

NEW-HARMONY, (IND.) December 2023**THE NEW HARMONY TOWN COUNCIL RACE - HOW THEY FINISHED IN NOVEMBER!****THE NEW COUNCIL:**

JEFF SMOTHERMAN (IND) 266
LORA ARNEBERG (IND) 210
TOM WILLIAMS (DEM) 193
CONNIE WEINZAPFEL (IND) 192
ROD CLARK (REP) 184

THOSE WHO WERE UNELECTED:

VIRGINIA ALSOP (DEM) 115
ALVIN BLAYLOCK (REP) 109
ROGER WADE ((REP) 106
JIM BROWN (REP) 45
SANDY BROWN (REP) 27

Voters rejected party politics in New Harmony - Three out of the Five winners were Independents. What's the Message?

POSEY COUNTY DRUG DEALER SENTENCED TO 15 YEARS - PLUS!

By: Dan Barton
December 2023

Meth Dealer Robert "Bobby" McCarty has been sentenced to 15 years in prison by Posey County Circuit Court Judge Craig Goedde. In addition, he got another 10 years probation as an Habitual Offender.

McCarty was also sentenced to 10 years for Unlawful Possession of a Firearm by a Serious Violent Felon. But, that sentence was suspended in a Plea Deal by Prosecutor Thomas Clowers and Judge Craig Goedde to Five Years in the Posey County Community Corrections Program and Five years in Posey County Probation, instead of prison time. These sentences will run consecutively following his 15 year initial sentence.

McCarty also received a Two Year sentence for Possession of a Controlled Substance and a Two Year sentence for

Maintaining a Common Nuisance. These will run concurrently with the initial 15 year sentence.

He will receive 658 days credit for time served prior to sentencing and another credit of 220 days for Good Time, for a total of 878 days credit toward his 15 year sentence.

McCarty will pay a \$1.00 Fine.

READ ON! THE DETAILS:

Robert McCarty's arrest goes back to an investigation by police allegedly stemming from the double murders of Elizabeth and John Hall on November 6, 2021. Although, McCarty has not been charged in relation to that murder, circumstances surrounding the crime led police to an investigation regarding a firearm, which eventually caused his arrest and conviction on the above charges. McCarty was arrested on January 19, 2022 on the multiple felony charges described herein.

Police found an AR-15 Rifle in a storage unit, during the investigation into the arrest of Austin Kusturin on charges of double murder. Kusturin implicated Robert McCarty by stating that one of his two criminal acquaintances, which included McCarty, had placed it there. Saying that he had provided them with a key to the storage unit, allowing them unfettered access to that unit without his knowledge.

Police had set up a surveillance on McCarty's residence, 616 Water Street, Mt. Vernon, Indiana, which revealed an apparent association between McCarty and a woman identified as Misti Dawn Justice of New Harmony, Indiana. According to ISP Investigator Kuykendall, a vehicle attributed to her through Indiana Bureau of Motor

Vehicles was seen parked there on multiple occasions and observed both leaving and arriving at least once, driven by a woman matching Justice's description. Criminal records revealed that Justice had a long drug and traffic criminal history.

During the search of McCarty's residence on January 19, 2022, police located a .45 caliber High Point Rifle in McCarty's bedroom. Because of McCarty's extensive criminal history, to include violent crime, the weapon was seized. This, in addition to drug-related evidence led to McCarty's arrest that day.

In an interview by Indiana State Police, McCarty was asked about the rifle at his Water Street address and he told them that Misti Justice of New Harmony had brought the rifle for his mother, Rhonda's, protection. McCarty said that Justice had brought the rifle there in November, after the double-murders became public knowledge. This interview also revealed that one of the cell phones, recovered from Austin Kusturin's apartment during the double homicide investigation belonged to McCarty and contained at least one photograph of an additional firearm, what appeared to be a black colored pump-action shotgun

Sara Grabert, McCarty's girlfriend, then contacted Investigator Kuykendall and said that she knew that Misti Justice, AKA Misti West, had purchased the rifle and left it at the Water Street address. Later, Grabert texted Kuykendall saying the the rifle had been purchased at the Rural King store on Saint Joseph Avenue in Evansville, Indiana.

A trace of the rifle by Alcohol Tobacco and Firearms Division revealed that Misti Justice was the last known purchaser of the rifle on January 8, 2022 at Rural King in Evansville.

ISP Investigator Kuykendall then shared this information with ATF Agent Doug Francis. Francis had been following the McCarty case and the double homicide investigation, providing assistance in the form of firearms trace information.

Officer Doug Francis then visited Rural King in Evansville and confirmed that the Hi-Point rifle had been purchased there on January 8, 2022 by Justice.

Officer Francis' visit to Rural King also revealed that Justice had also purchased an Emperor Arms 12 Gauge Shotgun on October 14, 2021 at Rural King. Francis reviewed the store's video surveillance from the transaction and noticed that Justice approached the counter holding a small dog, spoke briefly with a sales associate and then left the video frame once the associate placed a gun box on the counter.

Justice then reentered the video without the dog, completed the transaction and left with the gun box. Officer Francis advised that she is seen leaving the store with a male in the footage from the outside cameras, but the quality isn't sufficient to identify the male. An ATF trace of the shotgun revealed that Misti Justice was the last known purchaser of the shotgun.

On January 31, 2022 Indiana State Police visited Misti Justice at her apartment in New Harmony. When they asked her about her gun purchases, Justice was quick to provide them with a black shotgun still in the original box. Kuykendall stated that he immediately recognized it as being consistent with the photograph from the cell phone of a very similar shotgun collected in the double murder investigation of Elizabeth and John Hall in November 2021. The cell phone was attributed to Robert McCarty.

TFO Doug Francis confirmed with his notes that the shotgun provided to officers Francis and Kuykendall was in fact, the shotgun listed as a purchase by Justice at Rural King on October 14, 2021.

When Kuykendall asked Justice about the

shotgun purchase, she is reported to have said that she purchased it for her own protection. She admitted she possessed no ammunition for it in her home, or on her person or her vehicle. She consented to a search of her home. No other firearms, ammunition or associated items were found. Justice maintained that the shotgun had never been fired. Justice revealed that she had left the shotgun at the McCarty home for a short period of time around the end of October or early November 2021.

In March 2022 investigator Kuykendall received DNA results from the ISP Lab in Evansville which reported that Robert McCarty was a contributor of DNA recovered from a swab of the shotgun. According to the manufacturer, they clean each weapon after a test fire and the bore of the shotgun presented to the lab was dirty.

Misti Justice was again interviewed in her apartment on May 17, 2022 by ISP Officers Kuykendall and TFO Francis. They confronted her with the DNA evidence found on the shotgun. She said that she had left the shotgun at McCarty's home in October 2021 so he could install a sight on the gun. The shotgun seized from her in January 2022 had no such sight or other apparatus installed.

James Musgrave was interviewed by ISP Investigator Kuykendall while he was in federal custody at the Evansville Office of the United States Attorney for the Southern District Indiana. He confirmed a history with McCarty and acknowledged a presence in his home on the morning of January 19, 2022, when he was encountered by police and charged with a drug related misdemeanor.

During his interview James Musgrave revealed he had seen McCarty carrying around the rifle described in the Probable Cause Affidavit filed by ISP Investigator Kuykendall as recent as the week prior to January 19th. James Musgrave identified the rifle as a .45 Caliber Hight Point Brand Rifle. He said McCarty was handling the firearm in the home but did not fire it at any time. When asked by Kuykendall, James Musgrave described

the place McCarty returned the rifle to as McCarty's bedroom. Musgrave said he knew of Misti Justice but that she was not at the home any of the times he was there, nor did he ever see her with the rifle. He indicated he had no knowledge of any other firearms or how the rifle had been procured and ended up in the McCarty home.

Publisher's note: Most of the case information contained in the above story was gleaned from the Probable Cause Affidavit, signed and attested to by Indiana State Police Investigator Weston Kuykendall.

As noted: Robert McCarty was sentenced to Fifteen years for Dealing Meth - Followed by Ten Years Probation.

Austin Kusturin is still awaiting trial on a Double Murder Charge. Three of his previous Jury Trial Dates have been cancelled by the court and he is now re-scheduled for a trial starting on February 5, 2024.

Misti Justice is currently out on bail and is scheduled for a Jury Trial to begin on April 25, 2024

James Musgrave who was arrested and charged with Possession of Meth in Posey County has had his charges dismissed on March 7, 2023 by Judge Craig Goedde.

Sara Grabert who was later arrested for Maintaining a Common Nuisance in Posey County has had those charges dismissed by the Posey County Circuit Court.

Those arrested and named in this article are presumed innocent until convicted by a court of law.

**MARTIN SCORSESE RELEASES
HIS EPIC MOVIE BASED ON THE
BOOK "KILLERS OF THE FLOWER
MOON!"**

**By: Dan Barton
December 2023**

As of this writing, I have not had an opportunity to see the movie by Scorsese

based on the book by David Grann - "Killers of the Flower Moon". I promise that I will see it in the near future, the book was amazing.

I have been reading the multitude of reviews written by professional journalists on this movie and by far, most of them have given it a thumbs up. Even a friend of mine in Virginia, who had seen the movie, said that it was an outstanding account of the cruelty the Osage had to endure, and the movie was a "real" account that stuck closely to the book.

For now though, my own review will have to wait - Instead I have decided to re-run a column that I originally ran in 2021 about the impression that David Grann's book made on me.

It's a riveting story of greed and racism against the Osage people in a time period when we today thought it was a thing of the past, the 19th century. What money won't do to people!

What follows is a revisit to the July 2021 book report published by The New Harmony Gazette.

BOOK REPORT - KILLERS OF THE FLOWER MOON - DAVID GRANN - REVISITED

By: Dan Barton

December 2023/ July 2021

What are "you" reading? I have once more (a third time) read Killers of the Flower Moon, by David Grann, a riveting and powerful account of the attempted extermination of the Osage Indian Nation, living peacefully in and around the town of Pawhuska, Oklahoma, in Osage County, slain by citizens of that town and county in the 1920's, all in the name of greed and avarice.

David Grann tells this story of the mass serial killings, usually done one by one, and the subsequent investigation by the newly formed FBI, with exciting realism. If you thought the attempt to wipe out all of the Indian Nations in America ended at the closing of the 19th century, think again.

In the 1920s the Osage Nation in Oklahoma, with just 2,229 tribal souls on the Osage roles, were thought to be one of the richest in the world. Oil was discovered on their land in the early part of the 20th century. The land was thought to be worthless by the federal government, but by some stroke of divine intervention or luck, the black gold soon made the Osage People multi-millionaires and targets for murder. It brought on the biased interposition of the U.S. Government, and the white citizens of Pawhuska and Osage County, who wanted a share of the wealth and more, all of it, if possible.

At the bottom of this murderous pogrom was money, oil money, and race hatred. The United States had forcibly moved the Osage Indians several times as white settlers streamed across the land from east to west. "In the 1870s the Osage had been driven from their lands in Kansas onto a rocky, presumably worthless reservation in northeastern Oklahoma, only to discover decades later, that this land was sitting above some of the largest oil deposits in the United States," says author David Grann.

Greed, combined with what seemed to be a natural hatred by many Oklahoma citizens for the Native Americans, fueled the fury of killing and theft that went on for some two decades. John Ramsey, one of the triggermen in the Osage killings told the FBI, that in 1924, "...white people in Oklahoma thought no more of killing an Indian than they did in 1724."

As Grann explains, "To obtain that oil, prospectors had to pay the Osage for leases and royalties." Grann goes into detail about how this "Oil Head-Rights" lease money was broken up and shared among the Osage. Eventually growing to "... millions and millions of dollars, collectively! In 1923 alone, the tribe took in more than \$30 million, the equivalent today of more than \$400 million." Each of the Osage got an equivalent fair share of this money, making them fantastically wealthy.

Pawhuska was the most heavily populated

town, 5,000 people, and the capital in Osage County. Grann explains that, "The streets clamored with cowboys, fortune seekers, bootleggers, soothsayers, medicine men, outlaws, U.S. marshals, New York financiers, and oil magnates."

The Osage had staffs of servants - the "Indians' Pot-Lickers," - as many white citizens called them. "In the early 1920's," David Grann says, "a visitor expressed contempt at the sight of 'even whites' performing 'all the menial tasks about the house to which no Osage will stoop.'"

Some of the many characters in this "Real Life Novel" are the Osage sisters, Mollie, Rita, Anna and Minnie, along with their mother, Lizzie. There are also many local citizens who were directly involved in the unbelievable crimes described by Grann. People like Earnest Burkhart, Bryan Burkhart and William Hale, people without a conscience. There's even famous lawmen like J.Edgar Hoover and the FBI, very new at the time, involved in cracking the identity and guilt of this gang of murderers.

There were former Texas Ranger agents, converted to G-Men, like Tom White, who worked oftentimes undercover and were able to solve a few of the murderous crimes against the Osage. Unfortunately, there were so many killings and so many citizens involved, many of them the most respected people in Pawhuska and Osage County, that even the G-men were only able to scratch the surface, and got very few significant arrests, and hard won prosecutions. It's said that most of the killers got away with mass murder and countless killings during the years of slaughter and terror.

I watched a discussion on YOUTUBE with three of the descendants of the murdered Osage, Kathryn Red Corn, Margie Burkhart and Marvin Stepson, along with the book's author David Grann and Commentator Prof. Hugh Foley from Rogers State University in Oklahoma, which was even more revealing.

Kathryn Red Corn said that this story, "Killers of the Flower Moon," needed to

be told and that David Grann was the one to tell it like it happened. They describe that there was corruption at all levels of the government in Oklahoma and the United States Bureau of Indian Affairs.

One of the most shocking elements of this story involved the federal government's involvement, where they assigned white Americans in Oklahoma to handle the money that the Osage were receiving from the Oil revenue. The politicians in Washington and Oklahoma thought that the Osage were not intelligent enough to handle it themselves.

Each full blooded Osage was assigned one of these Guardian overseers. That's what they called these "good and upstanding, freeloading, thieves" of Osage County, Pawhuska Oklahoma, "Guardians". These Guardians, and there were hundreds of them, many of them lawyers, judges, doctors, law enforcement officials, politicians and business people, were considered the top citizens in Pawhuska. The Osage were reduced to groveling to these criminals to get enough money just to pay for a tube of toothpaste or to take care of a sick or dying child. Undertakers were charging the Osage as much as \$80,000, in today's dollars, for a funeral and burial at the height of their wealth. Sometimes the Guardian would deny the Osage access to any of their money.

It reminded me very much of what the English did to the Irish in the 19th century, and would have done to us in the 18th century, if our ancestors chose to be peaceful and not fight. The Osage, like the Cherokee, chose the path of peace and

paid a terrible price for it.

David Grann stated in the televised discussion, that the story of the Guardians and who these individuals were, is a story unto itself. I concur! Let's hope Mr. Grann takes on that project. As the Osage in the discussion all agreed, Grann is the person to do it. These names need to be published as much as the Nazi perpetrators of the Holocaust in WWII were outed. The blood of these victims cries out for it.

Kathryn Red Corn said that, "... it still goes on," and, "...that there are still Guardians," in Osage County. She said that, "... in the 1920s there were more than 75 lawyers in Pawhuska, in those days a town of 5,000 people." She went on to say that, "...you still see the reminders today. There's still quite a few lawyers in Pawhuska." More than 29 at last count!

Grann, said that Congressional testimony from the 1920s attests to the fact that there was an obsession with Congressional members about scapegoating the Osage for their money. He said, "Members of Congress would sit around with self-righteousness and say, 'What are we going to do with these Osage?'" Grann further noted, "It was literally a racist system, based on the quantity of a persons Osage blood. Full blooded deemed one to be incompetent, and so a Guardian was assigned to that person." He said that, "The Guardians stole millions upon millions of dollars from these innocent Indian citizens and none of them were brought to justice."

Grann states in his book that, "the Osage death toll was in the scores, if not the hundreds."

Reading the testimony of the Osage at the end of the book, Killers of the Flower Moon, had a tremendous impact on me, and should have the same effect on anyone who reads this fine book. My book report is just an introduction to so much that is in the book that I have left out.

An exciting and engrossing book to read!

NEW HARMONY GAZETTE

DECEMBER RECIPE

By: *Denise Rapp*

SPINACH TORTELLINI SOUP

December is a very busy month for most of us. We're running around shopping and some may even have a house guest or two. Soups are a great, inexpensive way to feed the masses effortlessly. This hearty vegetarian soup is so good with its tender pasta, fresh spinach and slightly creamy texture. This soup is sure to warm up any day for you and your family.

Spinach & Tortellini Soup

1 lg Onion
2Tbs. Olive oil
10 c. Water
2c. Fresh Spinach
1 tsp. Onion powder
1/2tsp. Thyme
1Tbs. Parsley
1tsp. Basil
2tsp. Granulated garlic
3Tbs. Chicken or vegetable base
1 can fire roasted tomatoes
2 9 oz pks. Tortellini.
Mix:
2/3 c. Heavy cream
1/4 corn starch

Sautéed onion in olive oil until golden brown.

Add the rest of the ingredients and bring to a gentle boil.

Cook for about 15 minutes, then add the pasta.

Once he Pasta is cooked, add your heavy cream and corn starch mixture

Season with salt and pepper to taste

Enjoy!



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