In the 1870s when the Osage Nation had been forced to leave their lands in Kansas and were relocated to a reservation in Oklahoma. Decades later, however, some of the largest deposits of oil in the United States were discovered beneath their reservation in Oklahoma, which most people had presumed to be worthless. The Osage collected thousands and then millions of dollars in leases and royalties for access to the oil. According to Grann, in 1923 alone, the tribe collected more than $30 million, the equivalent of more than $400 million in today’s currency.

The central characters in this story include Molly Burkhart and her family. In 1921, Molly had already lost one sister several years earlier when another sister, Anna, went missing and was later found dead. Molly and her sisters were registered members of the Osage tribe, which meant they possessed a fortune. Many members of the tribe had multiple cars, large and beautiful homes, expensive furs and jewelry, and a staff of servants.

Each member of the tribe received a “headright,” which was essentially a share in the tribe’s mineral trust. No one could buy or sell the headright; this right could only be inherited. Federal law also required that guardians be assigned to any American Indian whom the Department of Interior deemed “incompetent,” which in practice was nearly always based on the percentage of Indian blood of the property holder. The Office of Indian Affairs conveniently determined that many of the Osage were incompetent and were forced to have a local white guardian authorize any expenditure they made, no matter how small.

The immense wealth of the Osage, along with the vulnerability created by the guardianship program, resulted in a feeding frenzy of exploitation. Many white men, who were often viewed as upstanding members of the community, including judges and doctors, used their guardianships to steal from and manipulate the Osage. Lawmen and those who married into an Osage family also preyed upon the Osage. Many Osage tribal members were poisoned to death or murdered by other means. Grann details the illness, death, or disappearance of various members of Molly’s family, as well as other members of the tribe. Grann, through his research of the logs of guardians, found that the number of wards who died while under guardianship “was staggering” and hinted at widespread murder.

As we learn about the Osage Nation, we also learn about the evolution of law enforcement in the early 20th century. Grann explains that lawmen were still largely amateurs in 1920. Frontier lawmen were primarily gunfighters and trackers and had limited knowledge of scientific techniques, such as analysis of fingerprints and blood spatter patterns, and were untrained in forensic methods. There were also no crime laboratories. Local sheriff and police departments were also underfunded and often corrupt. Private detective agencies sprung up to fill the void left by local law enforcement, and in 1850, Allan Pinkerton founded the first American private detective agency. The Osage often hired private detectives due to the limited interest and success on the part of traditional law enforcement in discovering the truth or solving these crimes. While the private detectives were successful in finding some information about the murders of Osage Indians, county and state officials, due to intimidation, fear, and corruption, often did not pursue or prosecute these cases. The Osage Nation urged the federal government to send federal investigators to assist the tribe when no one had been apprehended or charged for the ongoing murders.

Grann details how President Theodore Roosevelt created the FBI in 1908 to fill the void in federal law enforcement. In the 1920s, agents were fact gatherers only, had no power to arrest, and were not authorized to carry guns. The murder of the Osage tribal members became one of the FBI’s first major homicide cases under Hoover, who became the director of the FBI in 1924. Under Hoover’s watch, agents were trained in fingerprint and ballistic techniques and formal rules of evidence gathering. Hoover also used various modes of public relations in order to advertise the capabilities of the Bureau. For example, in 1932 the Bureau
worked with a radio program, *The Lucky Strike Hour*, and the Osage murders were featured in one of its first episodes. Grann also describes Hoover’s paranoia and his wish to build the FBI into his own bureaucratic empire. Grann explains that after Hoover became the FBI director, he rapidly reshaped the Bureau into a monolithic force. Grann details how early in Hoover’s tenure as FBI director, he politicized the Bureau and developed a list of perceived enemies, including certain Native American activists.

Grann builds suspense as the story unfolds about the actual perpetrators of the crimes committed against the Osage. While the FBI was ultimately successful in working with federal prosecutors to convict the perpetrators of the Burkhardt murders, many of the murders or disappearances of Osage tribal members have never been solved or explained. What added to this book’s immediacy and intensity is that Grann describes how some living Osage tribal members have approached him for assistance in discovering what happened to their missing family members. Grann was able to trace, through his research, how many of these individuals were killed and discovered the probable killers, some of whom are still living.

When reading *The Killers of the Flower Moon*, one may feel sadness and frustration as the law failed the Osage Nation, either through corruption or ignorance or because of political agendas. While the FBI was able to bring justice to some individuals, many of the cases remain unsolved.

It is very surprising that the story of the Osage murders was not well known prior to the publication of *The Killers of the Flower Moon*; this is an important event that should be included in the American history books we use to teach our children.

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**Three Founders**

The central stories of the book are the intertwined careers of three white, Anglo-Saxon, Protestant men: Paul Cravath, Francis Lynde Stetson, and William Nelson Cromwell. They were instrumental in the creation of the now-august firms known, respectively, as: Cravath, Swaine & Moore; David, Polk & Wardwell; and Sullivan & Cromwell.

Some of Oller’s sweeping statements about the role of these men and a handful of others as founding fathers appear to be a bit overblown. Therefore, the reader may ask him-or herself: Didn’t the law of business and the business of law both exist in the aeons before these men came into their own? More specifically, didn’t Wall Street, as an institution, require legal services before Paul Cravath graduated from Columbia Law School in 1886? Didn’t Herman Melville write a story about a scrivener at a Wall Street law firm more than 30 years before that?

Yes—however, pre-white-shoe law was a different world. The typical “law firm” consisted of one lawyer, as in Melville’s story, or perhaps two, along with what Oller describes as “loosely affiliated clerks.” There were no filing cabinets, and the operation was limited to handling as many legal affairs for as many clients as the humans in the office could keep in their heads. Companies in the United States before 1890 generally hired outside lawyers or law firms only when they wanted to sue someone or were themselves sued. A regular relationship with a firm, aimed as much at preventing litigation as at engaging it, was a foreign idea.

Oller does make a convincing case that the three men at the center of his book played a key role in changing that world into one that looks more familiar to observers of the Wall Street ecosystem of today. Further, the elite firms shifted to a system in which they hired associates from the elite colleges, paid them well enough to work them like dogs, and allowed the young lawyers to work their way to partnership over a period of years. In their ambitious efforts, these ladder-climbing lawyers were assisted by a clerical staff on the payroll—not floating in and out, but kept on board for years—that included secretaries, typists (no more scriveners), and stenographers, all of whom knew how to use the newly installed filing cabinets.

**Lawyers and Clients**

These new developments resulted in changes in what the elite law firms did for their
clients. Lawyers like Cravath, Stetson, and Cromwell were not litigators solely or even as a matter of preference. They were facilitators, negotiators, and drafters of important documents.

Untermyer would in time become known as a reformer and trust buster, as he was hardly a bomb-planting anarchist. In one deal, at the turn of the century, he was paid $775,000 (in those good-as-gold, pre-inflation dollars) for arranging a merger of rival copper companies. Cravath himself, informed of Untermyer's fee, replied simply: "Whew."

Untermyer could also practice on the shadier side of corporate law. A New Jersey court once criticized Untermyer for his role in drafting a misleading public prospectus for a paper-manufacturing company that then sold a lot of stock just before going bankrupt, rendering the stock worthless.

Perhaps the first sign of a turn on Untermyer's part, a movement toward becoming the anti-white-shoe lawyer, came when he was hired by creditors of the United States Shipbuilding Company in 1903-1904. U.S. Shipbuilding was insolvent, and its reorganization plan was very unkind to most of the creditors and very generous to one large stockholder named Charles M. Schwab (not to be confused with, and unrelated to, the later stockbroker of a similar name). Schwab was a protégé of Andrew Carnegie, and his lawyer was one of this book's protagonists, William Cromwell. In January 1904, in a courtroom scene vividly described in the book, Untermyer subjected Schwab to a withering four hours of cross-examination, designed to make Schwab look like a fool, a crook, or some combination of the two. Untermyer won his point, and the receiver pressed for a negotiated settlement that reduced Schwab's interest in the reorganized firm, to the benefit of Untermyer's clients. The reorganized firm that came out of this contentious proceeding was the corporation that would be known for decades thereafter as Bethlehem Steel.

One of the lawyers working with Cromwell on Schwab's side of this dispute was William D. Guthrie. It was Guthrie who wrote that Untermyer was one of a group of "men who have none of the instincts of gentlemen" and who have infiltrated "the ranks of our profession, which once was filled with men of honor." One can almost hear a pretentious sniff, while reading those words.

**Before Dulles Was an Airport**

The main body of this book brings the story of the white shoe firms up to 1920, the year the U.S. Supreme Court, adopting an argument advanced by Francis Stetson, decided that U.S. Steel was not an illegal monopoly because the antitrust laws must be interpreted according to a "rule of reason." Stetson died later that year, and J.P. Morgan Jr. was one of his pallbearers.

An epilogue brings some threads of the story further, and we end with a look at John Foster Dulles as secretary of state under President Dwight D. Eisenhower. Dulles, who spent 40 years in the world of Wall Street law, in time turned his attention to affairs of state and had, as Oller puts it, a "large hand in shaping the American 20th century."

In general, whether one thinks that some of the leading figures in this book wore white hats and others wore black hats, or one prefers history without simplistic casting and can see these characters as examples of the crooked timber of humanity, this book offers a fascinating and distinctive perspective on the 20th century, on the legal profession in American life, and its mark on Wall Street. It is worth a read.

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