

Lyda Oh Lyda: Lyda Conley was a lawyer when women, especially Native American Indian women, were not supposed to be lawyers. The year was 1909. And, not only was she a lawyer, she was one who challenged the U.S. government in court, and not just any court, the U. S. Supreme Court. When the federal government sought to develop the Huron Place Cemetery land, she argued that by law Native American burial grounds were sacred and entitled to federal protection.

Conley was of the Wyandot Nation, a well-educated, prosperous people of prominent lawyers, businessmen, abolitionists, suffragettes, and women of strength and courage. They had lived and prospered in Ohio on 110,000 acres of prime agricultural and forest acreage. Some of the land had been given to them in payment for the intelligence services they provided to colonial forces during the Revolutionary War. But now it was the time of the 1830 U.S. Indian Removal Act including the infamous Trail of Tears, and the white settlers coveted this land. For 13 years the Wyandots strongly resisted removal. But, they were removed.

Approximately 700 Wyandots were forced to the Kansas wilderness territories of the Great Plains west of the Missouri River. While they were encamped on the east banks of the Missouri where they were held during a summer of flooding and disease, as well as through the winter and spring of 1844, many died. Their bodies were carried across the river into Kansas Territory to be buried in Huron Park, a 1.9-acre plot granted by the U.S. government. Most were buried according to tribal custom wrapped in their blankets in unmarked graves. Thus the Huron Place Cemetery was established.

The Wyandots accepted their fate and began to establish a new life centered around the small cemetery. Streets were built and a town developed as a center of business and commerce. In 1855 the government offered citizenship to those Wyandots whom they deemed ready to join the white society.

At least 69 of those Wyandots so deemed, did not take the United States' offer to relinquish their tribal status and identity in exchange for citizenship. Among them was Hannah Zane, grandmother of Lyda, and Lyda's mother, then a minor. Those who accepted were then migrated from Kansas to Oklahoma. This divided the Wyandot Nation and divided their land in Kansas. But, the sacred burying ground remained intact.

Eventually, Kansas City's growth surrounded the cemetery and by 1906 developers wanted to expand on this prime property. The U.S. citizen Wyandottes in Oklahoma approved sale of the cemetery for development. Congress then authorized the sale with proceeds to go to the citizen Wyandottes in Oklahoma.

Conley and her two sisters, Ida and Lena, strongly disagreed with the proposed sale and announced they would protect the graves of their ancestors, with shotguns if necessary. Their mother was buried there, their sister Sarah, many cousins, aunts, uncles, their grandmother, Hannah Zane, and countless others. The three sisters marched to the cemetery, built a 6 x 8 frame shack, moved in and defended the cemetery for more than 3 years.

Throughout this period Lyda, who had graduated from Kansas City School of Law in 1902 (one of 4 women of the 67 to graduate) and who was the first woman admitted to the Kansas bar, prepared herself for legal action by an assiduous study of law books, to better contest the government order. It was a unique legal situation. The rightful ownership of the cemetery between the two Wyandot Nations was in doubt. But only one group had federal recognition for the legality that was to be solved by the Department of Justice.

The Wyandots were a matriarchal and matrilineal society with women influential in all matters of business and politics, i.e., Conley's grandmother who refused to choose between becoming a citizen or being deemed "incompetent," and Conley's mother who denied the government's wish that she become a citizen, albeit the government's wish prevailed.

As a young woman, Lyda rowed a boat every day across the Missouri River to attend Park College in Missouri. Lyda was widely read, traveled, and corresponded with many beyond Kansas City. At a time when women especially, but really anyone, were not supposed to challenge the powerful, or articulate legal theories that minority people were not allowed to assert, Lyda did both.

In 1907 Conley filed a petition in the U.S. Circuit Court for the District of Kansas for injunction against the government's authorization of sale. The court ruled against Conley so she appealed. The case went to the Supreme Court of the United States, where Conley was allowed to argue the case. U.S. Supreme Court Justice Oliver Wendell Holmes ruled in favor of the lower courts that the government's proposed action was legal. Conley petitioned for rehearing. Her petition was denied on May 2, 1910.

After nearly three years of litigation Conley had lost. The path again was cleared, at least legally, for the sale of the Huron Place Cemetery. But Conley's passionate fight to save the cemetery was far from over. Lyda Conley would not admit defeat.

To be continued.

Sources: http://en.wikipedia.org/wiki/Lyda_Conley

"Trespassers, Beware!: Lyda Burton Conley and the Battle for Huron Place Cemetery", Kim Dayton, Yale Journal of Law and Feminism, 1996, at Women's Legal History, Stanford University, accessed 25 Feb 2009

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