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### From Leftovers to Treasured Lands: Discovery of Lead and Zinc in the Indian Territory of Northeastern Oklahoma

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FROM LEFTOVERS TO TREASURED LANDS:  
DISCOVERY OF LEAD AND ZINC IN THE INDIAN TERRITORY OF NORTHEASTERN  
OKLAHOMA

Chance Riley  
History Theory and Practice 430-01  
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Indian relations have been a major part of American society since America was discovered, and as Americans continued to expand farther west, these issues become increasingly magnified. There are many stories of the trials and tribulations that many Native Americans faced as they were continually persecuted and forced to give up their land. Stories such as the Trail of Tears sprout up in most textbooks throughout schools. However, there are many other stories that seem to slip through the cracks and do not receive near as much spotlight in history lessons today. The story of the Quapaw Tribe, who were primarily located in Northeastern Oklahoma, is a particularly interesting tale. In the early 1900s there was a massive discovery of lead and zinc in Northeastern Oklahoma in Quapaw Territory. The land of the Quapaw became significantly more valuable from this discovery, which would prove to erupt into a firestorm of debates and disagreements between the Quapaw and the mining companies looking to mine the land. This research focuses on the relationships between the Indians and the mining companies, and will show how in many cases the mining companies tried to take advantage of the Quapaw and deprive them of their basic rights as citizens of the United States.

For the Quapaw, this discovery of lead and zinc was a stroke of luck. This area where the Quapaw were placed had been seen as undesirable. According to Vern E. Thompson in his "Brief History of the Tribe of Quapaw Indians," "All the more productive and desirable lands had been selected and secured by the larger and more influential tribes."<sup>1</sup> For the Quapaw, finding a means of income had been troublesome. This region appeared to be of little value leaving the Indians with few opportunities to turn their land into a steady income. Thompson states that "The balance of the allotment was flat prairie land with thin alkali soil, poorly drained

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<sup>1</sup> Vern E. Thompson, *Brief History of the Tribe of Quapaw Indians* (Pittsburg, KS: Mostly Books, 1994), 30.

and adapted primarily for growing native prairie hay which land the Indian owner leased to white men engaged in harvesting and shipping hay, for approximately one dollar per acre.”<sup>2</sup> Having a sufficient income was very important to these people. The survival of their families and survival of the Quapaw people depended upon it. The discovery of ore on their lands gave them the opportunity to take advantage of their suddenly valuable holdings. As more lead and zinc was discovered, subsequently more people began to flood the area. Mining companies and people looking to make a quick buck infiltrated the region turning it into “one of the World’s greatest zinc fields.”<sup>3</sup> All these events led to potential life changing outcomes for many Quapaw Indians. Many Quapaw who had ore discovered on their land became suddenly rich, while others who lacked a substantial amount of ore located on their property, continued to live in poverty. Thompson describes this very well when he said “They had their hopes for riches blasted by the elusive nature of the ore deposits which have always defied definite determination of their location and extent.”<sup>4</sup>

There were many instances where the Quapaw felt the mining companies were trying to maximize their profits by cutting corners and cutting the Indians short on payments. Of course, whenever money is involved there is always a potential for disagreements and wrongdoing. The relationship between the Quapaw Indians and the mining companies was not always a good one. This resulted in the government intervening on both the state and federal levels. As America began to slide deeper into the Great Depression in the 1930s, money meant everything. Both parties wanted more of it, but in the end there was only so much of it to spread around.

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<sup>2</sup> Thompson, *History of Quapaw Indians*, 30.

<sup>3</sup> *Ibid.*, 31.

<sup>4</sup> *Ibid.*, 33.

One instance that provided a perfect example of this was a dispute between Flora Whitebird, a Quapaw Indian, and the Eagle-Picher Lead Company. This case involved a six hundred acre lease by the Eagle-Picher Company of land inherited by Flora Whitebird.<sup>5</sup> Whitebird did not approve of this lease. She claimed that the “company obtained the leases from S.C. Fullerton of Miami, Okla., who had acquired them in 1912.”<sup>6</sup> The outcome of this case would be extremely important because it would not just affect the Eagle-Picher company, but many other companies who were connected with the Eagle-Picher on the mining of this land. This case would also set precedent for future cases that were similar to this one. Whitebird brought forth a \$25,000,000 suit based on these charges that Eagle-Picher Company “fraudulently” obtained the lease.<sup>7</sup> Congress had passed the Act of February 14, 1920 that stated,

That hereafter in the sale of all Indian allotments, or in leases or assignment of leases covering tribal or allotted lands for mineral, farming, grazing, business,...the Secretary of the Interior be, and he is hereby, authorized and directed under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning such lands.<sup>8</sup>

In other words, these leases had to be sent to the Secretary of Interior for approval. In this case the Eagle-Picher Company had sent the proper documents, and Secretary Albert B. Fall approved the lease despite the recommendations of Charles H. Burke, the Commissioner of Indian Affairs.<sup>9</sup> In reaction to this ruling, Whitebird countered by stating that “an insufficient remuneration was provided and that the secretary of the interior had no authority to make the

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<sup>5</sup> “Eagle-Picher Wins Quapaw Lease Case,” *Joplin Globe*, April 19, 1930, Box 1, Picher Collection, Pittsburg State University Archive, Pittsburg, KS.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> U.S. Office of Indian Affairs, I20.3/2:2-21

<sup>9</sup> “Eagle-Picher Wins Quapaw Lease Case.”

new leases.”<sup>10</sup> Whitebird also claimed that there was no submission of the leases to the county court for approval.<sup>11</sup> The Tenth Circuit Court of Appeals ruled in favor of the Eagle-Picher Company by “upholding the validity of the leases, and concluding that Fall (Secretary of the Interior) and Commissioner Burke had employed the best experts in the case and had fully protected the Indians in handling the leases.”<sup>12</sup> Also, in regards to Whitebird’s claim that the leases had not been sent to the county court of Ottawa County for approval the courts ruled “the action of the secretary of the interior did not require approval by the county court because the Quapaws were not members of the five civilized tribes.”<sup>13</sup>

This case was very important. Not only did it affect the two parties directly involved, but it affected many other mining companies who had interests in this region. This decision would not have been a popular one among the Quapaw Indians. If this ruling had gone the other way, there would have been some added incentive for the mining companies to pay the Indians what was rightfully owed to them in an attempt to avoid hefty lawsuits such as this one. This ruling could potentially leave the door wide open for more corruption to occur.

This case raises some interesting questions. Due to the definite history of poor treatment towards the Native Americans, and their lack of certain liberties that were available to other Americans, it is easy to assume that higher officials took advantage of Whitebird. Perhaps the Eagle-Picher company found a loophole in the system and exploited it in order to maximize their profits. Perhaps there was no wrongdoing on their part, but based on this research that seems

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<sup>10</sup> “Eagle-Picher Wins Quapaw Lease Case.”

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

unlikely. It goes back to the importance of money during this period. As discussed earlier in this research, the country was slipping into a desperate time as the 1930s rolled around and these companies would definitely cut the Quapaw short before they would do the same to themselves. The result of this case would prove to be a very important one.

The federal government took measures to protect the rights of the Native Americans. The government created certain departments and offices for the sole purpose of protecting the rights of the Indians. The Indian Bureau was established in 1824 and the Office of Commissioner of Indian Affairs in 1832.<sup>14</sup> Also, the Bureau of Indian Affairs was transferred to the then, newly created Department of the Interior in 1849.<sup>15</sup> After the establishment of these offices, certain powers had to be delegated to different positions in order to carry out the tasks that needed to be performed to uphold the rights of the Indians. Section 441 of the Revised Statutes provides that “The Secretary of the Interior is charged with the supervision of public business relating to...the Indians.”<sup>16</sup> This just means that the Secretary of the Interior had to oversee all aspects of Indian relations, and had to decide on certain issues when questions arose pertaining to the treatment of Native Americans. Section 463 of the Revised Statutes states that “The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior and agreeable to such regulations as the President may prescribe, have the management of all Indian Affairs, and of all matters arising out of Indian relations.”<sup>17</sup> The Commissioner of Indian Affairs was still under the rank of the Secretary of the Interior, but under this statute the Commissioner was given the power to

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<sup>14</sup> U.S. Office of Indian Affairs, I20.3/2:2-21

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

manage all Indian relations, which meant he was out there personally dealing with these issues in a more hands on manner.

Not only were there departments created relating to Indian affairs, but throughout our history there have been certain court cases that have greatly impacted Indian relations. *West v. Hitchcock* (1907) reiterated that the "Secretary of the Interior and the Commissioner of Indian Affairs are required by law to act as guardians of Indian property and as protectors of the rights of Indians."<sup>18</sup> This case definitely relates to the Whitebird case. The responsibilities of the Secretary of the Interior and the Commissioner of Indian Affairs required them to look out for the well being of Whitebird and make sure her rights were not being violated. If that land truly belonged to her then the Secretary of the Interior did not hold up his end of the bargain. This case had a distinct relation with the rest of this research as well. This was extremely important for the Indians to have people who were specifically responsible for protecting their rights. The fact that there was someone to hold accountable for the fair treatment of Indians gave the Native Americans someone to go to when they felt they were being treated poorly or unfairly, and these people were obligated to carry out their duties and help the Indians if their claims could hold up to the law.

There were many cases where the Quapaw benefited from these protective agencies and laws. One instance was when the Picher Cooperative Clinic was located on the land of a restricted Quapaw Indian, Mr. Harry Crawfish. The Bureau Mines established a medical clinic on the property of this Quapaw Indian on January 1, 1928.<sup>19</sup> From that date to June 30, 1932,

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<sup>18</sup> U.S. Office of Indian Affairs, I20.3/2:2-21

<sup>19</sup> U.S. Department of Commerce, Bureau of Mines, *Public Voucher for Purchases, and Services other than Personal*, Picher, OK. May 5, 1932. Box 34, Picher Collection, Pittsburg State University Archive, Pittsburg, KS.



Harry Crawfish had not been compensated rent in return for the use of his land for the clinic.<sup>20</sup> This was reviewed by C.J. Rhodes, the Commissioner of Indian Affairs in Washington, D.C. In a letter from Mr. Rhodes to H.A. Andrews, the Superintendent of the Quapaw Indian Agency, a "copy of which was sent to Dr. R.R. Sayers." Rhodes stated,

We also concur in the views expressed in your report to the effect that the occupancy and use of certain lots by the Bureau of Mines Clinic, . . . without payment by them of ground rental for said occupancy and use, is without justification. You are therefore authorized to require said occupants of the lots to pay into your office, for the benefit of the Indian owner of the land, a proper ground rental, including back rental, in compensation for the occupancy and use of said lots.<sup>21</sup>

The fact that Mr. Crawfish was able to take the proper steps and go to someone for help is completely due to the establishment of previous laws. As previously stated in the *West v. Hitchcock* case, the Commissioner of Indian Affairs was required by law to protect the rights of Mr. Crawfish and that is exactly what he did. The Quapaw had this decision go in their favor and the Bureau of Mines was forced to compensate Harry Crawfish for all the months the clinic had been on his land. Also, it stated within this letter that "you are further requested to have the Bureau of Mines Clinic . . . if they desire to continue in occupancy of these lots, enter into a proper business lease or rental agreement for said purpose."<sup>22</sup> The result would help in preventing this particular situation from happening again.

This was a good system that prevented the infringement of the rights of the Indians. This system is an example of checks and balances, which is something that is at the very core of our form of government. Checks and balances are necessary to prevent a particular entity from

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<sup>20</sup> U.S. Department of Commerce, Bureau of Mines, *Public Voucher for Purchases, and Services other than Personal*

<sup>21</sup> C.J. Rhodes, letter to H.A. Andrews, copy sent to Dr. R.R. Sayers. April 5, 1932, Box 34, Picher Collection, Pittsburg State University Archive, Pittsburg, KS.

<sup>22</sup> *Ibid.*

manipulating other entities in an unfair manner. In this situation, when something is done to violate the rights of the Indians then they could do something about it, and this particular incident shows that they had a chance to succeed when appealing to the high offices of government. The fact that Mr. Crawfish was successful could have provided at the least a glimmer of hope for the native people. All the Native Americans wanted were opportunities to succeed and fair treatment. It is important to remember that this was during a time when feelings between Indian tribes and the federal government were not positive by any means. The natives felt intruded upon, and rightfully so after their homelands had been stripped right out from under them and they were forced to relocate. This was a step in the right direction.

The mining in this region had a substantial economic importance from a national perspective. Therefore, it garnered much national attention. Developments in the area were all over headlines of newspapers, and the national government involved itself in overseeing the entire process. In 1930, a group of U.S. Senators held a hearing in Miami, OK.<sup>23</sup> These Senators were on the Committee of Indian Affairs, and they were conducting an investigation of “dealings in connection with mining royalties Indian heirs have been receiving.”<sup>24</sup> This group included Senator Burton K. Wheeler of Montana, Senator Lynn D. Frazier of North Dakota, and two Oklahoma Senators in W.B. Pine and Elmer Thomas. These men were there to hear “any complaints Indians of this region may have to offer against the federal jurisdiction over them.”<sup>25</sup> The need for this investigation continued to rise as more and more Quapaw claimed lack of compensation for their lands. One of the mining companies that was mentioned in connection

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<sup>23</sup> “Indian Affairs Probe Launched,” November 17<sup>th</sup>, Box 1, Picher Collection, Pittsburg State University Archive, Pittsburg, KS.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

with this investigation was “one of the largest producers of lead and zinc in the Picher field,” the Skelton Lead and Zinc Company.<sup>26</sup> In response to the company saying they would allow the investigation, Senator Wheeler stated, “We’ll make an investigation of this affair whether you are willing or not, and if we find that any Indians have been defrauded of monies due them, we take the necessary steps to see an adjustment made.”<sup>27</sup> This seems to be a drastic change in attitude when compared to the Whitebird case. The Native Americans had made some progress in terms of the protection of their liberties that the constitution says are due to them. As the investigation continued the Committee began calling witnesses such as H.A. Andrews, the acting superintendent of the Quapaw Indian Agency,<sup>28</sup> discussing “general practices of the Indian department and the activities of the local agents.”<sup>29</sup> At times the Committee was critical of Andrews for not having all the information desired, nonetheless the investigation continued and Andrews was quizzed by all the Senators of past occurrences.<sup>30</sup>

One particularly interesting event that was brought up was that of the sale of the mining lease of the Mary J. Calf allotment on Quapaw land. The Skelton Lead and Zinc Company had previously owned this lease, however their lease had expired.<sup>31</sup> An ad was placed throughout local newspapers detailing the location of the lot, and when and where the auction would take

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<sup>26</sup> “Indian Affairs Probe Launched.”

<sup>27</sup> *Ibid.*

<sup>28</sup> “U.S. Senators Criticise Indian Bureau Methods At Hearing Held Here.” November 17, 1930. Box 1, Picher Collection, Pittsburg State University Archive, Pittsburg, KS.

<sup>29</sup> “Indian Affairs Probe Launched.”

<sup>30</sup> “U.S. Senators Criticise Bureau.”

<sup>31</sup> C.J. Rhodes, “Sale of Lead and Zinc Mining Lease of Indian Land.” *Miami Daily News*. Box 34, Picher Collection, Pittsburg State University Archive, Pittsburg, KS.

place. Today, it seems like newspapers are losing significance every day with the internet taking over as the more desirable source of information for most people, but newspapers would have been the primary source of communication for people to get this type of information during this time. There were two very important additions to the ad describing certain conditions of the bid for the lease. First, the Skelton Lead and Zinc Company were to have “preference right within five days after the opening of the bids to meet the highest and best bid.”<sup>32</sup> This simply meant that if the Skelton Company did not have the highest bid by the end of the auction, then they would have five days to match the best offer. Secondly the ad stated “In the event the successful bidder is other than the Skelton Lead and Zinc Company...the successful bidder will be required to purchase the mills and all other improvements of the said company now in or on said premises at the total price of \$200,000.”<sup>33</sup> Heirs to this allotment, Clara Showalter, D.R. Showalter, and Merton H. Cooper were called to the witness stand and they claimed that the “Department of the Interior released the land to the Skelton interests at a 10 percent royalty and a lower bonus figure than other companies would have offered if a suitable advertisement had been made.”<sup>34</sup> The witnesses pointed out that the “requirements” that were listed for other bidders to adhere by if they outbid the Skelton Company exceeded the value of the plant which discouraged other companies from bidding.<sup>35</sup> They were referring to the \$200,000 the bidders would be required to

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<sup>32</sup> C.J. Rhodes, “Sale of Lead and Zinc Mining Lease of Indian Land.”

<sup>33</sup> *Ibid.*

<sup>34</sup> “U.S. Senators Criticise Bureau.”

<sup>35</sup> *Ibid.*

pay if they won the bid. There were many other things discussed at this hearing. These are just some of the more interesting subjects of the proceedings that were relevant to this research.

This was an important time in the history of Northeastern Oklahoma, as well as, the history of the United States. Although it is sometimes a forgotten topic, the discovery and development of the mining industry in this region substantially affected many lives. The decisions made based on the relationships between the Native Americans and the industrial-minded miners and entrepreneurs set precedent for generations to come. Although, not all Quapaw Indians were fortunate enough to strike it rich, some did. Personally, what was particularly interesting throughout this research was seeing how the federal government was more likely to step up and defend the rights of the Indians as time went on. It is easy to spot questionable issues in the Whitebird case, but in the story of Harry Crawfish the Secretary of the Interior and Commissioner of Indian Affairs upheld their responsibilities to protect his rights and he was awarded what rightfully belonged to him. However, it was not always a pretty picture for the Indians from that point on. The auction of the Calf allotment certainly raised some eyebrows considering the Skelton Lead and Zinc Company placed the only bid for that lease, but this was a long process for the Indians. They continued to fight for their rights and equal treatment from everyone and eventually they were able to persevere and gain what they had longed for, for so long. These leftover lands certainly became much more than anticipated.

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