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Author

Thorne, Tanis C

Publication Date

2003-04-01

DOI

10.1093/anb/9780198606697.article.2001869

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(01 January 1856?-29 May 1934)

Tanis C. Thorne

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Published online: April 2003

Barnett, Jackson (01 January 1856?-29 May 1934), wealthy American Indian, was born in the Creek Nation, Indian Territory, the son of Siah Barnett, an African-Creek farmer, and Thlesothle, a Creek woman. During his childhood the Civil War violently split the Creek people, and the countryside was ravaged. Siah Barnett fled to Kansas with the Loyal Creeks. Thlesothle died in a refugee camp near Fort Gibson as the war ended. Given into the care of maternal relatives, the orphaned Jackson spent much of his youth and early adulthood transporting people and goods across the Arkansas River at John Leecher's ferry above Muskogee. While working as a ranch hand, Barnett fell from a horse and sustained a head injury. In the 1880s or early 1890s, Barnett relocated westward to the central Creek Nation, where he built a small cabin and established himself in a network of paternal kin. A shy man with a beaming smile, Barnett formed no romantic relationships with women. He spoke both English and Creek, but he had no schooling and led an obscure life as an unskilled laborer.

The Curtis Act of 1898, which forced the partition of communally held Creek lands and resources and subordinated the Indians to the state of Oklahoma, resulted in the dissolution of the Creek Nation. These were hard times. Between 1895 and 1912 Barnett, who owned little more than a horse and a saddle, became a homeless, itinerant laborer moving from farm to farm among Creek friends and relations. He was among the Creeks who supported the failed uprising led by Chitto Harjo (Crazy Snake) between 1900 and 1909 to restore treaty-based sovereignty and to block the division of Creek lands. In 1903 Barnett received title to 160 acres in Creek County, Oklahoma, as his share of the Creek estate, but he had little understanding or regard for private landownership; the deed was filed under the roof of his employer's shed. In 1906 Congress passed the Burke Act to protect vulnerable Indians like Barnett. According to this act's provisions, the Interior Department assumed managerial responsibility for "restricted" Indians, holding their property in trust.

In 1912 the discovery of the Cushing oil field in Creek County brought a dramatic reversal in Barnett's fortunes. The Interior Department supervised the negotiation of a lucrative oil lease on his behalf, but only after his mental competency was contested by self-interested parties in politicized hearings. The Okmulgee County Court succeeded in establishing jurisdiction, and a local guardian was appointed to oversee the affairs of the "incompetent" Barnett. A homestead was purchased for Barnett outside Henryetta suitable to his modest needs. During World War I rising demand for oil and spectacular strikes in the Cushing field brought Barnett's fortune to \$47,000 a month, and he was crowned the "wealthiest Indian in the world" by the *New York Times*. The Barnett fortune, roughly equivalent to \$30 million in 2002 dollars, was a magnet for dozens of schemers, including those empowered as his guardians. Childless and illiterate, the elderly Barnett was described by federal judge John Knox as the "shuttledore in a game of battlecock, in which the stakes were high" (*Barnett v. Equitable*, 1927). In 1919 lobbying efforts from Oklahoma churches to convey Barnett's "surplus" funds to philanthropic purposes met with the approval of the Indian Bureau. Plans for the Jackson Barnett Hospital in Henryetta, however, were suspended when the gold digger Anna Laura Lowe (1881-1952) persuaded the compliant Barnett to marry her after one meeting. Failing to secure a wedding license in

Oklahoma, the couple was married on 23 February 1920 in Coffeetown, Kansas. They had no children from this marriage. Efforts by the Indian Bureau and the Oklahoma guardian to nullify the marriage were unsuccessful. In late 1922, with Barnett's approval, Commissioner of Indian Affairs Charles Burke, arch foe of the Oklahoma guardianship system, brokered an agreement in which two trusts were created, splitting the estate between Anna Barnett and Bacone Indian College, a Northern Baptist institution.

The Barnetts, freed from the Oklahoma guardian, immediately relocated to Los Angeles, California. A colonial-style mansion on Wilshire Boulevard in the elegant Hancock Park neighborhood, befitting the millionaire Indian, became the Barnetts' new home. During his last years Barnett enjoyed a comfortable standard of living, engaging in his favorite pastimes of riding ponies and directing traffic at the busy intersection opposite his home. The genial, wealthy Indian became a Los Angeles icon.

From 1923 to 1929 a whirlwind of controversy swirled around the legitimacy of the Indian Bureau's action in creating the trusts. Vigorous opposition came from Barnett's Creek relatives (for whom no provision had been made) as well as Barnett's guardian, politicians, lawyers, and judges within Okmulgee County, who believed the federal government had overstepped its authority by giving away the estate of a mentally enfeebled Indian to a woman of poor moral character. These disgruntled Oklahomans generated a storm of litigation over the trusts and instigated a sequence of humiliating congressional investigations into the Burke administration's mismanagement of Indian affairs. The educational endowment to Bacone was revoked after Barnett was judged incompetent by a 1927 federal court decision, *Barnett v. Equitable*. Another federal court ruling annulled the Barnetts' fourteen-year consensual marriage and denied Anna Barnett any right to Jackson Barnett's property, including the family home. Soon afterward Jackson Barnett died in Los Angeles. The estate was divided among approximately three dozen Creek claimants and their lawyers.

Barnett achieved celebrity status in the popular culture for his fairy-tale life as a fabulously wealthy Indian, and the saga of his contested fortune made his story the most significant Indian policy case of the 1920s. This simple, imperturbable man was the still center of a violent struggle pitting the Justice Department against the Interior Department and federal power against state power. The Barnett scandal brought intense public scrutiny to many undemocratic aspects of law and policy, such as the Indian Bureau's abuse of authority over restricted Indians' property, which was underpinned by the belief in Indians' cultural and intellectual inferiority. The battle over Barnett's fortune emblemized the way law and prejudice combined to permit the legal robbery of Indians' lands and resources nationally in the postallotment era. The notorious Barnett case added considerable momentum to the reform spirit building in Congress in the 1920s that culminated in the reform legislation of the Indian New Deal in the 1930s.

Bibliography

The richest sources for Barnett's life are government documents, especially those preserved in Record Groups 21, 48, 60, 75, and 118, depositions, exhibits, newspaper articles, and other primary documents, that are part of the public record in the extensive litigation over the Barnett fortune. They are held in facilities of the National Archives and Records Administration in Fort Worth, Texas, Laguna Niguel, California, College Park, Maryland, and New York City. Another excellent source is the Justice Department's exhaustive research published in the U.S. Senate Subcommittee on Indian Affairs's *Survey of Conditions of the Indians in the United States*, 70th Congress, 2d sess. (microfilm; 1928–1944). Relevant court decisions available online include two Supreme Court opinions at FindLaw (see

links below) and various others through the subscription-based service LexisNexis, including *United States v. McGugin* (1928), Lexis 1441; *United States v. McGugin* (1940), Lexis 3628; *Barnett v. Equitable* (1927), Lexis 1374; and *United States v. Mott* (1929), Lexis 1309.

Tanis C. Thorne, *The World's Richest Indian: Jackson Barnett* (in press), assesses Barnett's place in transforming twentieth-century Indian policy and law. A thumbnail sketch of Barnett is Donald Fixico, "Jackson Barnett and the Allotment of Muscogee Creek Lands," in *The Invasion of Indian Country in the Twentieth Century: American Capitalism and Indian Natural Resources* (1998). Barnett's first biographer, Benay Blend, framed the Barnett case's significance in terms of its reform of the Oklahoma probate system in "Jackson Barnett and the Oklahoma Indian Probate System" (master's thesis, Univ. of Texas at Arlington, 1978). A shorter article by Blend was published under the same title in *Essays in History: E. C. Barksdale Student Lectures 7* (1978–1979): 5–39. The first historical assessment of Barnett was a brief analysis in Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (1940; repr., 1984), which contextualizes the case in terms of Oklahoma's sad history of exploitation of the Five Civilized Tribes.

Online Resources

Jackson Barnett, the "Richest Indian" <http://freepages.genealogy.rootsweb.com/~texlance/jackson/jackson.htm> [_<http://freepages.genealogy.rootsweb.com/~texlance/jackson/jackson.htm>](http://freepages.genealogy.rootsweb.com/~texlance/jackson/jackson.htm) Lance Hall, Barnett's great, great, great half nephew, has developed the best websites on Barnett. Hall is a genealogist who has published a wide array of Barnett primary materials, including photographs, inventories of archival documents, full-text newspaper accounts, and transcripts of court testimony. This site presents a compilation of newspaper articles, along with summaries of Barnett's life "before the money" and the disposition of his estate, and links to additional resources such as a partial list of filings in the estate litigation.

Jackson Barnett Photos <http://users3.ev1.net/~lancehall/jackson/photos.htm> [_<http://users3.ev1.net/~lancehall/jackson/photos.htm>](http://users3.ev1.net/~lancehall/jackson/photos.htm) A gallery assembled by Lance Hall.

Jerry Fink, "Jackson Barnett" <http://www.rootsweb.com/~okmcinto/Married/barnettj.htm> [_<http://www.rootsweb.com/~okmcinto/Married/barnettj.htm>](http://www.rootsweb.com/~okmcinto/Married/barnettj.htm) A synopsis excerpted from an article published in the *Tulsa World Sunday Magazine*, 20 June 1982.

Mott v. United States (1931) <http://laws.findlaw.com/us/283/747.html> [_<http://laws.findlaw.com/us/283/747.html>](http://laws.findlaw.com/us/283/747.html) The Supreme Court's opinion invalidating a legal fee paid by Anna Barnett from funds given to her by her husband.

United States v. Equitable Trust Co. of New York (1931) <http://laws.findlaw.com/us/283/738.html> [_<http://laws.findlaw.com/us/283/738.html>](http://laws.findlaw.com/us/283/738.html) The Supreme Court's opinion reducing the allowance for attorneys' fees in the lawsuit invalidating the Bacone trust.

