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FBI Publicity—or “Spin”—on the Henrietta Schmerler Story

It is far from a secret that J. Edgar Hoover endlessly and unabashedly promoted both the FBI and himself. Virtually every biographical treatment of Hoover and every history of the FBI contain accounts of the ways in which “he elevated the coolness of the G-man well above that of the gangster in the mind of Average Joe”

(http://www.cracked.com/article_24725_5-cultural-icons-that-were-originally-just-advertisements.html). Hoover was a “a charlatan whose holier-than-thou super cop image was no more than a carefully engineered pose,” according to a biographer, Anthony Summer. Nebraska Senator George Norris once called Hoover “the greatest hound for publicity on the American continent.”

In the early 1930s, Hoover’s primary preoccupations included the pursuit of the Charles Lindbergh baby and his kidnappers; and the capturing (and sometimes killing) of Bonnie and Clyde, Machine Gun Kelly, John Dillinger, and Alvin “Creepy” Karpis. But he still had time in 1932 to meticulously orchestrate the telling of the story of the FBI’s successful capture and prosecution of the killer of Henrietta Schmerler.

In fact, research into the Henrietta case many years later unearthed much graphic evidence—in the form of FBI files, court records, and archive documents—that show in astonishing detail just how Hoover transformed, in the public eye, what was otherwise the very routine capture of an unsophisticated murder suspect into a mythical feat now enshrined in FBI lore.

Our research for the book *Henrietta Schmerler and the Murder That Put Anthropology on Trial* reveals the FBI role in the identification of Golney Seymour to be little more than a “Keystone Kops” enterprise. Hoover, however, through extremely careful vetting of all those who would participate in telling the tale and through deliberate fabrication of some of the details of the story, managed to present a picture to the world of a seamless, ingenious manhunt and prosecution.

That the story would be filtered through a decidedly FBI lens was immediately evident from a February 20, 1932, letter from R.H. Colvin, Special Agent in Charge of the El Paso office, to Hoover. “Having reference to your letter of Feb. 3, 1932, relative to publicity in regard to the Henrietta Schmerler or Golney Seymour case, I am enclosing herewith a fifteen-page story of the case which I have compiled from the files and from conversation with Agent Street, which contains in narrative form *most of the facts, and a little other stuff* [my italics], concerning the case. My literary ability and imagination are not sufficiently developed to have put out any better story, and I submit it ‘as is’ for such censorship or embellishments as the Bureau may deem appropriate for publicity purposes.” There follows 15 pages of Henrietta’s sojourn to the Apache reservation, details of the murder, and an account of the trial. (See “Related files: [PART I](#) and [PART 2](#)” on this website.)

Before the trial, Hoover had anticipated a question that was certain to be raised by the defense, and he was eager to preempt it. Agent Street had, quite remarkably, introduced a section of his November 9 report of the capture and confession of Golney Seymour with the bracketed “[This is prejudiced.]” He went on to tell what he had said

to Golney: “I talked to the white girl last night—you didn't know I could do that—have you ever heard of spiritualists?” Concerned, Hoover wrote to SAC Colvin: “It is particularly desired to call your attention to the last paragraph on page seven, running into page eight, of the letter of Agent Street in which reference is made to information secured from Seymour by Agent Street’s representation that he had communicated, through a spiritual interview, with the victim in this case. I believe it would be well to exercise every precaution to see that the United States Attorney responsible for prosecution is acquainted with all the facts in connection with this incident, in order that the trial of the case may not be jeopardized by the raising of any issues in Court which may surprise the U.S. Attorney and thus prove prejudicial to the judicial arbitrament of the case in question” (letter dated November 19, 1931).

Following orders, Colvin reiterated for the prosecutor—“in order that you may guard against any element of surprise in the forthcoming trial”—Street’s account of how the confession was obtained. “After Agent Street had secured the story from the witness, Robert Gatewood, he then had Seymour brought before him for questioning, at which time Seymour asked the interpreter, Thomas Dosela, whether or not Gatewood had talked, to which the interpreter replied, ‘No.’ Street then began questioning Seymour, who at first denied everything, whereupon Street stated, ‘I talked to the dead girl last night and this is what she told me.’ Street thereupon related to Seymour the story of the murder as told to Street by Robert Gatewood. the story that Street had told him of the way he’d obtained the confession.”

Colvin went on: “Of course Seymour was astounded at the correctness of the story and no doubt frightened or impressed by Street’s supernatural communication with the dead, and it was then that he threw up his hands and made his confession which you now have.”

This basic account—and its many creative variations—became the stuff of numerous magazine articles in the ’30s and subsequent decades. For example, the *New York World-Telegram* headlined a feature story dated January 31, 1933, “The White Lady: J-39, with a Few Drops of ‘Water,’ Traps Apache Murderer.” This “spiritualist” storyline had now mutated into one involving orcin, a liquid that reddens on exposure to air, and which became a feature in a number of articles. Golney’s “natural” Apache superstition was seen to make him easy prey for a crafty FBI agent.

In January of 1932, well before the trial, Madeleine Kelly Hannah had written to Colvin asking if she might get access to the facts of the Schmerler murder, so that she could write for a “national magazine.” She listed the names of several law enforcement professionals who could vouch for her, and offered to use fictitious names if that was necessary. Colvin immediately forwarded the request to Hoover. By this time Colvin had concluded that the unnamed magazine was *True Detective*, and said to Hoover, “you have perhaps indulged your lighter moments in perusal of the famous cases which have appeared therein. Of all this class of so-called literature I believe the ‘True Detective’ is the most reliable, and should the Bureau approve of assisting this writer in getting up a story for this magazine, kindly advise me.”

After an extensive back and forth, during which Hoover suggested to Colvin that he prepare information on the case to be made available to Hannah and other prospective writers after the trial, Hoover finally wrote to her on March 15, 1932: “In view of existing rules and regulations, it will not be possible for me to grant permission for any story to be

written under the official name or title, either wholly or in part, of any Bureau employee. As you know, the trial of this case is now current and, of course, until the consummation thereof no details can be made public. After that I doubt very much whether the details you desire will have any publicity value.” Hoover nevertheless left the door open for future FBI influence, as he concluded his letter: “I might suggest, however, that if you are able to keep in close touch with the progress of the trial, or secure a transcript of the testimony or excerpts thereof, you will be in a position to secure perhaps even more information that could be afforded you from here.”

Agent Street, knowing the sensitivity of the Bureau to the control of publicity, was particularly careful of his dealings with the press after Seymour was first arrested: “The next morning about 10 o’clock the associated press reporters began to flock to Globe, calling agent on telephone, the *Los Angeles Times* advising agent that the news had come from Washington. Agent asked from whom, the representative of the *Times* stating that the news came from the Bureau Office in Washington. Agent advised him that *he would only confirm what Mr. Hoover had said* [my italics], stating that it was a fact that subject was in custody, but gave no other information. From that time on while at Globe and since the arrival of agent in El Paso the associated press and local reporters have annoyed agent by telephone and by their presence in the office, and *agent has given them as little information as possible, having put out no information that would be detrimental to the prosecution of the case, or which would be contrary to the rules of the Bureau*” [my italics].

Immediately after the capture and confession of Seymour—and well before the trial in 1932—there was enormous journalistic interest in the case. On November 9, 1931, just eight days after the confession, Hoover received a typical inquiry from “NEA Services” (The *Newspaper Enterprise Association*, founded by Scripps in 1902):

We are the largest American feature syndicate and both our managing editor and our Sunday magazine editors have asked this office for colorful, comprehensive stories on the manner in which Agent Street of the Department of Justice worked up his case and obtained a confession from the Arizona Indian who murdered the Columbia school teacher on a reservation.

Is the material available in Street’s daily reports, could it be sent here and could we have access to it? If not, would you be able to authorize us to get the full story in El Paso? I believe this would be an excellent story, redounding to the great credit of the Bureau of Investigation, and would be widely published among the 800 newspapers which receive our daily service. [Rodney Dutcher, Washington Manager, *NEA*.]

Hoover eventually replied—as he would to several other inquiries about this case in its early stages—that “in view of the fact that the prosecution of the murder of Miss Schmerler is still pending, little, if any, material to the case will be available for publication at this time.”

Before Hoover had answered, though, an impatient Dutcher had apparently followed up with a call to the director’s office. Hoover’s long-time secretary, Helen Gandy (“hwg,” in the files), reported the conversation in a note to Hoover: “Mr. Rodney Dutcher telephoned. He asked if Mr. Hoover received his note and if he left a message for him. Mr. Dutcher was told that Mr. Hoover would not give out any information from here but that all information is given out by Mr. Dodge. Mr. Dutcher thereupon said, ‘Well, Mr. Dodge referred me to him. What is he trying to pull? You can just tell him he gives me a pain in the neck, if you don’t mind!! Thank you—good bye!’”

As late as 1954, an adventure writer named Theodore Roscoe (whose life-long publication list was extensive and varied) wrote the FBI to see if he could find information on Henrietta's murder and its resolution. "I am currently preparing a magazine article on the case," he stated, "and understand that it was handled by one of your Department experts—Special Agent J.A. Street, who solved the famous Osage 'Insurance Murders' in 1925." Roscoe specifically asked for answers to four questions:

1. Mr. Street seems to have been attached to FBI headquarters in El Paso. Would he have been personally assigned to such a case by J. Edgar Hoover?
2. Does the Department of Justice have Jurisdiction over such cases (e.g., those that occur on Government territory).
3. Would it be possible for me to write personally to Mr. Street for information? And if so, I would appreciate his address.
4. Mainly, I wish to confirm a news story published at the time, to [the] effect that Mr. Street obtained a confession through appeal to Indian belief in white magic.

Hoover was out of the city at the time, but the Bureau instantly proceeded to investigate Roscoe to judge his suitability for cooperation. They discovered "Bufiles have no background information concerning the character and reputation of Mr. Roscoe. The Richmond office is, therefore, instructed to conduct a discreet, limited inquiry to determine Mr. Roscoe's reputation and character in order that the Bureau will know to what extent it should cooperate with him in the preparation of the article which he is preparing. The Washington field office is instructed to make a credit check in Washington concerning Mr. Roscoe, and both offices are to submit the information requested by November 10, 1954." This internal memo also noted that J.A. Street had left the Bureau in April of 1937 and died in August of that year. The vetting of Roscoe is just one of many examples of how closely Hoover's FBI focused on controlling the crime narrative through the years.

Finally, as an aside, we found the following odd memorandum by an R.J. Tracy in the FBI files, dated August 23, 1938. It contained the only mention we were able to locate in the Henrietta Schmerler case of what later became a major FBI preoccupation:

It was noted in an issue of the *Daily Worker* by Miss Gandy that Mr. Earl Browder of the Communist Party spoke in Butte, Montana, and that a delegation from an Indian Reservation was present to hear this speech. Miss Gandy mentioned the possibility that Miss Henrietta Schmerler, the victim of the Bureau case MURDER ON GOVERNMENT RESERVATION, might have gone to the Reservation in question for the purpose of teaching Communism. I mentioned this to Agent Starr who stated that the same thought had been voiced by persons in New York City some time ago. He will bear this thought in mind in connection with future development of the subject of Communism if same is entered into.

This intense preoccupation with favorable publicity—and quickness to accept dubious versions of the truth—ultimately, after many decades, became obvious to historians of the FBI and J. Edgar Hoover himself. Nevertheless, the FBI remains in the minds of much of the public, a paragon of, efficient, honest, and successful crime-fighting. The story given by the FBI to the world of Henrietta Schmerler's case further enhanced that reputation, and was uncritically accepted by several generations of scholars and writers. However, a careful examination of original FBI documents, court records, letters, newspapers, and other contemporaneous sources leads to very different

conclusions, those we present in *Henrietta Schmerler and the Murder That Put Anthropology on Trial*.