to use to kill Roan, saying, "Look at her, ain't she a dandy?" The broadcasted radio program concluded, "So another story ends and the moral is identical with that set forth in all the others of this series....[The criminal] was no match for the Federal Agent of Washington in a battle of wits."

Though Hoover privately commended White and his men for capturing Hale and his gang and gave the agents a slight pay increase—"a small way at least to recognize their efficiency and application to duty"—he never mentioned them by name as he promoted the case. They did not quite fit the profile of college-educated recruits that became part of Hoover's mythology. Plus, Hoover never wanted his men to overshadow him.

The Osage Tribal Council was the only governing body to publicly single out and praise White and his team, including the undercover operatives. In a resolution, which cited each of them by name, the council said, "We express our sincere gratitude for the splendid work done in the matter of investigating and bringing to justice the parties charged." The Osage, meanwhile, had taken their own steps to protect themselves against future plots, persuading Congress to pass a new law. It barred anyone who was not at least half Osage from inheriting headrights from a member of the tribe.

Soon after Hale and Ramsey were convicted, White faced a momentous decision. The U.S. assistant attorney general, who oversaw the federal prison system, had asked White if he would take over as warden of Leavenworth prison, in Kansas. The oldest federal penitentiary, it was then considered one of the country's most dreaded places to be incarcerated. There had been allegations of corruption at the prison, and the assistant attorney general had told Hoover that White was ideal for the job: "I hate to give up the chances of getting a warden that I think will be as good as Mr. White."

Hoover did not want White to leave the bureau. He told the assistant attorney general that it would be a tremendous loss. Still, Hoover said, "I feel that I would be unfair to [White] if I should oppose his promotion. I have, as you know, the highest regard for him, personally and officially."

After some torment, White decided to leave the bureau. The job offered him greater pay and meant that he would no longer need to uproot his wife and young boys. It also offered him a chance to preside over a prison, just as his father had, although on a far larger scale.

On November 17, 1926, when White was still settling into the new job, two new inmates were convoyed up the prison's horseshoe driveway by U.S. marshals. The inmates took in their grim destination: Leavenworth was a 366,000-square-foot fortress, which, as a prisoner once described, rose out of the surrounding cornfields like a "giant mausoleum adrift in a great sea of nothingness." As the two inmates approached the entryway in shackles, White walked toward them. Their faces were pale from a lack of sunlight, but White recognized them: Hale and Ramsey.

"Why, hello, Tom," Hale said to White.

"Hello, Bill," White answered.

Ramsey said to White, "Howdy."

White shook hands with both inmates, who were then led away to their cells.

21 ~~~ THE HOT HOUSE

It was like wandering through the catacombs of memory. As White walked along the cell block tiers, he could see figures from his past, their eyes peering out from behind bars, their bodies gleaming with sweat. He saw Hale and Ramsey. He encountered members of the old Al Spencer Gang and the former head of the Veterans Bureau, who had committed bribery during the scandalous Harding administration. And White came upon the two deserters who had killed his older brother, Dudley, though White never mentioned the connection, not wanting to cause them any distress.

White lived with his family on the prison grounds. His wife was initially unable to sleep, wondering, “How do you raise two young boys in this kind of environment?” The challenges of managing the prison—which was designed to hold twelve hundred inmates but instead had three times that number—were overwhelming. In the summer, the temperatures inside rose as high as 115 degrees, which is why prisoners would later call Leavenworth the Hot House. One August day in 1929, when it was so nightmarishly hot that the milk in the prison’s kitchen soured, a riot erupted in the mess hall. Red Rudensky, an infamous safecracker, recalled that there was “ugly, dangerous, killing hate” and that White rushed in to quell the unrest: “Warden White showed his courage, and came within a few feet of me, although cleavers and broken, jagged bottles were inches from him.”

White tried to improve conditions in the prison. A custodian who later worked under him recalled, “The Warden was strict with the inmates but would never stand for any mistreatment or heckling of them.” White once sent Rudensky a note that said, “It takes a good

deal of nerve to change a course that you have been on for years and years—more so, maybe than I realize, but if it is in you, now is the time to show it.” Because of White’s support, Rudensky recalled, “I had a ray of hope.”

Though White encouraged efforts at rehabilitation, he had few illusions about many of the men contained in the Hot House. In 1929, Carl Panzram—a repeat killer who’d confessed to slaying twenty-one people and insisted, “I have no conscience”—beat a member of the prison staff to death. He was sentenced to be hanged inside the penitentiary, and White, though opposed to capital punishment, was given the grim task of overseeing the execution, much as his father had done in Texas. On September 5, 1930, as the sun rose over the prison dome, White went to take Panzram from his cell to the newly built gallows. White made sure that his two boys weren’t present when the noose was looped around the neck of Panzram, who shouted at his executioners to hurry up: “I could hang a dozen men while you’re fooling around.” At 6:03 a.m., the trap opened and Panzram swung to his death. It was the first time that White had helped to end a human life.

After arriving at Leavenworth, William Hale was assigned to duty on the tuberculosis ward. Later, he toiled on the prison farm, where he tended pigs and other animals the way he had during his early days on the frontier. A prison report said, “He does high grade work caring for stock, and is able to do such operations as opening of abscesses and castrating of animals.”

In November 1926, when a reporter wrote to White fishing for gossip about Hale, White refused to provide any, insisting that Hale would be “treated as other prisoners are treated.” White went out of his way so that Hale’s wife and daughter never felt slighted by prison officials. Hale’s wife once wrote a letter to White, saying, “Would I be imposing to ask your permission to see my husband next Monday? It will be almost three weeks since my last visit and of course I realize your regulations allow us only one visit each month but...if you could

please grant me this I would surely appreciate it." White wrote back that she would be welcome at the prison.

Over the years, Hale never admitted ordering any of the murders: not the killing of Roan, for which he was convicted, or the countless other murders that the evidence showed he had orchestrated but that he wasn't prosecuted for after he had received a life sentence. Despite his refusal to admit responsibility, he had given, during trial testimony, a rather cold statement about a different attempt that he'd made to swindle a headright—a statement that seemed to reveal his ethos: "It was a business proposition with me."

Whereas White had once turned to preachers to illuminate this thing of darkness, he now also searched for a scientific explanation. In prison, Hale was given a neurological and psychological examination. The evaluator found that Hale showed no obvious "evidence of repression nor of frank psychosis" but nevertheless had "extremely vicious components in his make-up." Cloaking his savagery under the banner of civilization, Hale portrayed himself as an American pioneer who had helped forge a nation out of the raw wilderness. The evaluator observed, "His poor judgment is further evidenced by his continued denial of his obvious guilt. His affect is not suitable....He has put behind him any feeling of shame or repentance he may have had." White read the evaluator's psychological study of Hale, but there was some evil that seemed beyond the scope of science. Though Hale conformed to prison regulations, he continued to scheme to secure his release. He allegedly arranged for an appeals court to be bribed, and when these efforts failed to win him freedom, he boasted, as the evaluator noted, of "his probable release through influence of friends."



.... **Mollie Burkhart** Credit 60

Yet for the first time in ages life in Osage County went on without his overwhelming presence. Mollie Burkhart began again to socialize and attend church. She eventually fell in love with a man named John Cobb, who was part white and part Creek. According to relatives, their love was genuine, and in 1928 they were married.

There was another dramatic change in Mollie's life. She and the Osage had fought to end the corrupt system of guardianships, and on April 21, 1931, a court ruled that Mollie was no longer a ward of the state: "IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT, that the said Mollie Burkhart, Osage Allottee No. 285,...is hereby restored to competency, and the order heretofore made adjudging her to be an incompetent person is hereby vacated." At forty-four, Mollie could finally spend her money as she pleased, and was recognized as a full-fledged American citizen.

On December 11, 1931, White was in his warden's office when he heard a noise. He stood and went to the door and found himself staring into the barrel of a gun. Seven of the most dangerous convicts—including two Al Spencer Gang members and a bandit who was nicknamed Boxcar, because of his giant size—were attempting to escape. The group was armed with a Winchester rifle, a sawed-off shotgun, and six sticks of dynamite, which had been smuggled into the prison. The convicts took White and eight members of his staff hostage and used them as shields as they pushed forward. Once outside the front gate, the prisoners released the other hostages and headed out to the main road with White—their insurance policy, as they called him. The inmates commandeered an approaching vehicle, forced White inside, and sped away.

White's captors reminded him that there'd be nothing left of him to bury if anything went wrong. Everything was going wrong. The car slipped off the muddy road and got stuck, forcing the prisoners to flee on foot. Soldiers from Fort Leavenworth joined the manhunt. Planes were flying overhead. The inmates ran into a farmhouse and seized an eighteen-year-old girl and her younger brother. White pleaded with the prisoners, saying, "I know you're going to kill me. But don't kill these two—they aren't in it at all."

Boxcar and another inmate went to look for a second car, taking White with them. At one point, White could see that the girl had broken free and was running. The gang seemed ready to start killing,

and White grabbed the barrel of the gun being held by one of his captors, who yelled at Boxcar, “Shoot him! He’s got my gun.” As Boxcar leveled his shotgun at White’s chest, only inches away, White lifted his left forearm to shield himself. Then he heard the blast and felt the bullet boring through his arm, through flesh and blood and bone, the buckshot fragmenting, some pieces going through his arm and into his chest. Yet White was standing. It was like a miracle; he had been shot to pieces, and yet he was still breathing in the cold December air, and then he felt the butt of the rifle smashing into his face and he crumbled, all 225 pounds of him, and fell into a ditch, bleeding out and left to die.

Nearly a decade later, in December 1939, the acclaimed newspaper reporter Ernie Pyle stopped at La Tuna prison, near El Paso, Texas. He asked to meet the warden and was led in to see Tom White, who was then nearly sixty years old. “White asked me to stay for lunch,” Pyle later wrote. “So I did, and we sat and talked, and finally he told me the story, as I was hoping all the time he would. The story about his left arm.”

White described how, after being shot by Boxcar, he was found in the ditch and rushed to the hospital. For several days, it was uncertain whether he would live, and doctors contemplated amputating his arm. But he survived, somehow, and he even kept his arm, though it still had bullet fragments lodged inside and dangled uselessly. White didn’t mention one detail to Pyle: the girl who had been taken hostage credited White with protecting her and her brother. “I am sure they intended to kill all of us, and only Warden White’s bravery saved us,” she said.

None of the convicts managed to get away. They believed that if you touched a prison official, especially a warden, it was better, as one of them remarked, never to “come back because if you do you are going to have a hard, hard time.” And so when the authorities caught up with Boxcar and the other escapees, Boxcar shot his two companions, then put a bullet in his own forehead. The other

inmates prepared to kill themselves by detonating the dynamite, but before they could light the fuse, they were apprehended. One of them said, “The funny part is that when we got back to the institution they never laid a hand on us. Warden White was a hell of a man. He left strict orders, ‘No hands on these people, leave them alone. Treat them just like the rest of the prisoners.’” He added, “Otherwise we’d have got our heads broken in.”

White learned that Rudensky had been recruited to assist with the escape but had refused. “He had begun to develop a sense of responsibility,” White told another writer. “He realized that I had been fair with him and was sincerely trying to help him establish himself as a member of ‘legitimate’ society.” In 1944, Rudensky was released on parole and had a successful career as an author and a businessman.

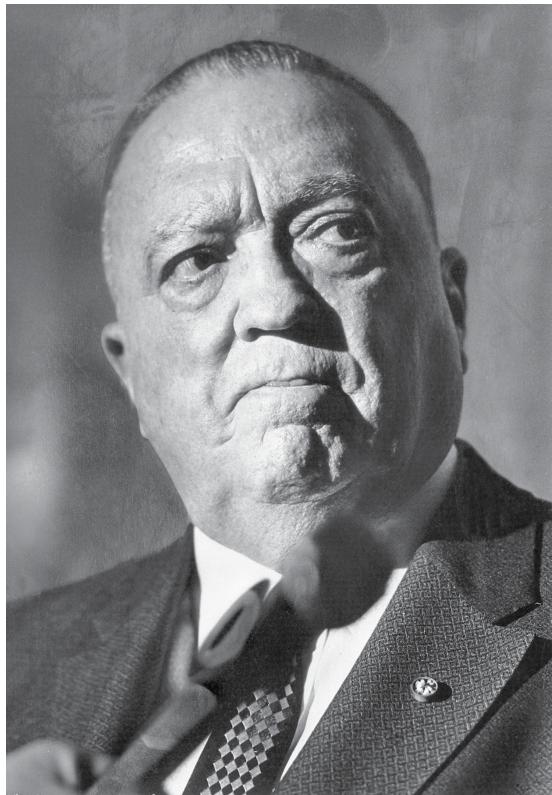
When White had sufficiently recovered, he took over as warden of La Tuna, a job that was less strenuous. Pyle wrote of the shooting, “The experience affected Warden White, as it would anyone. It didn’t make him afraid, but it made him jumpy, and kind of haunted.” Pyle continued, “I don’t see how, after an experience like that, you could look upon any convict with anything but hatred. But Warden White isn’t that way. He is thoroughly professional about his job. He is a serious, pleasant man, and he has trained himself to control his emotions.”

If J. Edgar Hoover used the Osage murder probe as a showcase for the bureau, a series of sensational crimes in the 1930s stoked public fears and enabled Hoover to turn the organization into the powerful force recognized today. These crimes included the kidnapping of Charles Lindbergh’s baby and the Kansas City Massacre, where several lawmen were killed in a shootout while transporting the Al Spencer Gang member Frank “Jelly” Nash. White’s old colleague, Agent Frank Smith, was among the convoy but survived. (The journalist Robert Unger later documented how Smith and another agent who originally claimed that they hadn’t been able to identify

the shooters, suddenly vividly recalled them after pressure from Hoover to resolve the cases.) In the wake of these incidents, Congress passed a series of New Deal reforms that gave the federal government its first comprehensive criminal code and the bureau a sweeping mission. Agents were now empowered to make arrests and carry firearms, and the department was soon renamed the Federal Bureau of Investigation. “The days of the small Bureau were over,” Hoover’s biographer Curt Gentry observed. “Gone, too, were the days when special agents were merely investigators.” White’s brother Doc was involved in many of the bureau’s biggest cases during this period —from hunting public enemies like John Dillinger to killing Ma Barker and her son Fred. Tom White’s son had also joined the bureau, making three generations of White lawmen.

Hoover ensured that the identity of the bureau was indistinguishable from his own. And while presidents came and went, this bureaucrat, now thick around the waist and with jowls like a bulldog, remained. “I looked up and there was J. Edgar Hoover on his balcony, high and distant and quiet, watching with his misty kingdom behind him, going on from President to President and decade to decade,” a reporter for *Life* magazine wrote. The many details of Hoover’s abuses of power would not be made public until after his death, in 1972, and despite White’s perceptiveness he was blind to the boss man’s megalomania, his politicization of the bureau, and his paranoid plots against an ever-growing list of perceived enemies, among them American Indian activists.

Over the years, White wrote periodically to Hoover. Once, White invited him to a relative’s ranch: “We do not have to rough it on his ranch, for he has every convenience except air cooling and you don’t need that.” But Hoover politely declined. He was too busy now and had to be prodded to take note of his former star agent. When White, at the age of seventy, stepped down as warden of La Tuna in 1951, Hoover sent him a card only after another agent reminded him how much White would “appreciate a personal note from the director on his retirement.”



.... **J. Edgar Hoover** Credit 61

In the late 1950s, White learned that Hollywood was about to shoot a movie, *The FBI Story*, starring James Stewart as a crime-busting agent, that would feature a segment on the murders of the Osage. White sent Hoover a letter, asking if the filmmakers might want to talk to him about the case. "I would be glad to afford the information as I know it from start to finish," White said. Hoover replied that he would "certainly bear you in mind," but he never followed up. Hoover made a cameo appearance in the 1959 movie, which further enshrined him in the popular imagination.

But, even though the movie was popular, the Osage case was fading from memory, eclipsed by more recent celebrated cases. Soon, most Americans had forgotten it. In the late 1950s, White contemplated writing a story to document the case. He wanted to record the crimes against the Osage and wanted to make sure that the agents who had worked with him were not erased from history. They had all since died in obscurity and often in poverty. When one

of the undercover operatives was dying, his wife wrote that she wished he had a retirement fund, and an agent who knew him advised Hoover that the family was “confronted with a very gloomy situation.”

Several years after the Osage murder investigation, Wren, the Ute agent, was forced out of the bureau again, this time for good. As he left, he cursed and threw items from his desk. His treatment, he later wrote to Hoover, had been “unjust, unfair and unwarranted.” Wren’s anger eventually dissipated, and before he died, in 1939, he sent Hoover a letter that said, “Often when I read of you and your men I swell up with much pleasure and pride, then I begin to think again of the long time ago. I am very proud of you and still call you my old chief.” He continued, “Many of my old friends have gone to the happy hunting grounds. Many of the tall beautiful trees have been destroyed, many have been cut down by the white man. The wild turkey, the deer, the wild horses, and the wild cattle have gone, and do not live anymore among the beautiful hills.”

Along with documenting the roles of other agents, White no doubt hoped to secure himself a small place in history, though he’d never say so himself. He wrote a few stilted pages, which read, in part,

After the Director Mr. J. Edgar Hoover briefed me on the importance of the case, he instructed me to return to Houston, arrange my affairs there, and go as soon as possible to take charge of the Oklahoma City office. He told me I was to select my investigators necessary in this case from men I knew best fitted in this line of work....We realized the importance of men working under cover more than ever when we arrived on the ground and found the frightened state of mind the Indians were living under.

White recognized that he wasn’t much of a writer, and by 1958 he had teamed up with Fred Grove, an author of Western novels who was part Osage and who, as a boy, had been staying in Fairfax at the time of the Smith explosion, an event that haunted him. As Grove worked on the book, White asked him, in a letter, if the narrative could be told in the third person. “I would like to keep the big ‘I’ out of it all I can, because I don’t want it conveyed that I am the whole story,” White explained. “If it had not been for the good agents I had

on the job we could never have made it. Then too our boss man J. Edgar Hoover, the directing head of the F.B.I., is to be reckoned with."

In a letter to Hoover, White asked if the bureau would release to him some of the old case files to help him prepare the book. He also inquired whether Hoover would write a brief introduction. "I hope this will not be asking too much of you," White said. "I feel that this would be invaluable to us all who were then and are now vitally interested in our great organization, the Federal Bureau of Investigation. You and I are about the only ones of the originals left now." In an internal memo, Clyde Tolson, the associate director of the bureau, who had become Hoover's longtime companion, spawning rumors that they were romantically involved, said, "We should furnish only limited, routine material, if any."



.... **Tom White** Credit 62

White's body was beginning to fail him. He had arthritis. He tripped walking (walking!) and injured himself. In September 1959, White's wife told Grove, "Sickness of any kind is really very terrible to him and puts him out considerably. We still hope he will improve so that he can go to Dallas the last of October to attend the National Convention of Ex-FBI Agents." Even in his ailing state White assisted

Grove with the book, as if he were consumed by an unsolved case, until the manuscript was completed. In a letter to Grove, White wrote, “I am hoping that all the good luck in the world will come our way from a good publisher,” adding that he would be keeping his fingers crossed. But publishers found the account less than captivating. And though Grove would eventually release a fictionalized version called *The Years of Fear*, the original historical account was never published. “I am sincerely sorry this letter couldn’t bring better news,” an editor said.

On February 11, 1969, Doc, who was staying on the ranch where he and Tom had grown up, died at the age of eighty-four. In a letter, White shared the news with Hoover, noting that he and his four siblings had been “born on this land.” He added wistfully, “And now I am the only one left.”

In October 1971, White collapsed from an apparent stroke. He was ninety and had no more miraculous escapes. On December 21, in the early morning hours, he stopped breathing. A friend said, “He died as he had lived, quietly and with a calm dignity.” An agent urged Hoover to send condolences to White’s widow, emphasizing that there was nothing in White’s files to “militate against such action.” And so Hoover sent a bouquet of flowers, which was laid upon the casket as it disappeared into the ground.

For a moment, before he receded from history, too, White was eulogized as a good man who had solved the murders of the Osage. Years later, the bureau would release several of its files on the Osage investigation in order to preserve the case in the nation’s memory. But there was something essential that wasn’t included in these and other historical records, something that White himself had missed. There was another layer to the case—a deeper, darker, even more terrifying conspiracy, which the bureau had never exposed.

CHRONICLE THREE

THE REPORTER



We have a few old mouth-to-mouth tales; we exhume from old trunks and boxes and drawers letters without salutation or signature, in which men and women who once lived and breathed are now merely initials or nicknames out of some now incomprehensible affection which sound to us like Sanskrit or Chocktaw; we see dimly people, the people in whose living blood and seed we ourselves lay dormant and waiting, in this shadowy attenuation of time possessing now heroic proportions, performing their acts of simple passion and simple violence, impervious to time and inexplicable.

—William Faulkner, *Absalom, Absalom!*

So much is gone now. Gone are the big petroleum companies and the forests of derricks as the vast oil fields have been increasingly depleted. Gone is the Million Dollar Elm. Gone are the railroads, including where Al Spencer and his gang pulled off the last train robbery in Oklahoma, in 1923. Gone, too, are the outlaws, many of whom died as spectacularly as they lived. And gone are virtually all the boomtowns that smoldered from morning until night. Little remains of them but shuttered buildings colonized by bats and rodents and pigeons and spiders, while in the case of Whizbang there is nothing save stone ruins submerged in a sea of grass. Several years ago, a longtime resident of one of the boomtowns lamented, “Stores gone, post office gone, train gone, school gone, oil gone, boys and girls gone—only thing not gone is graveyard and it git bigger.”

Pawhuska is filled with its share of abandoned buildings, but it is one of the few towns that remain. It has a population of thirty-six hundred. It has schools, a courthouse (the same one where Ernest Burkhart was tried), and several restaurants, including a McDonald’s. And Pawhuska is still the capital of the vibrant Osage Nation, which, in 2006, ratified a new constitution. The nation maintains its own elected government and has twenty thousand members. The majority are scattered in other parts of the state or the country, but around four thousand reside in Osage County, above the underground reservation. The Osage historian Louis F. Burns observed that after “only shreds and tatters remained” of his people, they had risen “from the ashes of their past.”



— A now shuttered bar in Ralston, the town where Bryan Burkhardt took Anna Brown to drink the night she was killed Credit 63

One summer day in 2012, after traveling from New York, where I live and work as a reporter, I visited Pawhuska for the first time, hoping to find information on the Osage murder cases, which, by then, were nearly a century old. Like most Americans, when I was in school, I never read about the murders in any books; it was as if these crimes had been excised from history. So when I stumbled upon a reference to the murders, I began to look into them. Since then, I had been consumed with trying to resolve lingering questions, to fill in the gaps in the FBI's investigation.

In Pawhuska, I stopped at the Osage Nation Museum, where I had arranged to meet with its longtime director, Kathryn Red Corn. A woman in her seventies, with a broad face and short graying hair, she had a gentle, scholarly manner that masked an inner intensity. She showed me an exhibit of photographs of many of the 2,229 allotted members of the tribe, including several of her relatives, who had

each received a headright in 1906. In one of the display cases, I spotted a photograph of Mollie Burkhart sitting happily with her sisters. Another photograph showed their mother, Lizzie, and everywhere I turned while touring the exhibit I recognized another victim of the Reign of Terror. Here, a young, striking George Bigheart in a cowboy hat. There, Henry Roan with his long braids. Over there, a dashing Charles Whitehorn wearing a suit and bow tie.

The most dramatic photograph in the museum spanned an entire side of the room. Taken at a ceremony in 1924, it was a panoramic view of members of the tribe alongside prominent local white businessmen and leaders. As I scanned the picture, I noticed that a section was missing, as if someone had taken a scissors to it. I asked Red Corn what happened to that part of the photograph. “It’s too painful to show,” she said.

When I asked why, she pointed to the blank space and said, “The devil was standing right there.”

She disappeared for a moment, then returned with a small, slightly blurred print of the missing panel: it showed William K. Hale, staring coldly at the camera. The Osage had removed his image, not to forget the murders, as most Americans had, but because they cannot forget.

A few years ago, Red Corn told me, she was at a party in Bartlesville and a man approached her. “He said that he had Anna Brown’s skull,” she recalled. It was evidently the part of Brown’s skull that the undertaker had kept, in 1921, and given to bureau agents for analysis. Outraged, Red Corn told the man, “That needs to be buried here.” She called the Osage chief, and Anna’s skull was retrieved and, at a quiet ceremony, interred with her other remains.



~~~ *The missing panel of the photograph that shows Hale (far left), dressed in a suit and cap and wearing glasses. The entire panoramic photograph—which includes Hale on the very far left—is shown on the title page at the beginning of the book.* Credit 64

Red Corn gave me the names of several Osage who, she thought, might have information about the murders, and she promised to later share with me a related story about her grandfather. “It’s hard for us to talk about what happened during the Reign of Terror,” she explained. “So many Osage lost a mother or a father or a sister or a brother or a cousin. That pain never goes away.”

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Over several weekends each June, the Osage hold their ceremonial dances, *I'n-Lon-Schka*. These dances—which take place, at different times, in Hominy, Pawhuska, and Gray Horse, three areas where the Osage first settled when they came to the reservation, in the 1870s—help preserve fading traditions and bind the community together.

The Osage come from all over to attend the dances, which provide a chance to see old family and friends and cook out and reminisce. The historian Burns once wrote, “To believe that the Osages survived intact from their ordeal is a delusion of the mind. What has been possible to salvage has been saved and is dearer to our hearts because it survived. What is gone is treasured because it was what we once were. We gather our past and present into the depths of our being and face tomorrow. We are still Osage. We live and we reach old age for our forefathers.”

During a subsequent visit to the region, I headed to Gray Horse to see the dances and meet one of the people Red Corn had suggested I find—someone who had been profoundly affected by the murders. Almost nothing remained of the original Gray Horse settlement but some rotted beams and bricks buried in the wild grasses, which the wind ruffled in ghostly rhythms.

To accommodate the dances, the Osage had erected, amid the encroaching wilderness, a pavilion, with a mushroom-shaped metal roof and a circular earth floor surrounded by concentric rows of wooden benches. When I arrived on a Saturday afternoon, the pavilion was crowded with people. Gathered in the center, around a sacred drum used to commune with Wah’Kon-Tah, were several male musicians and singers. Ringed around them were the “lady singers,” as they are called, and in a circle farther out were dozens of male dancers, young and old, wearing leggings, brightly colored ribbon shirts, and bands of bells below their knees; each of these dancers had on a headdress—typically made of an eagle feather, porcupine quills, and a deer tail—which stood up like a Mohawk.

At the sound of the drumming and singing, these dancers stepped in a counterclockwise circle to commemorate the rotation of the earth, their feet pounding the soft earth, their bells jangling. As the drumming and choral singing intensified, they crouched slightly and stepped more quickly, moving together with precision. One man nodded his head while another flapped his arms like an eagle. Others gestured as if they were scouting or hunting.

There was a time when women were not allowed to dance at these events, but they now joined in as well. Wearing blouses and broadcloth skirts and handwoven belts, they formed a slower-moving, dignified circle around the male dancers, keeping their torsos and heads straight as they bobbed up and down with each step.

Many Osage looked on from the benches, fanning themselves in the heat; a few stole glances at cell phones, but most watched reverently. Each bench bore the name of an Osage family, and as I walked around to the southern side of the pavilion, I found the one I was looking for: “Burkhart.”

Before long, an Osage woman walked toward me. In her early fifties, she wore a powder-blue dress and stylish glasses, and her long black glossy hair was pulled back in a ponytail. Her expressive face seemed vaguely recognizable. “Hi, I’m Margie Burkhart,” she said, extending her hand. Margie is the granddaughter of Mollie Burkhart. She serves on a board that directs health-care services for the Osage, and she had driven from her home in Tahlequah, seventy miles southeast of Tulsa, to the dances with her husband, Andrew Lowe, a Creek Seminole.

The three of us sat on the wooden bench and, while watching the dancers, spoke about Margie’s family. Her father, now deceased, was James “Cowboy” Burkhart—the son of Mollie and Ernest Burkhart. Cowboy and his sister, Elizabeth, also now dead, had witnessed the Reign of Terror from inside their father’s house of secrets. Margie said of Ernest, “He took away everything from my dad—his aunts, his cousins, his trust.” Though Cowboy was haunted by the knowledge of what Ernest had done, he adored Mollie. “He always spoke fondly of her,” Margie recalled. “When he was little, he’d get these real bad earaches, and he said she’d blow in his ears to make the pain go away.”



.... **Margie Burkhart, the granddaughter of Mollie and Ernest** Credit  
[65](#)

After Mollie divorced Ernest, she lived with her new husband, John Cobb, on the reservation. Margie was told that it had been a good marriage, a period of happiness for her grandmother. On June 16, 1937, Mollie died. The death, which wasn't considered suspicious, received little notice in the press. The *Fairfax Chief* published a short obituary: "Mrs. Mollie Cobb, 50 years of age...passed away at 11 o'clock Wednesday night at her home. She had been ill for some time. She was a full-blood Osage."

Later that year, Ernest Burkhart was paroled. The Osage Tribal Council issued a resolution, protesting that "anyone convicted of

such vicious and barbarous crimes should not be freed to return to the scene of these crimes.” The *Kansas City Times*, in an editorial, said, “The parole of Ernest Burkhart from the Oklahoma state penitentiary recalls what was possibly the most remarkable murder case in the history of the Southwest—the wholesale slaying of Osage Indians for their oil headrights....The freeing of a principal in so cold-blooded a plot, after serving little more than a decade of a life sentence, seems to reveal one of the besetting weaknesses of the parole system.”

Margie said that after Ernest got out, he robbed an Osage home and was sent back to prison. In 1947, while Ernest was still in jail, Hale was released, having served twenty years at Leavenworth. Parole board officials maintained that their ruling was based on the grounds of Hale’s advanced age—he was seventy-two—and his record as a good prisoner. An Osage leader said that Hale “should have been hanged for his crimes,” and members of the tribe were convinced that the board’s decision was the last vestige of Hale’s political influence. He was forbidden to set foot again in Oklahoma, but according to relatives he once visited them and said, “If that damn Ernest had kept his mouth shut we’d be rich today.”

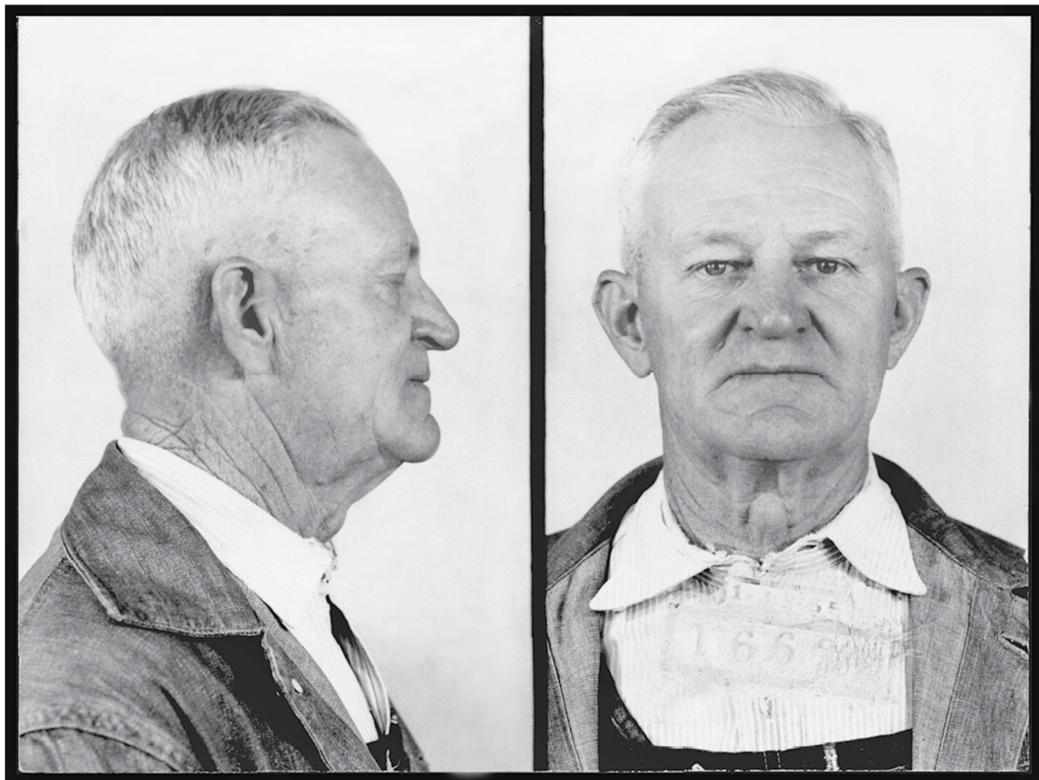
Margie told me that she never met Hale, who died in 1962, in an Arizona nursing home. But she saw Ernest after he got out of prison again, in 1959. Barred from returning to Oklahoma, he had initially gone to work on a sheep farm in New Mexico, earning \$75 a month. A reporter noted at the time, “It will be a far cry from the days of affluence as the husband of an oil-rich Osage Indian woman.” In 1966, hoping to return to Oklahoma, Ernest applied for a pardon. The records no longer exist, but his appeal, which went before a five-member review board in Oklahoma, was based at least partly on his cooperation with the bureau’s investigation of the murders. (White had always credited Burkhart’s confession as salvaging his case.) Despite intense protests from the Osage, the board ruled, three to two, in favor of a pardon, which the governor then granted. HEADRIGHTS KILLER WINS PARDON VOTE, the *Oklahoman* declared, adding, OSAGES TERRORIZED.

Stooped and with thinning hair, Ernest went back to Osage County, where at first he stayed with his brother Bryan. “When I met Ernest, I had just become a teenager,” Margie recalled. “I was very surprised he looked so grandfatherly. He was very slight with graying hair; his eyes looked so kind. He wasn’t rough even after all those years in prison. And I couldn’t fathom that this man had done all that...” Her voice trailed off amid the insistent beating of the drum. After a while, she continued, “It was so hard on my dad. He and Liz were ostracized by the tribe, and that hurt so much. They needed family and support, and they didn’t have any.”

The experience made her father angry—angry at the world. Andrew, Margie’s husband, pointed out that Elizabeth was also deeply affected. “She was kind of paranoid,” he said.

Margie nodded and said, “Aunt Liz couldn’t stay in one place and was always changing her address and phone number.”

Elizabeth showed little interest in seeing Ernest, who eventually moved in to a mice-infested trailer just outside Osage County, but Cowboy occasionally visited. “I think a part of him longed for a father,” Margie said. “But he knew what his father had done. He called him Old Dynamite.” When Ernest died, in 1986, he was cremated, and his ashes were given to Cowboy in a box. Ernest had left instructions with Cowboy to spread them around the Osage Hills. “Those ashes were in the house for days, just sitting there,” Margie recalled. “Finally, one night my dad got real mad and took the box and just chucked it over a bridge.”



.... **Ernest Burkhart** Credit 66



~~~ **Cowboy and Elizabeth with their father, Ernest, whose face was torn out of the photograph years later** Credit 67

During a break in the dancing, as the sun began its descent in the sky, Margie offered to show me around Gray Horse. The three of us got in her car, and she began driving down a narrow, dusty road. Not far from the pavilion, almost concealed amid the blackjack trees, was one of the few houses standing in Gray Horse. "That's where I grew up," Margie said. To my surprise, it was a small, spare, wooden house, more like a cabin than a mansion. The Great Depression had wiped out many Osage fortunes that had already been diminished by guardians and thieves. Margie said that Mollie's was no exception. The price of a barrel of oil, which reached more than \$3 during the boom years, plummeted to 65 cents in 1931, and an annual headright payment fell to less than \$800. The following year, the *Literary Digest* published an article headlined OSAGE OIL WEALTH FADING. It reported, "These Indians became accustomed to lives of glorious ease. But now...their income from oil is rapidly disappearing, and that was practically all they had." Compounding the situation was the gradual depletion of the oil fields. In 1929, even before the stock market crash, a national newspaper story reported, "In five years, if the oil map continues to shift, the tribe may have to go back to work."

Over the next few decades, most of the boomtowns, including Gray Horse, began to die off. "When I was little, I could hear the oil wells pumping," Margie recalled. "Then one day they stopped." Today more than ten thousand wells remain scattered across the reservation, but they are generally what oilmen call "stripper" wells, each one generating less than fifteen barrels a day. When an auction for Osage oil leases was held in Tulsa in 2012, three leases sold for less than \$15,000 in total. Margie, who inherited a little more than half of a headright from her father, still receives a quarterly check for her share in the mineral trust. The amount varies depending on the prices of oil but in recent years has usually amounted to a few

thousand dollars. “It certainly helps, but it’s not enough to live on,” she said.

The Osage have found new sources of revenue, including from seven casinos that have been built on their territory. (They were formerly called the Million Dollar Elm Casinos.) They generate tens of millions of dollars for the Osage, helping to fund their government, educational programs, and health-care benefits. The Osage were also able to retrieve at least a portion of the oil funds mismanaged over decades by the U.S. government. In 2011, after an eleven-year legal battle, the government agreed to settle a lawsuit brought by the Osage for \$380 million.

As we drove through Gray Horse, we came upon a clearing in the woods, where there was an old cemetery. We got out of the car, and Margie paused in front of a tombstone bearing Mollie Burkhart’s name. The epitaph said, “She was a kind and affectionate wife and a fond mother and a friend to all.” Nearby were the plots for Mollie’s murdered sisters and her murdered brother-in-law, Bill Smith, and her murdered mother, Lizzie, and her murdered first husband, Henry Roan. Margie looked around at the tombs and asked, “What kind of person could do this?”

Margie had earlier laid flowers around the graves, and she bent down and straightened one. “I always try to decorate the stones,” she said.

We resumed driving and cut along a dirt road through the prairie. Lush tall grasses spread as far as the eye could see, a rolling green expanse that was disturbed only by a few small, rusted oil pumps and by cattle grazing here and there. Earlier, when I drove to Gray Horse, I’d been startled by the sight of bison roaming through the prairie with their bowed heads and massive woolly bodies supported seemingly impossibly on narrow legs. In the nineteenth century, bison were extinguished from the prairie, but in recent years they have been reintroduced by conservationists. The media mogul Ted Turner had been raising bison on a forty-thousand-acre ranch between Fairfax and Pawhuska—a ranch that in 2016 was bought by the Osage Nation.



.... *The graves of Mollie and her murdered family members* Credit 68

As Margie and her husband and I continued across the prairie, the sun floated above the rim of the earth—a perfect orange sphere that soon became half a sun, then a quarter, before dying off with a burst of dazzling light. Margie said, “I like it when the sky gets pink like this.”

We seemed to be driving aimlessly, riding up and down over the undulating land, like a ship adrift in the waves. Suddenly, at a peak, Margie jolted the car to a stop. In the distance was a ravine and, at the bottom, a meandering creek. “Over there, that’s where they shot Anna,” Margie said. “My dad took me horseback riding and showed me the spot. I was young and we only had our horses. It was kind of scary.”

In 2009, an Osage named Elise Paschen published a poem called “Wi’-gi-e,” which means “prayer” in Osage. Narrated from Mollie Burkhart’s point of view, the poem is about the murder of Anna Brown:

*Because she died where the ravine falls into water.
Because they dragged her down to the creek.
In death, she wore her blue broadcloth skirt.
Though frost blanketed the grass she cooled her feet in the spring.
Because I turned the log with my foot.
Her slippers floated downstream into the dam.
Because, after the thaw, the hunters discovered her body.*

The poem ends with these lines:

*During Xtha-cka Zhi-ga Tze-the, the Killer of the Flowers Moon.
I will wade across the river of the blackfish, the otter, the beaver.
I will climb the bank where the willow never dies.*

By the time Margie drove on, the prairie was shrouded in the dark of night. Only the beams from the headlights illuminated the dusty road. Margie said that her parents first told her what Ernest and Hale had done when she was a child. “I used to worry whenever I did something naughty, ‘What if I’m the bad seed?’ ” Margie recalled. She said that occasionally *The FBI Story* would air on local television, and she and her family would watch it and cry.

As she spoke, I realized that the Reign of Terror had ravaged—still ravaged—generations. A great-grandson of Henry Roan’s once spoke of the legacy of the murders: “I think somewhere it is in the back of our minds. We may not realize it, but it is there, especially if it was a family member that was killed. You just have it in the back of your head that you don’t trust anybody.”

We emerged from the prairie and headed into downtown Fairfax. Although still officially a town, it seemed on the verge of oblivion. Year by year, its population had shrunk; now it was fewer than fourteen hundred. The main street was lined with the western-style buildings that had been constructed during the boom, but they were abandoned. We paused by the largest storefront, its window darkened with grime and cobwebs. “That was the Big Hill Trading Company,” Margie said. “When I was growing up, it was still in business. It was huge and had these great wooden banisters and old wood floors. Everything smelled of wood.” I looked down the street,

trying to envision what Mollie Burkhart and Tom White had seen—the Pierce-Arrow motorcars and the cafés and the oilmen and the aristocratic Osage, the wild furies that had once burned there. Now, even on a Saturday night, it was a “ghost town,” as Margie put it.

She drove on again and turned off the main street into a small residential area. A few of the old mansions remained, but they were deserted and decaying; some were completely imprisoned in vines. At one point, Margie slowed down, as if searching for something.

“What are you looking for?” her husband asked.

“The place where the house was blown up.”

“Isn’t it back the other way?” he said.

“No, it’s—ah, here it is,” she said, pulling over by the lot, where another house had since been built.

Margie then mentioned something that I had not seen in any of the FBI records. Her father had told her that on the night of the explosion he and his sister and Mollie had been planning to spend the night at the Smiths’ house. But Cowboy had a bad earache, and they had stayed home. “That’s why they escaped,” Margie said. “It was just fate.” It took a moment for the implication to sink in. “My dad had to live knowing that his father had tried to kill him,” Margie said.

For a while, we sat in the car in the darkness, trying to comprehend what could not be comprehended even after all these years. Finally, Margie shifted into forward and said, “Well, why don’t we go back to the dances?”

23 A CASE NOT CLOSED

History is a merciless judge. It lays bare our tragic blunders and foolish missteps and exposes our most intimate secrets, wielding the power of hindsight like an arrogant detective who seems to know the end of the mystery from the outset. As I combed through the historical records, I could see what Mollie could not see about her husband. (An Osage had told me, “Who would believe that anyone would marry you and kill your family for your money?”) I could see White unable to recognize Lawson’s bogus confession or Hoover’s sinister motives. And as I dug deeper into the Osage murder cases—into the murk of autopsies and witness testimony and probate records—I began to see certain holes in the bureau’s investigation.

The authorities insisted that once Hale and his conspirators were given life sentences, they’d found the guilty parties. And after White had taken the job at Leavenworth, the cases were closed, closed with great triumph, even though the bureau had not yet connected Hale to all twenty-four murders. Was he really responsible for every one of them? Who, for example, had abducted the oilman McBride in Washington, D.C., or thrown W. W. Vaughan off the speeding train?

Hale relied on others to do his bloodletting, but there was no evidence that Hale’s usual coterie of henchmen—including Bryan Burkhart, Asa Kirby, John Ramsey, and Kelsie Morrison—had trailed McBride to the nation’s capital or were with Vaughan on the train. Whoever had murdered these men had seemed to get away scot-free.

I could not find any new leads on the McBride case, but one day when I was doing research in Oklahoma City, I called Martha Vaughan, a granddaughter of W. W. Vaughan’s. She was a social worker who lived in Sallisaw, Oklahoma, which is 160 miles from the

state capital. She was eager to talk about her grandfather and offered to drive to see me. “Let’s meet at the Skirvin Hotel,” she said. “It’ll give you a glimpse of some of the riches that oil brought to Oklahoma.”

When I arrived at the hotel, I understood what she meant. Built in 1910 by the oilman W. B. Skirvin, it was once billed as the finest hotel in the Southwest, with a ballroom that seated five hundred people and chandeliers imported from Austria and pillars topped with busts of Bacchus, the Greek god of wine. Hale’s attorney Sargent Prentiss Freeling died—apparently of a cerebral hemorrhage—in one of the hotel rooms while playing solitaire. In 1988, amid a devastating oil downturn, the hotel closed and remained shuttered for years. But nearly two decades later, after undergoing a \$55 million renovation, it reopened as part of the Hilton chain.

I waited for Martha in the lobby, which still has the original arched wooden entryway and the faces of Bacchus peering down from the ceiling. When Martha arrived, she was accompanied by her cousin Melville Vaughan, a biology professor at the University of Central Oklahoma. “He knows a lot about Grandpa Vaughan,” Martha said.

Melville was carrying two thick binders, and as we sat at the bar, he laid them before me. They were filled with research that over decades the family had obsessively collected about W. W. Vaughan’s murder. The binders included faded newspaper clippings (PAWHUSKA MAN’S NUDE BODY FOUND), Vaughan’s death certificate, and an informant’s statement to the FBI that Vaughan, shortly before being killed, had mentioned having collected “sufficient evidence to put Bill Hale in the electric chair.”

Martha and Melville said that Vaughan’s widow, Rosa, was left with ten children to raise and no income. They had to move from their two-story house into a storage garage. “They didn’t have money to eat,” Martha said. “The Osage banded together and basically helped feed the family.” Some of Vaughan’s children, including Martha’s father, went to live with Osage families, where they grew up speaking Osage and learning the traditional dances. “My father felt safe among the Osage,” Martha said.

She explained that though many members of her family believed that Hale had wanted Vaughan silenced, they suspected that there was more to the murder. They wondered who the assassin was and how the killing was carried out: Was Vaughan murdered before he was thrown off the train, or did the impact kill him? Someone with influence had made sure that the inquest was a sham—the cause of death was listed as “unknown.”

For a while, we discussed elements of the case. Melville explained that Vaughan was big and strong, which meant that the assassin had to have been physically powerful or helped by accomplices. Vaughan, I recalled, had told his wife that he had stashed evidence on the murders—as well as money for the family—in a secret hiding place. I asked Melville and Martha how the killer could have determined where this hiding place was. Martha said that there were only two possibilities: the killer either forced the information out of Vaughan before throwing him off the train, or the killer was someone whom Vaughan trusted enough to confide such information.

Melville said that after Hale had gone to jail, a relative tried to continue investigating the case, but he received an anonymous threat that if he and the family pressed the matter any further they’d all end up like W. W. Vaughan. After that, the family stopped digging. Martha said, “I remember talking to my oldest uncle; my sister and I were visiting with him before he died. We said, ‘Who did this to Grandpa Vaughan?’ He mentioned the warning to the family and said not to go there. He was still frightened.”

I asked if Rosa, or anyone else in the family, had ever mentioned any potential suspects besides Hale.

No, Martha said. But there was a man who’d embezzled money from Grandpa Vaughan’s estate after he died and whom Rosa then sued in civil court. I asked what the man’s name was, and Martha said, “Something Burt.”

“Yes, H. G. Burt,” Melville said. “He was president of a bank.”

I wrote down the name in my notebook, and when I looked up, I could see the eagerness in their eyes. I suddenly feared that I’d

stirred false hope. “It’s been a long time,” I said. “But I’ll see what I can find out.”

The southwest branch of the U.S. National Archives is in a warehouse, in Fort Worth, Texas, that is bigger than most airport hangars. Inside, stacked in fifteen-foot-high rows, in humidity-controlled conditions, are more than a hundred thousand cubic feet of records. They include transcripts from the U.S. District Courts of Oklahoma (1907–1969), logs on the deadly Galveston hurricane of 1900, materials on the assassination of John F. Kennedy, documents on slavery and Reconstruction, and reports from many of the Bureau of Indian Affairs field offices. The archive reflects the human need to document every deed and directive, to place a veil of administrative tidiness over the disorder of famines and plagues and natural disasters and crimes and wars. Within these voluminous files, I hoped to find a clue regarding the murder of W. W. Vaughan.

I had already reviewed court records about the lawsuit that Rosa Vaughan had filed against H. G. Burt. At first glance, the dispute, which began in 1923, seemed mundane. Vaughan and Burt, who was the president of a bank in Pawhuska, were considered close friends, and Vaughan had long acted as one of Burt’s attorneys. According to Rosa, Burt owed her deceased husband \$10,000, which she was seeking to recover.

Yet the devilry is in the details, and as I delved deeper, I discovered that the money in dispute was connected to another victim of the Reign of Terror, George Bigheart. Vaughan had also been Bigheart’s attorney. And before Bigheart disclosed critical information about the murders to Vaughan—and before he died of suspected poisoning at the hospital in Oklahoma City—he had sought a “certificate of competency” from authorities. With this document, he would no longer be designated a ward of the government, and he could spend his headright payments as he pleased. Vaughan had successfully helped him file his application, and for this and other legal services Bigheart had planned to pay him as much as \$10,000—a sum that is

comparable today to nearly \$140,000. Burt, however, had somehow collected the money. Days later, both Bigheart and Vaughan were dead.

Rosa Vaughan's suit against Burt, who was represented by one of the same law firms that had represented Hale in the murder trials, was initially dismissed in state court. Martha had told me the family was sure that the jury had been rigged, and on appeal the Oklahoma Supreme Court eventually reversed the decision and ordered Burt to turn over to Rosa Vaughan \$5,000, plus interest. "What kind of person tries to steal from a penniless widow with ten children?" Martha had said to me.

As I reviewed various records at the National Archives as well as information from other sources, I began to piece together a clearer portrait of Burt. Born in Missouri in 1874, he was the son of a farmer. Census records indicate that by 1910 he had moved to Pawhuska, apparently one of the legions of acquisitive, dreaming, desperate settlers. He opened a trading store and later became president of a bank. A 1926 photograph shows him dressed in the same style as Hale, with a sharp suit and a hat—an itinerant farmer's son transformed into a respectable businessman.

Much of his wealth, though, flowed from the deeply corrupt "Indian business"—the swindling of millionaire Osage. A court record noted that Burt had run a loan business targeting the Osage. During a 1915 hearing before a joint commission of Congress that was investigating American Indian affairs, a tribal attorney said that Burt would borrow money from other whites and then relend it to the Osage at astronomical interest rates. "Mr. Burt is one of the men whom I say and believe is on the inside of affairs at Pawhuska," the attorney testified. "He told me that he was only paying 6 per cent for this money, and he could make a great deal more out of it by loaning it back to the Indians." He continued, "He is getting the money for 6 per cent and probably will be able to get—I would be afraid to guess how much—but somewhere from 10 to 50 per cent."

Burt employed bizarre accounting methods in order to conceal his fleecing of the Osage. At a probate hearing after the death of George

Bigheart, an attorney expressed bafflement at why loans ostensibly from Burt's bank to the Osage were issued from Burt's personal checkbook. Burt insisted that he'd "never made any deals I have to cover up."

"I did not mean anything personal Mr. Burt, but that is just a little unusual."

"It is the way we have always handled it."

At the archive in Fort Worth, I pulled records from the U.S. Attorney's Office for the Western District of Oklahoma that dealt with the murders of the Osage. They contained something that I'd never seen anywhere before: the secret testimony of the grand jury that in 1926 investigated the murders of the Osage. Among the witnesses who testified were many of the principal figures in the case, such as Ernest Burkhart and Dick Gregg. There was no mention of Burt's testifying. However, the life-insurance agent who had issued a policy to Henry Roan, which had named Hale as the beneficiary, testified that Burt had also recommended another American Indian to target with an insurance-policy scheme.

I later found, amid the thousands of pages of records on the murders archived by the Bureau of Investigation, two other references to Burt. The first was an agent's report from a conversation with a trusted informant, who had indicated that Burt and Hale were "very intimate" associates. What's more, the informant said that Burt and Hale had "split on the boodle"—the sum of money—obtained from Bigheart. It wasn't clear from the report what, exactly, the amount was, but the bureau had noted that after Bigheart's death Hale successfully made a claim upon his estate for \$6,000, by presenting a bogus creditor's note. Perhaps "the boodle" also included the \$10,000 that Burt had tried to make off with.

Still, unlike the invaluable headrights involved in the slaying of Mollie's family members—or the \$25,000 life-insurance policy in Roan's death—none of these sums, especially if divided, represented a significant incentive for murder. This may explain why the Justice Department never prosecuted Hale for Bigheart's killing or pursued

Burt further. Yet it was evident that White and his men were deeply suspicious of Burt. In a second report that I found in the bureau files, agents described Burt as a “murderer.”

For days, I returned to the archive trying to find a financial motive for the killing of Bigheart. I looked through probate records to see who would have benefited from his death. In an e-mail, Martha had written to me, “As Ol’ Pappy always said, ‘Follow the money.’” There was no evidence that Hale or Burt or any other white man had inherited Bigheart’s fortune, which was passed down to Bigheart’s wife and his young daughter. Bigheart’s daughter, however, had a guardian, and this man would have had control of the money. I flipped through the records until I saw the name of her guardian: H. G. Burt.

I felt my heart quickening as I reviewed the facts. I knew that Burt had been a close associate of Hale’s who had been enmeshed in the systematic exploitation of the Osage. I knew that Burt had gained access to Bigheart’s fortune by becoming the guardian of his daughter. I knew, from government records, that Burt had also been the guardian of several other Osage, including one who had died. I knew that Burt had been with Bigheart around the time he succumbed to apparent poisoning—a local lawman had noted that Burt and Hale had both visited with Bigheart shortly before he died. And I knew that the bureau considered Burt a killer.

Other pieces of evidence also implicated Burt in a crime. Court records showed, for instance, that Burt had stolen money that Bigheart had intended for Vaughan, even though Burt purported to be Vaughan’s close friend. Perhaps Vaughan, blind to his friend’s machinations, had mentioned the investigation that he had been pursuing and confided the location of the hideout containing his money and evidence. And when Vaughan had gone to see Bigheart on his deathbed, perhaps Bigheart had incriminated not only Hale but also Burt in the murder plots.

The theory of Burt's involvement in the murder of Bigheart and Vaughan, though, was still based on circumstantial evidence. I didn't even know who was with Vaughan when he was thrown from the train. Then, while searching through old newspapers, I found an article in the *Pawhuska Daily Capital* about Vaughan's funeral. Partway through the story, it mentioned that Burt had boarded the train with Vaughan in Oklahoma City and was on the journey when Vaughan disappeared from his berth. According to another story in the newspaper, it was Burt who reported Vaughan's disappearance.

Before I left the National Archives in Fort Worth, I came across a folder that contained an interview with a bureau informant who had been close to Hale and who had provided critical evidence against him in the other murder cases. The informant was asked if he had any information regarding the murder of Vaughan.

"Yes," he replied. "I think Herb Burt pulled that."

I was conscious of the unfairness of accusing a man of hideous crimes when he could not answer questions or defend himself. And when I called Martha Vaughan to tell her about my findings, I underscored the limitations of what we could know for sure. I then went through the research I had gathered. I also mentioned that at a library in New Mexico I had come across notes from an unpublished interview with the Fairfax town marshal, who had investigated the murders of the Osage. He indicated that Burt had been involved in Vaughan's killing and that a mayor of one of the boomtowns—a local tough—had helped Burt throw Vaughan off the train. The town marshal also indicated that during the bureau's investigation into the Osage murders, in 1925, Burt was so scared that he considered fleeing. Indeed, Burt abruptly moved to Kansas that same year. When I finished going through all the details, Martha fell silent, then sobbed softly.

"I'm sorry," I said.

"No, it's a relief. This has been with my family for so long."

While researching the murders, I often felt that I was chasing history even as it was slipping away, and not long after we spoke, I learned that Martha had died from heart failure. She was only sixty-five. A heartbroken Melville told me, “We lost another link to the past.”

24 **STANDING IN TWO WORLDS**

One night in May 2013, the Constantine Theater, in Pawhuska, was scheduled to show a video recording of a performance of the Osage ballet *Wahzhazhe*. The Osage have long been linked to the world of classical dance, having produced two of the greatest ballerinas, the sisters Maria and Marjorie Tallchief. Maria, considered America's first major prima ballerina, was born in Fairfax in 1925. In her autobiography, she recalled the oil riches and observed that her Osage father seemed to own the town: "He had property everywhere. The local movie theater on Main Street, and the pool hall opposite, belonged to him. Our ten-room, terra-cotta-brick house stood high on a hill overlooking the reservation." She also recalled that a house nearby had been "firebombed and everyone inside killed, murdered for their headrights."

Wahzhazhe chronicled the sweeping history of the Osage, including the period of the Reign of Terror. *Wahzhazhe* means "Osage." I was eager to see the ballet, even if it was only a recording of one of the performances, and after buying a ticket, I headed into the Pawhuska theater where Mollie and Ernest Burkhart had once sat in the velvety chairs and where the oil barons had gathered for auctions during bad weather. In the early 1980s, the theater had been on the verge of demolition, but a group of local citizens volunteered to restore it, clearing away spiderwebs and vermin, polishing the brass plates on the front door, and removing layers of gunk on the lobby floor to reveal a mosaic in the shape of a star.



.... *The courthouse where Ernest Burkhart was tried still looms over Pawhuska.* Credit 69

The auditorium was crowded, and I found my seat as the lights dimmed and the film began. An opening statement read, “In early missionary journals Osages were often described as being ‘the happiest people in the world.’...They had a sense of freedom because they didn’t own anything and nothing owned them. But the Osage Nation was in the way of the economic drive of the European world... and life as they once knew it would never be the same.” The statement continued, “Today our hearts are divided between two worlds. We are strong and courageous, learning to walk in these two worlds, hanging on to the threads of our culture and traditions as we live in a predominantly non-Indian society. Our history, our culture, our heart, and our home will always be stretching our legs across the plains, singing songs in the morning light, and placing our feet down with the ever beating heart of the drum. We walk in two worlds.”

The ballet powerfully evoked these two colliding worlds. It showed the Osage from the time they roamed the plains to their first encounter with European explorers and missionaries, and to the black-gold rush. At one point, the dancers appeared dressed as flappers, twirling wildly to jazzy music. Suddenly, they were

interrupted by the sounds of an explosion. The music and the dancing became mournful as a succession of funereal dances conveyed the murderous Reign of Terror. One of the mourners, representing Hale, wore a mask to hide his face of evil.

A subsequent scene depicted the Osage's contributions to U.S. military efforts: Clarence Leonard Tinker, a member of the tribe, was the first Native American to reach the rank of major general and died when his plane was lost during World War II. To my surprise, a familiar figure appeared on-screen. It was Margie Burkhart, who had a brief, non-dancing role in the ballet, as the mother of one of the departing soldiers. She moved gracefully across the stage, wearing a shawl around her shoulders, echoing the way Mollie used to wear her Indian blanket.

At the conclusion of the show, many people in the audience lingered. I didn't see Margie in attendance, but she later told me that when she first saw the ballet's depiction of the Reign of Terror, "it hit me in the stomach." She added, "I didn't think it would affect me like that, but it did. There was so much emotion." Now, in the audience, I encountered the museum director Kathryn Red Corn. She asked me how my research was going. When I mentioned the likely involvement of H. G. Burt—someone who had never been publicly linked to the killings—she showed little surprise and told me to come see her at the museum the following morning.

When I arrived, I found her sitting at her desk in her office, surrounded by artifacts. "Look at this," she said, handing me a copy of a brittle old letter. It was written in neat script and was dated November 27, 1931. "Look at the signature on the bottom," Red Corn said. The name was "W. K. Hale."

She explained that Hale had sent the letter from prison to a member of the tribe and that not long ago a descendant had donated it to the museum. As I read through the letter, I was struck by the buoyant tone. Hale wrote, "I am in perfect health. I weigh 185 lbs. I haven't got a grey hair." When he got out of jail, he said, he hoped to return to the reservation: "I had rather live at Gray Horse than any

place on earth.” And he insisted, “I will always be the Osages true Friend.”

Red Corn shook her head. “Can you believe it?” she said.

I assumed that she had invited me to the museum in order to show me the letter, but I soon discovered that she had another reason. “I thought this might be a good time to tell you that story I mentioned before, about my grandfather,” she said. She explained that after her grandfather divorced her grandmother, he wed a white woman, and in 1931 he began to suspect that he was being poisoned—by his second wife. When relatives visited her grandfather’s home, Red Corn recalled, he was scared. He would tell them, “Don’t eat or drink anything in this house.” Not long after, Red Corn’s grandfather dropped dead; he was forty-six years old. “Up until then he’d been in good health,” Red Corn said. “There was nothing wrong with him. His wife made off with a lot of the money.” The family was convinced that he had been poisoned, but there was never an investigation: “Back then, everyone covered these things up. The undertakers. The doctors. The police.”

Red Corn did not know more than these fragmentary details relayed to her by relatives, and she hoped that I could investigate her grandfather’s death. After a long pause, she said, “There were a lot more murders during the Reign of Terror than people know about. A lot more.”

During my years researching the murders of the Osage, I had turned my small office in New York into a grim repository. The floor and shelves were stacked with thousands of pages of FBI documents, autopsy reports, wills and last testaments, crime scene photographs, trial transcripts, analyses of forged documents, fingerprints, studies on ballistics and explosives, bank records, eyewitness statements, confessions, intercepted jailhouse notes, grand jury testimony, logs from private investigators, and mug shots. Whenever I obtained a new document, such as a copy of the Hale letter that Red Corn had

shown me, I would label it and place it amid the stacks (my pitiful version of a Hoover filing system). Despite the darkness of the material, each new discovery gave me some hope that I might be able to fill in gaps in the historical chronicles—those spaces where there seemed to exist no recorded witnesses or voices, only the silence of the grave.



.... ***Crime scene photograph of Blackie Thompson, who was gunned down in 1934 after he escaped from prison*** Credit 70

The case of Red Corn's grandfather was one of those voids. Because there had been no investigation into the death, and because all the principal figures were deceased, I couldn't find any trail of evidence to follow. Virtually all traces of the grandfather's life and death—of passions and turmoil and possible brutal violence—had seemingly been washed away.

The conversation with Red Corn, though, prompted me to probe more deeply into perhaps the most puzzling of the Osage murder