THE OSAGE INDIANS AND THE LIQUOR PROBLEM
BEFORE OKLAHOMA STATEHOOD

By Frank F. Finney*

Benjamin Franklin was one of the commissioners who negotiated a treaty with the Indians at Carlisle, Pennsylvania.\(^1\) The commissioners told the Indians that if they would continue sober during the meeting, they would be given plenty of rum after the business was over. After the treaty was concluded, the Indians received the rum promised. Franklin describes in his autobiography the orgy which followed:

We found they had made a great bonfire in the middle of the square; they were all drunk, men and women, quarrelling and fighting. Their dark-coloured bodies, half naked, seen only by the gloomy light of the bonfire, running after and beating one another with firebrands, accompanied by their horrid yellings, formed a scene the most resembling our ideas of hell that well could be imagined.

In concluding the description of the scene, Franklin made this observation: "Indeed, if it is the design of Providence to extirpate these savages in order to make room for the cultivators of this earth, it seems not improbable that rum may be the appointed means. It has already annihilated all the tribes who formerly inhabited the seacoast."

Although the number of individuals of Indian descent have increased since Franklin's day, the numbers of full blood members of many tribes have been on the decline and the time is approaching in some, as is already past in others, when they will live only in legend and story. As an example, the Osage Indian population in 1952 numbered 5,307 of which 478, or 9 per cent, were full bloods and 4,829, or 91 per cent, were mixed bloods. When the Osages located on their new reservation in the Indian Territory in 1871, the full blood population constituted 92 per cent of the tribe.\(^2\)

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\(^{2}\) "At the time of the Osages' removal in 1871, to the Indian Territory, now Osage County, Oklahoma, the full bloods constituted 92 per cent of the Osage population, but, by 1906, the full blood population decreased 38 per cent. In the
In this changing world, whole peoples have died out or have been absorbed into other races and it is not within our province to question the designs of Providence as to the purpose of these changes. We can examine the historical records, however, having Franklin's prediction in mind, and learn something of the part alcohol has had in the fate of the pure blood American Indian in the disappearance and extinction of once large tribes.

Distilling processes were entirely unknown to the Indians. European civilization brought with it ardent spirits to a people unprepared to handle it, and without inhibitions as to its use. Once addicted to strong drink, the American Indian had no control of his appetite or discrimination in its use, and drank to complete intoxication.

Smallpox and other diseases unknown to the Indians before the white man came among them, hardships suffered in removals, changes of climate, wars among themselves and with the white man, all were contributing factors in the demise of the Red Man. That these causes had a powerful ally to alcoholic liquor to shorten the lives and corrupt and demoralize the Indian is conclusively determined by the numerous reports from the Indian agents and the testimony of missionaries and other witnesses who lived among them.

W. L. Marcy who was in charge of Indian affairs as Secretary of war wrote in 1847: "There can be no doubt that to it (whiskey) more than other agency is to be attributed the rapid decline of the race in morals as well as in numbers."

Kit Carson, the famous scout while acting as Indian agent reported from Taos Agency, New Mexico, August 29, 1860:

The Jacarilla Apaches number about nine hundred and fifty souls.—They are rapidly degenerating—we daily witness them in a state of intoxication in our plaza. No sacrifice is considered by them too great in order to procure whiskey.—Something must be done soon to remove them from contact with the settlements if we would avoid their utter ruin. If permitted to remain where they are, before many years the tribe will be entirely extinct.

That portion of the Sauk and Fox tribe, known as the "Sauk and Foxes of the Mississippi" numbered approximately 3,000 when they were removed from Iowa to a reservation in Kansas. Their numbers had been reduced to about 700 when the bulk of the tribe was removed to Indian Territory in 1869. Their agent attributed their steady decline to their manner of living, exposure to cold and especially drunkenness.

short space of 34 years (1872-1906), the Osage people were catapulted from a semi-nomadic, communal society into the midst of a highly complex, competitive and individualistic group with the pattern fixed for their rapid absorption by the dominant group."—The Osage People and Their Trust Property. A Field Report of the Bureau of Indian Affairs, Anadarko Area Office, April 30, 1953.
The Kansa or Kaws, a tribe indigenous to Kansas from which the state derived it’s name, numbered about 1,700 members when they were established on a diminished reservation on the Neosho River in the vicinity of Council Grove. Whiskey was plentiful on the Santa Fe Trail which ran through their country and by 1850 their agent reported that they had become “Great whiskey dealers as well as drinkers.” Five years later their agent said the Kansa drank liquor where and when ever they could get it, and had become a degenerated people; he thought they must soon become extinct. The remnant of this tribe of 533 members were removed to the Indian Territory in 1873.

Excerpts after excerpts could be made from the reports of the agents for many tribes showing the control of the liquor traffic with Indians was inaffective. The first Federal liquor control measure applicable to the Indians was passed by Congress in 1802 at the request of President Thomas Jefferson soon after Little Turtle, a Miami chief, made a plea to him to protect his people from the evil of drink. Chief Little Turtle said that when the white people came to their land, their forefathers were numerous and happy but now owing to the introduction of the fatal poison of whiskey they had become less numerous and happy. The bill passed by Congress authorized the President to take such measures, from time to time, as to him appeared expedient to prevent or restrain the vending or distribution of spiritous liquors among all or any of the Indians. The Act did not deter early explorers and employees of the government to make presents of liquor to the Indians or traders from using it as a medium of exchange. Lieutenant Zebulon Pike was one of those who used whiskey as gifts to the Indians including the Osages when he visited them on the Osage river in Missouri in 1806.

“Pedseni” was the Osage name for intoxicating liquor meaning “firewater,” the term by which alcohol was commonly known. The term had it’s origin in the fur trade of the northwest. In that region the fur traders had early discovered that a keg of alcohol mixed with water brought incredible profits when offered the Indians for furs and pelts. To test the potency of the stuff, the Indians poured it on the fire; if the fire flared up, the liquor was good; if the fire extinguished, it was bad. Thus it became known as “firewater.”

The Great and Little Osages were a proud and powerful people when Pike visited them. Early visitors among them were impressed with their striking appearance and fine physique. Endowed by nature with strong constitutions, the men were tall and erect, with a natural grace and dignity. They were greatly feared by their enemies and ranged far and wide from their villages on their hunting and marauding expeditions.

Under the terms of a treaty with the Government entered into at St. Louis in 1825, the Osages ceded a vast domain to which they laid
claim and accepted a reservation in Kansas for their home. This was a rectangular tract, 50 miles from north to south with its eastern boundary 25 miles from the western Missouri line. A part of the tribe under the influence of the Chouteau brothers, French traders of St. Louis, had migrated to a region on the Arkansas river near the mouth of the Verdigris now included in Oklahoma, in 1802. It was some years after the Treaty of 1825, that the government was able to gather the whole tribe on the reservation in what is now Kansas. Much of the time spent on their Kansas reservation were years of adversity for the Osages. Buffalo on which they depended for their livelihood became scarce and buffalo hunting on the Plains was hindered by other tribes with which the Osage were often in conflict. Epidemics scourged the tribe; white people encroached upon their reservation, and the use of intoxicating liquor added greatly in undermining the strength of the Osage nation.

Liquor was not a problem with the Osages when the Treaty of 1825 was made. The missionary, William Vaill then said, "In the six years I have not seen one of them drunk. They are afraid of whiskey and call it firewater. This sobriety however did not last. With the proximity of the Santa Fe trail and the border of Missouri, liquor became easily available and the Osages in increasing numbers fell under the spell of its allurements." Their agent reported in 1843: "The Osages have drunk more whiskey the past year than they have since they were a people. . . . a majority of the houses near the line in Jasper and Bates counties, keep whiskey to sell to the Osages for their money, ponies, guns, buffalo robes and blankets."

A few years later, the agent for the Osages wrote: "Osages are fast sacrificing their blankets and other possessions for whiskey and the firewater of the white man is reducing women and children to starvation." Reverend Father John Schoenmakers, Superintendent of the Osage Manual Labor School in 1857, wrote: "Indolence and drunkenness cling to the Osages with tenacity . . . . their intercourse with the whites is the occasion of introducing intoxicating and adulterated spirits . . . . I foresee, with pity, the speedy and annihilation of grown Osages, our hope only rests in the rising generation."

At the requests of some of the Osage chiefs who saw the harmful effects of liquor the agent drew up a short penal code which was adopted in a council meeting. Under its provisions, Osages were forbidden to bring liquor on the reservation under penalty of destruction of the whiskey and lashes on the backs of the offenders. The chiefs were to act as judges who were to select braves to execute the law. The decree became a dead letter with its inception and not the first effort was ever made to enforce it.

The laws of Kansas both as a territory and a state and the laws of Missouri prescribed fines and imprisonment for those who provided Indians with intoxicating liquor, but convictions were nearly
impossible and attempts to enforce these laws were feeble and ineffective. Likewise the Federal Government had laws to govern the liquor traffic with the Indians. By the Congressional Act of 1834, the existing laws were strengthened by providing specific fines for introducing liquor into Indian country (quantities as were necessary for military forces excepted) and for disposing and selling liquor to an Indian on a reservation.\(^3\)

In 1847, Congress resorted to further legislation which provided in addition to the fines imposed by Act of 1834, sentences of not to exceed two years for selling, giving or disposing liquors to an Indian in the region named. The Act of 1862, amended the prohibitory laws to apply to any persons furnishing liquor to an Indian under the care of any superintendent. This amendment was intended to give Federal officers a way of dealing with persons who sold prohibited liquors to Indians outside of the reservations.

Although some serious attempts were made by the Federal Government to enforce the liquor laws, it proved to be an impossible task to police the entire Indian country. Agent Calloway of the Osages wrote that places selling liquor along the Missouri line alone were so numerous and scattered that it would have required all the dragons in the service to patrol the area.

By the end of the Civil War, the Osages had been reduced to a pitiablc plight. They were driven off the Plains where they had been accustomed to make regular hunts by their Indian enemies and without this source for meat and robes they had been reduced to a state of starvation. To make their situation more deplorable, an influx of white settlers was locating on their reservation. Over two thousand of these intruders had passed upon Osage lands, taking possession of their corn fields, cattle and hogs.

Congress sought to alleviate this distressing condition with an act approved by the President July 15, 1870, which authorized the removal of the Osages to the Indian Territory on a reservation west of the 96th meridian to be purchased by the tribe from the Cherokees.\(^4\)

Due to an error in the survey, the impoverished Osages were removed in the spring of 1871 to Cherokee land east of the 96th meridian with agency headquarters near Silver Lake a few miles south of the present City of Bartlesville. After a saw mill and a few temporary buildings had been erected, under the direction of their agent Isaac T. Gibson, it was found that the Osages had mistakenly been located, and they were obliged to move west to their present reservation in which, near the geographical center, the Osage chiefs selected a location for their agency on Bird creek, now Pawhuska.

The large reservation of approximately one and a half million acres was a wild and beautiful country, bounded on the west and south by the Arkansas river, to the east by the 96th meridian and the Cherokee country and to the north by the southern line of the State

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of Kansas. Although it was broken with bluffs, ridges and wooded hills, much of Osage country was carpeted with luxuriant blue stem grass, and fertile ground was found along the creek and river bottoms.

For several years the Osages made successful hunts on the western plains but these were discontinued after reckless slaughter by white men had eliminated the buffalo. The Osages then settled down on their reservation to live their own kind of lives which they considered superior, and a much happier state of existence than that of the white people.

Moved from their unfavorable surroundings in Kansas they made rapid progress in regaining their morale and dignity. Gone were the hard times they had suffered to the point of starvation, and left behind were the whiskey peddlers and the lawless element among the white people.

The Osages were interested in raising herds of ponies. Excepting small patches cultivated by the squaws they did no farming. They looked upon work as degrading, and to plow and hoe only fit occupations for the poor white man who had to work for a living and to whom they rented their home places for a share of the crop. They passed their unfettered time visiting, feasting, pony racing, gambling, dancing and engaging in ceremonial occasions such as marriages and burials. Revenue from the sale of their Kansas lands and rents from grazing and farm land had made them independent.

To a great measure they were isolated from contact with the white people and they were little hampered on the thinly populated reservation. The Indian Department’s regulations were administered for the most part by sympathetic agents. It should be pointed out that there were measures imposed which some of the Osages, especially the full bloods opposed, such as the rationing system, which was abandoned, and the order requiring children to attend schools, which was enforced. To great extent, however, they conducted their own affairs under a constitution and a code of laws adopted by the tribe and administered by a tribal government.

Their drinking habits after they arrived on their new reservation had undergone a remarkable change. Their agent, Major Laban J. Miles, reported in 1879: “Their great reason for wanting to come here was to get away from the great evil prevailing in the civilized states, whiskey. To their great credit and to the Indian service, I am happy to say not one of them has been intoxicated since arriving here.”

Again in his report for 1881, Maj. Miles wrote: “Drinking is almost unknown among them. They are controlled by their police, so that few crimes such as theft occur.”

For nearly twenty years after their arrival from Kansas, until the opening of Oklahoma Territory the reservation was kept relatively free of whiskey peddlers by the Osage police and the United States
Deputy marshals. No white man was permitted on the reservation without a permit.

The run in 1889 by white settlers and the creation of the Territory of Oklahoma brought the beginning of a drastic change in the lives of the Osages. One of the first acts of the Oklahoma territorial legislature legalized the use and trade on liquor. The law took effect Christmas day, 1890. It contained the following provision: "Any person who shall give, barter or in any manner dispose of any intoxicating liquor to an Indian shall be guilty of a misdemeanor."

After the opening in 1889, Maj. Miles said that renting of Osage farm land to white persons had greatly increased. He complained that the presence of numerous vagabond white people on the reservation was detrimental to the welfare of the Indian. Many of these vagabonds proved to be gamblers, and whiskey peddlers who succeeded in evading the officers. The lands opened for settlement were not contiguous to the Osage reservation but near enough to provide a base from which whiskey peddlers, according to Agent Miles, could cross the border at night, dispose of their liquid poison like buzzards, and be safely with their friends in Oklahoma by daylight.

With the opening of the Cherokee Outlet and the surplus lands of the Tonkawa and Pawnee reservations, conditions went from bad to worse. It was not until then that liquor could be legally disposed of on any borders of the Osage reservation. Almost overnight, the little towns of Cleveland, Blackburn, Ralston and Ponea, sprung up across the Arkansas river from the Osage reservation, which were filled with saloons and where the liquor laws were disregarded with impunity. Once again the use of whiskey spread among the Osages like a deadly epidemic to end their contented and tranquil lives which they had led for nearly two decades. During the first year, Agent Miles reported not less than a dozen deaths occurred among the adult Indians attributed to drunken debauches.

The conditions which prevailed were described in an interview with the pioneer Osage Indian trader, John N. Florer carried in the St. Louis Republic under the headline "Whiskey is the Bane of the Red Man," from which the following is quoted:

For twenty years I have made my purchases for the Indian trade in St. Louis. During the first few years I was with the Osages they paid for their goods mostly with buffalo robes.

These Indians always paid their debts until the lawless whites commenced selling them whiskey after the Cherokee Strip was opened.

Many little towns sprung up along the Oklahoma line and a disreputable class of white men have devised means of selling Indians whiskey so the traders do not now receive what is coming to them for the necessities of life furnished them.

The demoralization of the Osages for which these criminals are responsible is much greater than one can imagine who is not familiar with the situation. Not only do the whiskey peddlars rob the Indians and get them in all kinds of trouble but their nefarious traffic destroys the good effects of education among the young Indians.
I have already sent about fifty Indians to the states to take the Keely cure but am sorry to say the treatment is not a permanent success.

The licensed traders have tried to keep whiskey away from them without success. They feel the Government should use an iron hand in dealing with this lawless class before the remaining Indians are completely demoralized.

When whiskey is driven beyond the reach of the Osages, education will begin to tell and the younger generation will be fitted to care for themselves in the days when the tribal relations with the Government are ended and annuities cease.

The howling of drunken Indians at the camps became a familiar sound, and fights and fatalities became common occurrences such as the one at Ralston where Theodore Harvey, a full blood was killed by Louis Tinker, a half-breed, in a saloon fight with pistols and knives. Such trouble in the border towns prompted the agent, Colonel H. B. Freeman to issue an order forbidding the Osages to leave the reservation under penalty of arrests and fines. At about the same time, he stopped the construction of a bridge across the Arkansas river which the Indians could use in getting liquor at the town of Blackburn.

During the following years until allotment and statehood, the affairs of the Osage Nation were in a turmoil as well as those of the individual Indians. Factional controversies over the allotment question, strife over the possession of tribal offices and lack of cooperation with the government caused Colonel Freeman to declare the tribal government had become a farce. In 1900, under the administration of O. A. Mitscher as agent, the Osage tribal government was abolished. The council was restored at the time of allotment in 1906. Agent Mitscher had this to say about liquor in his report: "Liquor still holds first curse to the Indians . . . . proximity of civilization and grog shops responsible.

One influence had appeared to displace the liquor habits of some of the Indians. More Osages were turning to the Peyote religious cult which had been introduced among the Osages by John Wilson, a Caddo-Delaware Indian, a number of years before. The adherents drank no alcoholic liquor and during a religious ritualistic ceremony, ate the Peyote button and drank a tea made from it. Peyote induced a beatific state and behavior of adherents was as different from that of the whiskey drinkers on a spree as that of peaceful sheep and rampant lions.

In 1905, Agent Captain Frank Frantz saw some improvement in law enforcement and in the drinking habits among the Indians. Most of them he said were sober excepting those who lived near the villages Gray Horse and Fairfax in the vicinity of the town of Ralston. Of these Indians and the saloons of Ralston, he wrote:

Small rooms there, are petitioned off in the rear of the buildings, fitted with dumb-waiters and various contrivences to prevent the Indian customer from seeing the person from which he is buying the liquor. Not uncommon sight to see 15 or 20 intoxicated Indians on the streets of Ralston at a time some almost naked having bartered their blankets for
whiskey or were stolen from them while in a drunken condition. Some of the women have become so debauched to make a practice of bartering their virtue something unheard of among the Osages a few years back.

Events around the turn of the century moved swiftly to profoundly effect the lives of the Indians, and the destiny of the future state of Oklahoma. The Congressional Act known as the "Curtis Act" brought marked changes in the status of the citizenship and property rights of the members of the Five Civilized Tribes. Their tribal governments were abolished, the United States courts supplanted the Indian tribunals and the Indians received allotments and became United States citizens.

All of these changes brought no improvement in the enforcement of the liquor laws on Indian lands, and the resulting lawlessness had finally become a national scandal. With characteristic vigor President Theodore Roosevelt decided to do something about it. He obtained a special appropriation from Congress and specified W. E. Johnson, who became known as "Pussyfoot," as a special officer to enforce the prohibition laws in the Indian country. Johnson, with fanatical zeal, and with about one hundred deputies and helpers, arrested whiskey peddlars, confiscated their horses and wagons, smashed kegs and bottles and burned gambling paraphernalia wherever he found it. He had some narrow escapes and a reward was offered by outlaws for his assassination. Christmas, 1906, during his crusade was said to have been the driest the Indian Territory had seen since the white people had first begun making their homes here.

Cleaning up the liquor traffic in the Indian Territory and the Osage Nation was a prelude to the Oklahoma Statehood Act of June 14, 1906, which prohibited the manufacture and sale of intoxicating liquors in the Indian Territory and the Osage Nation for twenty years. In submitting the constitution of the new state to the people, the question of extending prohibition over the remainder of the state was presented to a vote of the people, and prohibition was carried by a substantial margin.

The Osage Allotment Act long opposed by many of the Osage full bloods was passed by Congress almost simultaneously with the Oklahoma statehood bill.5 The land of the reservation was allotted among 2,229 individual Osages, of whom 1,303 were less than full blood and 926 were full bloods. Already rated the wealthiest people in the world per capita, they entered the new era with prospects of vastly increased riches to be derived from their oil and gas reserves. The blanket lease covering their entire reservation granted to Edwin B. Foster in 1896 was beginning to produce oil and gas in substantial quantities.

The fullblood Osage Indians were fewer every year. No wealth, however great, could restore them to their natural state and native ways. The white man's civilization had engulfed them and their own day was over.