

The following post from Judge Steve Russell to ARCH-L (Archaeology List) may be of interest to Wyandotte County, KS researchers. Judge Russell is a regular contributor to ARCH-L, frequently commenting on archaeology and American Indian relations and NAGPRA (Native American Graves Protection and Repatriation Act, 1990).

Three Sisters Defense of Cemetery Lasts Nearly Forty Years

Recent Death of Miss Lyda Conley Recalls Long Series of Outbreaks and Defiance of Law by Women Who Built Shack on Indian Burial Ground in Heart of Kansas City, Kansas and Lived beside Graves of Ancestors.

Friday June 7, 1946

Kansas City Times By Henry Van Brunt

The death on May 28 of the most aggressive of the three Huron park Conley sisters--Lyda Burton Conley--at the age of 72 sent the writer on an adventurous trek through the files of the Star, picking up the back trail of what you might call the one woman Indian mutiny of Kansas City, Kansas.

Fort Conley - Huron Indian Cemetery

The file of clippings arranged chronologically, measures more than half an inch in thickness and covering a period of forty years, come October represents the reportorial activity of perhaps scores of reporters, many of whom, obviously had no realization of the venerable tenure of the subject they were handling. For instance, it was hardly fair to refer to Miss Conley in 1928 as having "recently cause trouble in Huron cemetery" when that stubborn champion of Indian burial rights had then been at it formerly a score of years. Trouble was her prerogative; she thrived on trouble...And, as far as the writer is concerned, they can take all the clippings and file them in the Zane family lot as an enduring monument to pertinacity and publicity.

As background for the Conley epic, it is necessary to bring up the Wyandot migration and the big rain of 1844. The Wyandottes came to the confluence of the Missouri and Kaw rivers (July 28 and 31 in 1843)....and settled in the Westport area until the Delaware sold them thirty six sections and gave them three sections in memory of friendship what is now Wyandotte County. Records are lacking, but it is reliably reported to have rained forty days and forty nights in 1844. Floods filled the whole area of what is now the Central Industrial district, an epidemic of small pox followed and between 200 and 300 (according to the Star account) Indians died. They were buried in the Huron Park also known as Wyandot National Cemetery.

That is the basis for the Conley sisters; defense of the Indian burial ground. Their mother was buried there (their sister Sarah) and, these, ancestors further back (actually many cousins, Uncles, and Aunts; and their Grandmother, Hannah Zane.

The revolt of the three sisters, started in the summer of 1907 as a result of plans broached the previous year for purchase by the city of the Huron cemetery, Congress, having authorized its sale by the secretary of the Interior in 1905 (1906) .

As soon as the Conley sisters realized that the sale was pending they announced that they would protect the graves of their ancestors, if necessary, with shotguns. Forthwith, they marched to the cemetery and

threw up a 6 by 8 one room frame shack hard by the ancestral resting place and moved in. H.B. Durante, Indian commissioner commented that it was a unique situation and washed his hands of it, suggesting that it was up to the Department of Justice and Federal troops.

Troops never were called to eject the sisters, who defended their cemetery fort through 1907, 1908, 1909, and through the summer of 1910. Throughout this period, Lyda prepared herself for legal action by an assiduous study of law books, the better to contest the government order. When the battle began the new Carnegie library stood in the center of the square, the new Brund (sic) hotel stood at one corner, and on another preparations were being made for the reconstruction of the Masonic Temple, destroyed by fire.

It was William Rodekepf, paving contractor, who won the distinction of the first actual encounter with the sisters by tearing down a fence which the Conleys with help from their tribal brothers and sisters erected between the cemetery and the temple site.

The sisters rebuilt the fence, and the contractor's men tore it down again. Again Lyda rebuilt it in defiance of an injunction obtained by the Masonic bodies, and it was again laid low. The writer took a pencil and tried to figure the number of times the fence was destroyed and rebuilt during a fortnight in the winter of 1907, but gave it up. On one occasion the sisters defended their fence with sticks and stones.

Through this early period, the rightful ownership of the cemetery remained in doubt--unless it could be said that the Conleys owned it by right of possession. There was a federal order to remove the bodies to Quindaro cemetery, but it was qualified in such a way as to leave grounds for suits in the federal courts, and Lyda Conley took full advantage of this opportunity, supported by women's clubs and others with whom sentiment outweighed commercialism and twentieth century progress.

And while Lyda fought her battle in the courts, her sister Helena, who prefers the name Helene, guarded the fort, keeping things trim in the burial ground, felling dead trees with an ax while awed bystanders admired the play of her muscles, resenting intrusion by roaming holiday makers. Because of the intrusions, the sisters finally wired the cemetery gates together and put up a sign:

"You Trespass at Your Own Peril."

None disregarded it.

Lyda Conley was admitted to the Kansas bar in 1910 and in the course of her fight against removal of the Indian graves, made several trips to Washington. She is said to have been the first woman lawyer (actually Indian Woman Lawyer) to plead before the United States Supreme Court.

On July 29, while Lyda and her sisters were in Wyandotte County District Court hearing arguments in the last legal step they took to hold the cemetery, the United States marshal and his deputies entered the cemetery and destroyed the "fort" and an injunction was issued forbidding the sisters to rebuild it.

Finally, in August, 1912, the House Indian Affairs Committee in Washington favorably reported a bill prohibiting the removal of the cemetery--the first ray of hope the sisters had in their fight. However, they did not definitely settle the affair, and the sisters still held their ground among the graves.

There is a little item in May of 1918 recording the fact that Lyda pulled up some stakes driven near the cemetery by city surveyors, bruised and scratched three detectives (!!??) who dragged her to police headquarters. She was fined \$100 for destroying city property.

In the intervening years, Lyda--her case won insofar as sale of the property was concerned--the government having agreed to keep the cemetery "improved" (by entering into a 1918 contract with the City of KCK to FOREVER maintain, protect and provide lighting and police protection to the cemetery) confined her activities to a watchful guardianship, which included care of the birds and squirrels in the cemetery. On the coldest winter days she would leave her home at 1816 North Third street and carry water and nuts to the squirrels.

Then in June, 1937, wielding a broomstick, she chased some people from the cemetery. A young judge, perhaps not cognizant of the fact that Lyda had never been in jail in all the twenty-six years of her defiance of the authorities, gave her choice of a \$10 fine for disturbing the peace or a 10 day jail sentence.

Proudly she served the sentence. The item of June 16, 1937 headed "Miss Lyda Conley Leaves Jail, (KC Star?) was the last printed appearance of Lyda until the notice of her death and of her burial on May 31.

Curse May Play Role In Cemetery Combat

Sunday May 17, 1959

Kansas City Times

by Jay Lastelic

The Wyandot Indian curse, reputed never to have failed will be tested again tomorrow morning before a congressional committee.

No mention of the curse will be made by a delegation going to Washington in an attempt to save the historic Huron Indian Cemetery in Kansas City, Kansas, but the threat remains.

In the 116 year old burying ground of the Wyandot lies Miss Helena Conley, self-styled sorceress of the tribe. While she lived, two presidents, members of Congress, mayors, professional persons, policemen and others had the curse placed upon them. Now her tombstone proclaims to all:

"CURSED BE THE VILLAIN THAT MOLEST THEIR GRAVES"

Since 1890 there have been periodic battles in Congress and in the courts including the U.S. Supreme Court for preservation of the 2-acre tract in downtown Kansas City, Kansas. But the odds were never greater against those who today would save the site from commercialization.

Led by Mayor Paul F. Mitchum and George Zane, Chief of the Wyandots in this area the protesters are fighting the sale by the Oklahoma Wyandots who pushed a bill through Congress and gained possession of the land. Armed with letters, telegrams and petitions with more than 5,000 signatures, the delegation will present legal and historical data to the House committee on interior and insular affairs in a hearing

tomorrow morning. Was even Newell A. George sponsor of bills that would prevent the sale and make the area a national historic shrine victim of the curse?

Before going to Washington he made a speech in which he suggested removal of the cemetery to another spot as a possible solution to the periodic legal battle. Within the month George was in a motor car accident and as he lay critically injured in an emergency his surgeon scolded: "I told you to leave that cemetery alone."

Errett P. Scrivner, George's predecessor in Congress from the Second Kansas district fought for the cemetery for years and knew all the legends about the curse.

Was he a victim?

The sleeper bill for the sale of the cemetery passed in his last term. It provided a campaign issue. Scrivner was dubbed a "Rip Van Winkle Congressman, Sleepy in the Teepee". He lost the election.

The deaths and affliction of many prominent persons were attributed by Miss Conley to the effectiveness of the curse.

The Republican king maker, Sen. Preston B. Plumb, a founder of the city of Emporia, Kansas introduced a resolution in 1890 to sell the property. His death a year later was described as "untimely" and attributed to "overwork which brought on an attack of apoplexy."

George Schwabe, representative in Congress from Tulsa who always worked for the sale, collapsed and died while playing solitaire.

Another Democratic congressman, Joseph Taggart, from Wyandotte County proposed the bill which passed in Senate in 1916, and was defeated in his third-term bid that year.

President Theodore Roosevelt, who signed the bill authorizing the sale, was the successful Republican candidate for President and was defeated as the Progressive party candidate.

These were the stories that Miss Conley related to those who visited her in her worn home at 1704 North Third St. in a Negro district of the city.

Miss Conley said the power of the curse was transmitted to her by a woman of the tribe, known as a witch who is buried in the cemetery.

"She asked me," Miss Conley used to tell, "if I would rather have power or money. I said power."

She remembered that it was after the death of her mother and father, an Englishman of means, that she and her sisters, Ida and Lyda, took up their vigil over the graves after learning the land was about to be sold.

On July 25, 1907 they built a 6x8 foot frame structure and placed a fence of iron spikes around it. The three sisters stood armed with their father's musket (actually a double barreled shotgun). Promptly, it was named "Fort Conley."

"My father's spirit came to me in a dream and was unhappy and I knew what that meant," Helena said. "The dead want this holy place defended and it will be."

For almost five years the sisters kept their vigil, defying the United States Marshal, policemen or anyone who tried to interfere. Lyda, who became a lawyer, contended they were "beneficiary owners and users of an estate in the cemetery" made by the 1855 treaty that set the land aside for a burial ground.

Helena Conley was the last survivor of the family. She died September 15, 1958, at the age of 94. Often she wondered about her longevity.

"Our body has to return to mother earth and our spirit to God who made it," she said. "We don't know how we came here, nor why, nor where we go. I don't know why I'm left in this God-forsaken place. It's a cursed world – a separation from God."