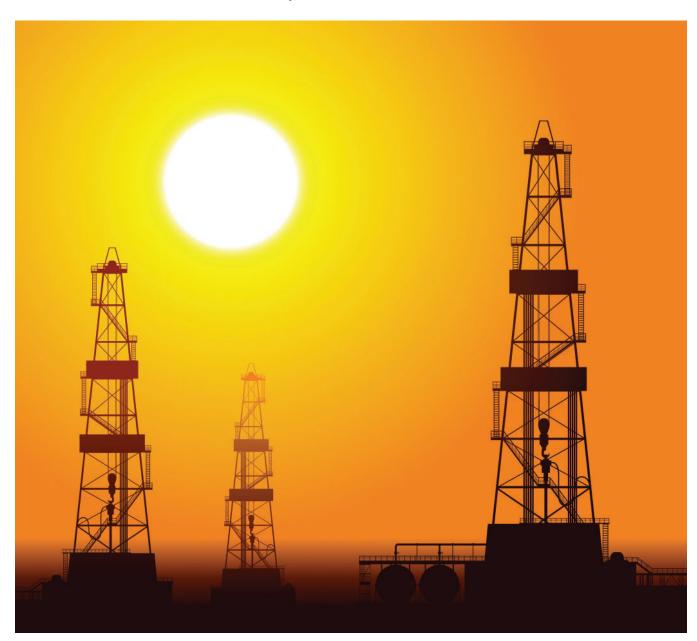
COLUMNIA AND A STOC

Reconciling Osage Betrayal: *Killers of the Flower Moon*

By Mike McBride III



airfax, Oklahoma, holds many secrets.

A century ago, Fairfax was a small and thriving rural community of Osages, farmers, ranchers, and oil workers. My grandparents moved there in 1931. They were farmers and operated a five-and-dime store on the main street, across from the Big Hill Trading Co. My

mom and aunt were born there. They grew up with Marjorie and Maria Tallchief, two Osage "Wazhazhe" citizens who later became world-famous ballerinas.

The Fairfax area was also the epicenter of unspeakable crimes fostered by a culture of greed, racism, and brutality for several decades in the nineteen-teens and twenties. My family told me stories about

incomprehensible tragedies. I heard whispered stories about unexplained killings, poisonings, mysterious drownings, and shootings—even a house blown up by dynamite blocks from my grandparents' home. I could not fathom the extent of the evil, treachery, and prejudice that once existed there. This became known as the "Reign of Terror."

As a young legal professional, I talked to Osage friends and elders. Most did not want to talk about the killings: even generations later, it is still very painful to recollect. Elders often avoided the subject. Why did this happen?

The Osage were forced from their Kansas reservation in the late 1800s due to increased non-Indian settlement pressure. They moved to Indian Territory—what would become the State of Oklahoma in 1907. They bought a reservation area in fee in a rocky scrubland that they hoped would immunize them from further non-Indian encroachment. The Osage held out until the end of the allotment process and shrewdly negotiated an agreement that retained all mineral interests in their reservation lands. It turned out that their lands were blessed with massive oil wealth.

Early laws set up a mineral estate, and each Osage received one of 2,226 headright shares. The Industrial Revolution, Model T cars, and the First World War catapulted the importance of crude oil production. Oil companies eager to develop paid million-dollar bonuses at auctions for oil leases. Suddenly, the Osage became the wealthiest people per capita in the world.

But massive wealth brought untold tragedy, betrayal, and breaches of trust.

Guardianship laws treated Osages as wards and as incompetents, and guardians unseemly profited from Osage wards. Non-Indians could inherit shares of the mineral wealth. Some married and killed to take and collect headright inheritances. Oklahoma was a young state with nascent and ineffective laws and institutions; local law enforcement, prosecutors, doctors, coroners, and even jurors and judges were corrupt. Osages sent their children away for protection, hired private investigators, and appealed to federal officials for help. A culture of greed and corruption grew and allowed this tragedy to occur.

Although the official Federal Bureau of Investigation (FBI) murder count was 24, some evidence suggests that hundreds of Osage perished at the hands of others over the span of a decade and a half or longer. We will likely never know the true number: many likely went undiscovered and unpunished and are lost to history.

The century-old story that was passed down to me and to Osages in fragments and whispers is now being spoken aloud—and is being heard across the nation. David

Grann's book *Killers of the Flower Moon* chronicles murderous treachery, the rise of the modern FBI, and even additional unsolved murders. Martin Scorsese and others purchased the movie rights and created a tremendous cinematic masterpiece just released to theaters after four years of production with a \$200 million-plus budget with acclaimed actors.

I worried initially whether Scorsese would respect Osage culture and tell the story from their perspective, with authenticity. I needn't have worried. Scorsese first came and met with Osage citizens in various communities, and he listened. He could have filmed elsewhere and kept the focus on the typical formula of the non-Indian perspective and the FBI. Instead, he produced and filmed most of the three-and-a-half-hour movie epic within the Osage Nation and extensively utilized the Osage language, clothing, customs, and Native actors.

Lily Gladstone (Blackfeet), who masterfully portrayed Mollie Kyle Burkhart, conveyed the dignity, modesty as well as mysterious warmth and charm I admire among Osage elders. She deserves great acclaim for her portrayal of this story of trust and betrayal.

Grann's book and Scorsese's movie (along with Dennis McAuliffe's 1994 book The Deaths of Sybil Bolton, which was re-named and re-released as Bloodlands following the success of Grann's book) have helped effectuate a catharsis for Osage people. They effectively tell the story of individual Osage citizens and the great wealth that attracted evil and corruption. While it's painful to watch the movie and read the book, the epic true story is now educating a global audience. The intergenerational trauma wrought by the Reign of Terror may finally be healing through telling and acknowledging this history.

Unfortunately, this important history may still not be told in Oklahoma schools. In many Oklahoma state public school districts, access to books that focus on race is restricted. *Killers of the Flower Moon* could be next. When I grew up in and around the Osage Nation, I did not learn about either the Osage Reign of Terror or the Tulsa Race Massacre in school. Both happened in 1921. I hope that our legal system never permits such a lapse of equal protection under the law ever again.

And I hope we tell these stories to our children so we can learn from our past and never repeat it.

Mike McBride III is a fourth-generation Oklahoman. He is a shareholder of Crowe & Dunlevy. He chairs the Indian law and gaming practice in the Tulsa office. He has focused his three-decade career on Native American law practice and scholarship, including service to Tribal nations as attorney general, and Tribal supreme court justice and he also served as general counsel to the Osage Nation.