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The Interior Department, War Department and Indian Policy, 1865-1887

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THE INTERIOR DEPARTMENT, WAR DEPARTMENT
AND INDIAN POLICY, 1865-1887

by

Henry G. Waltmann

A DISSERTATION
Presented to the Faculty of
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Under the Supervision of Dr. James C. Olson

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PREFACE

More than eighty years ago Maj. Gen. Philip H. Sheridan, a veteran commander of troops in the trans-Mississippi West, candidly predicted, "...there is no subject connected with the history of the country which will be more interesting to the future student than the fate of the red man...." While the comparative popularity of historical topics may be mooted, it is certain that scholars, as well as casual observers, have shown extraordinary interest in Indian affairs, particularly in the post-Civil War era. Anthropologists, ethnologists, sociologists and western, cultural, military, social and administrative historians have done extensive research in this field. Numerous works have been published on the last Indian wars, tribal and regional Indian history, the cultural clash between the red and white races, the experiments of humanitarians and reformers, the dispossession of the tribes and the development of the government's Indian policy.²


Still our knowledge of the Indian and the history of Indian-white relations is far from complete. Until recently, for example, little work had been done to synthesize and interpret the role of the red man within the purview of western or national development. Pleas have been made for a more balanced approach to various aspects of Indian affairs. Many standard works are one-sided, because they present a more or less pro-Indian or anti-Indian point of view or concentrate upon European-American expansion, treating the Indian as an impersonal, environmental factor. Opportunities exist, too, for example, for a comprehensive examination of the impact of political, social and economic trends upon Indian policy.

The present study focuses upon another significant, but neglected, aspect of Indian history — the inter-relation between the War and Interior departments and Indian policy. Some analysts have briefly mentioned the difficulty entailed in not having a clear understanding of which branch of

3Hagan, op. cit., provides a provocative overview of the impact of the Indians upon American history but does not exhaust the subject.

government should act upon the tribes. "A cardinal error of the government," one prominent historian observes, "lay in tolerating a vague division of authority over the Indians between the war and interior department."\(^5\)

Those primarily concerned with the Army's campaigns against hostile tribes have also mentioned the interdepartmental problem. "The Indian Bureau," one author states with obvious bias, "...hamstrung the Army right and left when it had the chance."\(^6\) Others more interested in the Indians' side of the story have cited the same difficulty, arraigning the Army for vindictiveness and interference.\(^7\) Still others, with greater objectivity, have summarized the contest between the departments over control of the Indian Bureau.\(^8\) By examining the question of Indian management during the generation after the Civil War in some detail, the author has endeavored to demonstrate the nature and significance of this dual system and its implications for the nation and its wards.

\(^5\) Allen Nevins, The Emergence of Modern America (New York, 1927), 104.
\(^6\) Fairfax Downey, Indian Fighting Army (New York, 1957), 41.
\(^7\) Perhaps the best example of this viewpoint is found in George W. Manypenny, Our Indian Wards (Cincinnati, 1880).
\(^8\) Loring B. Priest, Uncle Sam's Stepchildren (New Brunswick, 1942), Chapter Two; Donald J. D'Elia, "The Argument Over Civilian or Military Indian Control, 1865-1880," The Historian, XXIV (February, 1962), 207-225.

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The period which has been chosen for analysis, 1865 to 1887, was decisive in the history of Indian-white relations, for it was in these years that westward expansion rapidly closed the frontier and increased inter-racial contacts. From the point of view of the red man, it was an era of social and cultural crisis and the last stage of white exploitation. For the government, it was a time of decision, because it was no longer possible to temporize with the Indian question. The passage of the Dawes Severalty Act of 1887, which established a general system of private land-ownership and citizenship for most Indians and which has been taken as the concluding point for this investigation, has commonly been interpreted as a turning point in Indian history.

The writer is indebted to those who have aided in this study. He is grateful, first of all, to Dr. James C. Olson, Professor of American History at the University of Nebraska for his encouragement and assistance in the preparation of this manuscript. Professor Olson's patient reading of original drafts and suggestions, based upon extensive familiarity with Indian affairs, have been of special benefit. Secondly, for financial assistance, he is obliged to the Addison E. Sheldon Foundation and Board of College Education of the American Lutheran Church. Fellowships from these sources enabled him to spend several
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CHAPTER ONE

1865: AN AUSPICIOUS AND FITTING TIME

The question is now squarely before us. Either the extermination of the Indian tribes or a humane policy which shall save them from so cruel a fate and at the same time secure from danger white emigrants. The present system of Indian policy has only to be pursued a few years longer and...it is certain that no Indians will be left to treat with. ( Maj. Gen. John Pope, May 23, 1865)

The historic ceremony at Appomattox on April 9, 1865, helped set the stage for a renewed assault upon the seemingly irrepressible Indian Question. Both Lt. Gen. Grant, who accepted Lee's surrender, and Brig. Gen. Ely S. Parker, author of the surrender document, were destined to play leading roles in federal relations with the red men inhabiting vast untamed regions of the West. Similarly, Maj. Gen. William T. Sherman, who presently received the sword of Confederate General Joseph E. Johnston, was to spend many years commanding troops in Indian country. Many officers and men -- not only from the triumphant North -- were to fight, defend or supervise the nation's "wards" while the country labored to "bind up its wounds."

Reconstruction was barely begun when President Andrew Johnson told Secretary of the Interior James Harlan that he was anxious to solve the Indian problem. Victory over the rebellious states, he contended, was proof to the tribes that the government was determined to maintain its honor and power. On June 22, Harlan relayed this message to Commissioner of Indian Affairs William P. Dole, explaining,

... the President deems the present an auspicious and fitting time for the renewal of efforts to impress upon the Indians in the more distant territories, the rapidly increasing and pressing necessity for the abandonment of their wild and roving habits, and the adoption, in their stead, of the more peaceful and industrial arts of civilized life.  

The task thus described devolved upon two departments: the Interior Department, in charge of the Indian Bureau and its network of superintendencies and agencies, and War Department, central authority for the military departments and scattered outposts on the frontier. In theory, most tribes, through treaties, were under the management of the civil branch. In practice, the military branch, which had been nominally in control of Indian affairs from 1789 to 1849, had jurisdiction over hostile Indians. Hostility, however, was not easily defined and neither department's interpretation was supreme. The result was confused and divided control, accompanied by constant

2 Secretary of the Interior James Harlan to Commissioner of Indian Affairs William P. Dole, June 22, 1865, Miscellaneous Letters Received by the Office of Indian Affairs, National Archives, Record Group 75. Hereafter these records are cited I.O.L.R., Misc., followed by the symbols NA, RG for National Archives, Record Group, then the record group number.
bickering over whether civil or military jurisdiction was most conducive to permanent solution of the Indian problem.\(^3\)

Urgency attended these inter-departmental differences, for the "march of empire," partially abated by the Civil War, was beginning to gain tempo. Each year millions of acres were being claimed by settlers under the Homestead Act and other liberal land laws. Railroad crews were busy laying track for the first transcontinental and shorter roads along the fringe of settlement. Numerous freight trains were creaking overland to frontier colonies. Daily more emigrants were setting out for mountain valleys where they hoped to discover mineral wealth. From the south bawling herds of longhorns were being driven toward shipping points in Missouri and Kansas.

Many contemporaries, particularly in the East, lamented the effects of such intrusions upon the Indian country. Others, most vocal in the West, defended these developments as "manifest destiny.\(^4\) Early in 1865 Minnesota's eloquent congressman, Ignatius Donnelly, declared, "It is the destiny of the white man to overrun the world; but it is as plainly his destiny to carry in his train the great forces which constitute his superiority -- civilization and Christianity." Precursing

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\(^3\) Priest, op. cit. 15ff.; D'Elia, "The Argument Over Indian Control," 207; Marvin H. Garfield, "The Indian Question in Congress and in Kansas," Kansas Historical Quarterly, II (February, 1933), 29.

social Darwinist arguments, Donnelly continued, "We...are a superior race sharing its noblest privileges with the humblest of mankind and lifting up to the condition of freedom and happiness those who from the dawn of time have been either barbarians or slaves."5

Subjugation of the Indian for his own good was an old and controversial argument, enlivened by post-bellum expansion. Before considering government relations with the tribes in the latter part of 1865, the writer will comment on the nature of the Indians, pre-Civil War Indian policy, Indian affairs during the war, and circumstances affecting the Interior and War departments at war's end.

THE INDIANS IN 1865

In his annual report for 1865 Commissioner D. N. Cooley indicated that the government was in charge of nearly 308,000 Indians belonging to over one hundred and eighty tribes and bands which were assigned to sixty-four different agencies and sub-agencies. 6 Most of these native groups were governed by one or more treaties obligating the United States to provide them with annuities, "beneficial objects," schools, white supervisors and so forth. Many also had substantial amounts of property or money held in trust by the government. 7 The

5Congressional Globe, 38th Congress, 2 sess., appendix, 61.
6Annual Report of the Commissioner of Indian Affairs, 1865 (Washington, 1865), 589-590. Hereafter these documents are cited CIA, followed by the year.
7Ibid., 549-575.
administration of Indian affairs, therefore, was a complex proposition.

Relations with the tribes were further complicated by the Indians' diverse character, economic status, strength, disposition and previous experiences with white men. The assumption that an Indian was an Indian was wholly inaccurate. "This is simple truth," one nineteenth century observer asserted. "There is as much difference between a Pueblo and an Apache, or a Nez Perce and an Arapaho, as there is between a Broadway merchant and a Bowery rough." In commenting on early tribal differences, many of which were still evident in 1865, a modern scholar discounts the "average Indian" concept as follows:

The Chippewas rode in a birchbark canoe, the Chickasaw in a dugout; the Sac slept in a bark wigwam, the Kiowa in a skin tepee, and the Pueblo in a stone apartment house. The Seminole hunted with a blowgun, the Sioux with a bow. Did this average Indian take his foe's head for a trophy, or did he content himself with just the scalp, and did the scalp include the ears? Did he grow corn, or dig camas roots, or spear salmon? Was boiled puppy a delicacy or a last resort to stave off famine? The Papagoes regarded war as a form of insanity, the Comanches gloried in it. The list of variations seemed infinite, and well it might when it is noted that perhaps as many as six hundred cultures were involved.

There were distinctions not only among the tribes but between bands belonging to a certain tribe. This was evident in means of subsistence, political organization, military capabilities or propensities and social standards. In part, these

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variations were based on the Indians' response to the influences of white men, for some adopted new tools, weapons, techniques, customs and tastes more readily than others. 10

Post-war policy-makers, however, were seldom experts on tribal distinctions. Their basic consideration was whether tribes threatened or impeded national (white) security, expansion and progress. Hence, they gave limited attention to weak, peaceable and sedentary bands such as the California "Diggers," the Colorado Hopis and Zunis, or the Klamaths of Oregon. Nor did they give extensive consideration to more acculturated eastern groups such as the Lake Superior Chippewas, Green Bay Oneidas or Five Civilized Tribes of the southern plains. The tribes considered to be the crux of the Indian problem were the powerful, mounted, warlike and nomadic Sioux, Crows, Comanches, Kiowas and Apaches of the Great Plains and Southwest.11 Many of these red men denied federal authority, refused to be restricted to reservations, and effectively demonstrated their military prowess against Army expeditions in their country. These were variously identified as "non-treaty" or "non-agency" Indians, as "non-progressives," "hostiles,"

10 Ibid., 3-5. See also Frederick Webb Hodge, Handbook of American Indians (Washington, 1907), 2 volumes; Clark Wissler, The American Indian (New York, 1917).

11 John Collier, Indians of the Americas: The Long Hope (New York, Mentor Series, 1954), 133; Annual Report of the Secretary of the Interior, 1865 cited in Benjamin Parley Poore, Messages from the President of the United States.... (Washington, 1866), 311-312. Hereafter these documents are cited SI, followed by the symbol (P) if found in the Poore series and the year.
"intractables," or "blanket Indians."\textsuperscript{12}

Problematic as were the wild migratory Indians, others supposedly living at peace on reservations caused many headaches for Indian officials through their erratic progress toward civilization. Agency Indians of the Pacific Northwest, for instance, varied greatly in their conditions. On a visit to this area in the summer of 1865, Senator James W. Nesmith, of Oregon, was impressed by the advancement and habits of the Yakamas and, particularly, the Nez Perce.\textsuperscript{13} The latter he termed "the finest specimens of the aboriginal race." The Walla-wallas and Umatillas appeared "comparatively wealthy,"\textsuperscript{14} had good farms and comparatively high morals, and were active Catholics. But, Nesmith observed, the Puyallups showed a tendency toward "idleness, vagrancy, dissipation, and indifference upon the subject of future wants." The Skokomish Agency Indians were away "gathering berries, catching fish, prostituting their women, gambling and getting drunk, the latter of which appears to be their favorite occupation."\textsuperscript{15} Pessimistically the Senator concluded that all the tribesmen of Oregon, Washington and Idaho had "savage instincts which

\textsuperscript{12}CIA and SI, 1865-1887, passim.

\textsuperscript{13}Nesmith was a veteran of Indian wars in the Northwest in the period 1848 to 1856 and served as Superintendent of Indian Affairs for Oregon from 1855 to 1859. (Dict. Am. Biog., XIII, 430).

\textsuperscript{14}Senate Report No. 156, 39th Cong., 2 sess. (Serial 1279), 1867, 9. Hereafter these documents are cited Sen. Rpt.

\textsuperscript{15}Ibid., 5-7.
experience has taught us the impossibility of overcoming." Their condition might be "ameliorated to some extent," but real progress could not be expected.16

Although inclined to be optimistic or even over-optimistic about the advancement of their charges, many agents too had their doubts. The Ponca, Delaware and Omaha agents offered favorable evidence of enlarged farming and stock-raising operations and growing interest in education among their Indians.17 The Tulalip agent, however, lamented that youngsters were deserting the school and fields.18 At Fort Bridger, Agent Luther Mann, Jr. was disgusted by the Eastern Shoshones' refusal to shed leggings and breech-clothes and give up the chase. He proposed that they be "corralled" like wild horses.19

In general, the Indians of 1865 were an uncivilized people. Most of them lived in much the same way that their ancestors lived when the United States was founded. For every thousand red men there were but one hundred and sixty acres under cultivation, twenty permanent dwellings and fewer than eight students in agency schools in spite of the fact that the government had long engaged in the work of reforming its wards.20

16 Ibid., 16.
18 Ibid., 75.
19 Ibid., 159.
20 Ibid., 588. These figures include the civilized tribes of the Southern Superintendency, which improved the overall picture.
PRE-CIVIL WAR INDIAN RELATIONS

Some aspects of the government's policy toward the various tribes were determined long before the adoption of the Constitution. The first colonial powers uniformly recognized the aborigines' right of possession, yet claimed ultimate sovereignty and fee simple, or actual ownership of the land. Hence, the practice of allowing the Indians to occupy certain areas until they formally relinquished their possessory title.  

Aside from land titles, the tribes were treated as separate nations, free to govern themselves, provided they did not endanger or interfere with white settlement. British officials acknowledged the statehood of native groups through treaties and other transactions. Colonial governments also had independent dealings with the red men on this basis, thereby complicating Indian relations. One of the earliest American efforts to systematize the administration of Indian affairs came in 1775, when the Continental Congress set up three Indian departments — Northern, Middle and Southern — each under three to five commissioners.

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23 George D. Harmon, *Sixty Years of Indian Affairs* (Chapel Hill, 1941), 1; *Journals of the Continental Congress, 1774-1789*, (Washington, 1905), 175. Hereafter the latter source is cited J.C.C. The British earlier sought to improve the administration of Indian affairs through two loose superintendencies and measures such as the Proclamation of 1763. See Jack M. Sosin, *Whitehall and the Wilderness: The Middle West in British Colonial Policy, 1760-1775* (Lincoln, 1961).
Various precedents for federal policy were established in the period 1776 to 1789. Some treaties signed by Congress, for example, contained provisions common to later agreements. During the Revolution Indian matters were governed by a committee of Congress which acted upon recommendations from the Board of War. After 1783, though, illicit trade and negotiations by individuals, states and foreign powers demonstrated the need for orderly expansion and stronger central authority over the tribes. Certain laws passed under the Articles of Confederation were designed to meet these exigencies. The Ordinance of 1785 provided orderly survey and sale of western land; the Ordinance of 1786 reduced the number of superintendencies to two and made Indian superintendents responsible to the Secretary of War; and the Ordinance of 1787 included Congress' pledge to protect Indian property and rights in Northwest Territory.

If the Confederation produced an Indian policy of "considerable direction and energy," as one author maintains, it was nonetheless an ambivalent policy. For under the Articles of

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24 The first treaty with the Delawares (1778) obliged Congress to provide the Indians with clothing, utensils and weapons, "well-regulated trade" and an "intelligent, candid agent" and guaranteed them possession of their land while they remained at peace. (United States Statutes at Large, Vol. 7, 13.) Hereafter this source is cited: volume number, Stat.L., and page.

25 J. C. C., XIV, 600; Schmeckebier, op. cit., 15; Harmon, op. cit., 5-6.


27 Harmon, op. cit., 5.
Confederation, as later under the Constitution, while "professing to desire to civilize and settle this hapless people, the policy of removing them from their homes, whenever the demands of white settlers...or the schemes of speculators...were urged...was persistently pursued." 28

Delegates to the Philadelphia Convention of 1787 did not deliberate at length upon the Indian question. James Madison, however, expressed an opinion in Federalist Number Forty-Two that the Articles were faulty regarding tribal relations. He noted that Congress was prohibited from infringing upon the internal rights of states and trading with Indians who were "members" of a state. Which Indians this excluded and how those not excluded might be regulated was not explained. 29

The Constitution offered a solution to the latter problem. In Article I, Section 8, Clause 3 Congress was granted power "to regulate commerce...with the Indian tribes." But the legal status of the Indian was not clearly stated. Section II, Clause 3 of the first article excluded Indians from apportionment for purposes of representation and taxation. But until the Dawes Act of 1887 the question of Indian citizenship was a highly controversial subject. 30 Other provisions having


29Jacob E. Cooke, ed., The Federalist (Cleveland, 1961), 282, 284.

30For a discussion of Indian citizenship and the effects of the Fourteenth Amendment see Sen. Rpt., No. 268, 41st Cong., 3 sess. (Serial 1443), 1870.
special effect upon the nation's wards were Article II, Section 2 and Article VI, Section 2, which empowered the President to make treaties "by and with the consent of the Senate" and made such agreements the "supreme law of the land."

Significantly, from the beginning, the federal government based its relations with the Indians upon moral as well as legal and traditional grounds. It recognized, first, that the Indians were too uncivilized to readily adopt or compete with the economy of white men. Secondly, it admitted that the untutored and inexperienced red men needed protection against whites who sought to exploit them. Finally, as trustees of Indian land and property which was exempted from state taxation, it accepted responsibility for public expenses in connection with Indian affairs.

Credit has been given President Washington and his associates for setting this moral tone while establishing many fundamental procedures for relations with the Indians. When the War Department was created in August, 1789, the Secretary was given responsibility for Indian affairs. Secretary Henry Knox, like Washington, advocated humanitarian treatment of the Indians. The first President signed into law many landmark

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31 James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1902, (Washington, 1907), I, 21ff.
32 Schmeckebier, op. cit., 9-11.
33 1 Stat. L., 49.
34 Walter Lowrie and Matthew St. Claire Clark, eds., American State Papers: Documents, Legislative and Executive...1789-1815. Indian Affairs (Washington, 1832), II, 53.
bills. One provided the first appropriations to negotiate new treaties (1789); another made territorial governors Indian superintendents (1789); a third introduced a series of intercourse laws with the tribes (1790); and a fourth furnished the general appropriations for supporting the Indians (1793). Washington also stressed the importance of selecting "qualified and trusty" Indian agents. Finally, he signed a treaty in 1790 with the Creeks which became a pattern for later treaties by promising the Indians annuity payments and gratuitous issues of livestock and farming equipment for land cessions.

From the end of Washington's administration until the latter 1820's the government continued what has been termed a policy of "persuasion and negotiation." The purchase of Louisiana in 1803 greatly enlarged the scope of Indian relations. Subsequently, the expediency of removing the tribes to a single large reservation beyond the Mississippi occurred to President Jefferson and was implemented by succeeding Presidents. Until about the time Jackson entered the White House, removals were ostensibly voluntary. In reality, tribesmen were subjected to a series of "land grabs" which were, one critic observes, "veiled by the quasi-legal expedient of transactions

37 Stat. L., 35.
38 Harmon, op. cit., 169.
39 Ibid., Harmon dates the beginning of a "new coercive policy" with the J. Q. Adams administration.
under duress and of treaties that were fraught with subterfuge. Even nefarious negotiations such as the Delaware and Potawatomi treaty of 1809 and Indian Spring Treaty of 1825, relieved the red men of millions of acres.

Even more severe treatment was accorded many eastern Indians in the 1830's and 1840's. Although President John Q. Adams and his Secretary of War, James Barbour, criticized past injustices to the natives, their proposed "solution" was colonization in the trans-Mississippi country. Under President Jackson, a former Indian fighter, an act was passed "to provide for the exchange of lands with the Indian tribes in any of the States or Territories and for their removal west of the river Mississippi." This program was executed forcibly by Jackson and sanctioned, to a degree, by the Supreme Court. In the famous case, Cherokee Nation vs. Georgia (1831), Chief Justice John Marshall denied a Cherokee appeal for an injunction against removal by the State of Georgia, characterizing the tribes as "domestic dependent nations" with a relation to the government

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41 In the former negotiations the Indians gave up three million acres for seven thousand dollars and one thousand seven hundred and fifty dollars in annuities. After the latter transaction, some of the Creeks assassinated Lower Creek Chief William McIntosh for treason. (Ibid., 35-37).

42 House of Representatives Report No. 93, 45th Cong., 3 sess. (Serial 1866), 1879, 5. Hereafter these documents are cited HR Rpt.

like that of a ward to his guardian. Eventually the "wards" were exiled to their big "permanent" reservation beyond the Mississippi, but episodes such as the Black Hawk War (1832), the "death march" of the Cherokees (1838), and the Seminole War (1835-42) left indelible blots on the annals of American history.\(^44\)

On the positive side of the ledger, the Twenties and the Jacksonian Era witnessed significant changes in Indian administration. In 1824 Secretary of War Calhoun created the Bureau of Indian Affairs, staffed by a head of the bureau, a chief clerk and an assistant.\(^46\) On July 9, 1832, Congress authorized President Jackson to appoint a Commissioner of Indian Affairs to head the Bureau and carry out policies of the War Department.\(^47\) Two years later, after investigators described the Indian system as "expensive, inefficient, and irresponsible," two other important laws were passed. One enlarged and reorganized the "Department" (Bureau) of Indian Affairs.\(^48\) The other empowered

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\(^{44}\) Peters, 16-17. In 1832 the Court ruled Georgia could not act upon individual Indians, but Jackson refused to interfere with the state's forcible removal policy.

\(^{45}\) See, for example, Blumenthal, op. cit., 81-85 and passim. In the Seminole War a bounty of two hundred dollars was offered for dead Indians and twenty million dollars were spent fighting the red men.

\(^{46}\) HR Document No. 146, 19th Cong., 1 sess. (Serial 138), 1826, 6.

\(^{47}\) Stat. L., 564.

\(^{48}\) Stat. L., 735. The Reorganization Act of 1834 primarily affected the superintendencies and agencies. In 1837 the "Department" was again classified as a bureau of the War Department.
the President to regulate Indian trade by prohibiting certain
goods and issuing and revoking licenses. In addition, the
Secretary of War in 1836 and 1837 issued elaborate directives
prescribing the duties of the Commissioner and other officers
who handled Indian funds, supplies and subsistence.

Contrary to the later claims of military spokesmen about
the efficiency and purity of the Indian service under War De­
partment control, abuses occurred. In 1842, for example, an
investigation revealed "an almost total want of method and punc­
tuality" in business affairs. Millions had been spent without
proper accounting, to the "great loss" and "heavy responsibility"
of the government. Likewise, appropriations had been wasted or
expended so as to "degrade" and "demoralize" the Indians.

To reform the Indian service, Congress in 1847 passed
laws requiring that annuities and other funds be distributed
to the heads of families or individual Indians, not chiefs, and that tribes be given an opportunity to apply resources to
purposes conducive to their "happiness and welfare." Hence­
forth, no money or goods might be given red men under the influ­
ence of alcohol, and parties at the agencies might not hold
liens on annuities. Still malpractices continued, as critics
of the Army recalled most vividly in the Seventies.

50 HR Rpt. No. 93, 45th Cong., 3 sess. (Serial 1866),
1879, 6.
51 Ibid., 7.
52 Ibid.
In 1849, after sixty years under the War Department, the administration of Indian affairs was transferred to the newly-created Department of the Interior. A principal advocate of this change, Secretary of the Treasury Robert J. Walker, proposed in 1848 that the burdensome Bureau of Indian Affairs and other offices of the Treasury, War and Navy departments be placed under a new executive department. This was accomplished by the Act of March 3, 1849, creating the "Home," or Interior Department. This change, it should be observed, was little more than a shift in "supervisory and appellate" jurisdiction. With few exceptions, the existing administrative machinery was retained -- Indian superintendents and agents were civilians, as in most prior instances.

Yet military leaders were quick to take exception to the loss of executive authority over the Indian Bureau. In annual reports and public statements, particularly in the Sixties and Seventies, they joined the chorus of frontier editors and politicians who often condemned the Indians and Indian officials. Reports of frauds and corruption by the "Indian ring" became commonplace. The grounds for criticism were plentiful, but the transfer of 1849 could hardly be represented as the advent of a sweeping moral degeneration in the Indian

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53 HR Doc. No. 7, 30th Cong., 2 sess., II (Serial 538), 1848, 36-37.
55 Schmeckebier, op. cit., 42-43.
56 Priest, op. cit., 15-17; Garfield, "The Indian Question," 29ff.
service. In the first place, the Interior Department did not inherit a system that was chaste or faultless. Secondly, the transfer coincided with the beginning of a period of accelerated expansion which taxed the administrative system and generalized disregard for Indian "rights" on the frontier.

In the 1850's gold rushes, emigration to the territories acquired during and after the Mexican War and competition between slavery and anti-slavery interests exacerbated the Indian problem. To an ever-increasing extent, whites expropriated Indian lands before the native occupants relinquished their rights. In California, for example, treaties were negotiated but never ratified. The Indian Bureau could do little more than try to "legalize" white expansion and minimize the dangers of inter-racial conflict. In 1856, Commissioner George W. Manypenny reported that within three years fifty-two treaties had been negotiated -- thirty-two ratified and twenty pending ratification -- whereby the red men gave up claim to one hundred and seventy-four million acres. These treaties indicated a shift from the old policy of one big reservation to a policy of concentrating tribes away from the main lines of travel and centers of settlement.

To deal with the rapidly increasing number of treaty Indians, the Indian Bureau added many new agencies and sub-agencies, but the scope of operations soon became so large and contacts between frontiersmen and natives so frequent that wars

\[57\text{Schmeckebier, op. cit., 43-44.} \]
\[58\text{CIA, 1856, 20.}\]
and serious conflicts could not be prevented. The "Grattan Massacre" (1854); the Klickitat, Yakima and Rogue River wars (1855-1856) and the Apache campaigns of the Fifties were but a few of the hostilities which developed. Meanwhile, Congress was preoccupied with a multiplicity of problems related to slavery. The noble cause of educating and civilizing the Indian was all but forgotten. Impressed by how little was done to promote the welfare of the red men after 1842, one authority states, "For over a quarter of a century, or until the beginning of Grant's administration, there was practically no contribution to the betterment of Indian relations on the part of either the executive or legislative branches of the government."

INDIAN AFFAIRS DURING THE CIVIL WAR

Indian affairs were in a particularly unsettled state during the Civil War. Shortly after the firing on Fort Sumter, Confederate leaders pressured and cajoled many tribes west of Arkansas and Missouri into severing relations with Washington. Some of the Indian nations, including the civilized Creeks, Choctaws and Chickasaws, gave military aid to the seceded states. Secretary of the Interior John P. Usher felt that these developments were to be expected. In his annual report for 1861

59See, for example, Dunn, op. cit., 167-215, 310-341.
60Schmeckebier, op. cit., 42-43.
61SI (P), 1865, 318.
he wrote:

Cut off from all intercourse with loyal citizens; sur­rounding by emissaries from the rebels, who represented that the government of the United States was destroyed, and who promised that the rebel government would assume the obli­gations of the United States and pay their annuities; assailed by threats of violence, and seeing around them no evidence of the power of the United States to protect them, it is not surprising that their loyalty was unable to resist such influences.62

Unusual difficulties were reported in remote parts of the Indian country. Kiowas and Comanches imperiled emigra­tion between the Upper Arkansas and Texas, and Apaches and Nava­joes created havoc in the Southwest.63 In the far Northwest and on the Northern Plains miners, farmers and freighters were attacked by renegades. Union spokesmen generally attributed these troubles to the absence of an effective military de­terrent and the conspiracy of "disloyal persons."64

One of the most shocking wartime uprisings occurred in southern Minnesota. What began as an isolated incident became a bloody massacre in which six hundred and forty-four citizens were killed. On August 17, four intoxicated Sioux killed five whites some distance from their agency. Fearing reprisal, some of the Sioux fled westward, while others under Little Crow in­discriminately murdered white neighbors and destroyed homesteads. The town of New Ulm was devastated and Fort Ridgley besieged

62 CIA, 1861, 3-4.

63 An especially active campaign was in progress in New Mexico Territory between 1862 and 1865. Col. Kit Carson per­sonally participated in over one hundred battles and helped to force thousands of Navajoes and Mescaleros onto Bosque Redondo Reservation on the Pecos River. (Sen. Rpt. No. 155, 39th Cong., 2 sess. (Serial 1279), 1867, 98-2147).

64 CIA, 1861-1865. passim.
before General H. H. Sibley's troops subdued the rampaging warriors.65

The outbreak had drastic consequences for the Sioux and other tribes of Minnesota. The public was indignant and many openly advocated extermination of the natives. Even the Sioux agent declared it was time for "force and hard blows," not "moral suasion, sugar plums and the like."66 But when three hundred Sioux were court-martialed and sentenced to die, Commissioner Dole and others protested vigorously.67 President Lincoln responded by pardoning all but thirty-nine who, with one exception, were sent to the gallows at Mankato on December 26, 1862.68 Later, not only the Sioux, but the Chippewas and peaceable Winnebagoes were expelled from the state. In addition, the military launched a series of expeditions into Dakota Territory to teach the red men that they could not defy the government.69

The Sioux Massacre of 1862 was the extreme instance of Indian hostility during the period 1861-1865. Those who later argued for military control and a coercive Indian policy often cited this affair as "proof" that the Indians were irredeemable savages who could not be trusted to comply with peace treaties.

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66 CIA, 1863, 291.
67 CIA, 1862, 21.
68 Richardson, op. cit., VI, 144-145. One of the Indians died before the execution. (Oehler, op. cit., 221)
Toward the end of the Civil War, another "massacre" in southeastern Colorado Territory gave the post-war advocates of civil control and conciliation an equally potent point of argument.

In 1864, the beginning of construction on the Union Pacific Railroad made federal officials especially conscious of the necessity of placating hostile tribes of the Central Plains. Secretary Usher proposed to end administrative and commercial relations along the rail and mail routes and commit all Indians off specified reservations to the Army for punishment. The military, however, was too undermanned to adequately protect transportation and settlements without trying to restrict restless bands to limited reservations.

That spring and summer Arapaho and Cheyenne renegades left Sand Creek Reserve in Colorado and preyed upon trains and homesteads along the Platte as far east as the Blue River. In September, after unsuccessful pleas for military relief, Governor John Evans of Colorado obtained permission to organize a regiment of hundred-day volunteers. Evans then notified the tribes under his jurisdiction to move to the vicinity of the nearest military post or suffer the consequences. Complying with this order, about five hundred Cheyennes under Black Kettle and over six hundred Arapahoes under Little Raven encamped near Fort Lyon.

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70SI cited in CIA, 1861, 1-2.
72Various estimates of the Indians' losses were given by eye-witnesses. See Ibid., 26ff.
Early on November 29, Col. John M. Chivington, a Methodist minister, turned commander of the Colorado militia, led a bloody surprise attack on Black Kettle's camp on Sand Creek. His nine hundred volunteers cornered and slaughtered about four hundred and fifty Indian men, women and children. The red men were killed in a barbarous manner remembered in infamy as the "Chivington process." The Commander of Fort Lyon later stated, "...the most fearful atrocities were committed that was ever heard of; women and children were killed and scalped, children shot at their mother's breast, and all the bodies mutilated in the most horrible manner."  

Both congressional and military investigations condemned Chivington for the indiscriminate massacre. Some army officers, a minority, insisted that Black Kettle's band was technically at war, having recently scalped and plundered settlers, and deserved to be dealt with in Indian fashion. Chivington's critics, however, contended that the Cheyennes, even if guilty of crimes -- and most doubted this -- had voluntarily surrendered and were acting in good faith under a flag of truce when the slaughter took place. This example of military excess and brutality was repeatedly cited by reformers, philanthropists and friends of the Indian who believed the Army's "solution" to the Indian question to be extermination. But this was no more true than the allegations of Indian-haters about the Minnesota Sioux.

73 Ibid., 82, 92.
74 Ibid., 63.
75 See Dunn, op. cit., 342-382.
D. N. Cooley. It took both new officers some time to get acquainted with their duties.79

Some of the difficulties confronting the Indian service in 1865 have already been noted. Many tribes were disregarding treaties, threatening communication and emigration, carrying on depredations and committing acts of violence. These activities, although generally traceable to bad faith and aggravation by white men, had to be suppressed. Other tribes were making unsatisfactory progress toward the agricultural and pastoral pursuits which were considered fundamental to civilization. Even under ideal circumstances -- with diligent and undivided efforts by talented and conscientious men, encouraged and supported by the general public, Congress and other branches of government -- these and related problems defied easy solution.

There were many obstacles. In the first place, there were physical and administrative problems in supervising thousands of diverse Indians at extensive reservations far from sources of supply, lines of communication, agencies of law and order, and the comforts of civilized life. Secondly, there were often discouraging or evil influences to contend with: patronage-mongers; underpaid, inexperienced, incompetent or dishonest agents; unethical contractors; selfish settlers and miners; vituperative editors; critical and often uncooperative soldiers; over-zealous reformers and humanitarians and economy-minded congressmen. Furthermore, most agencies were set upon by predatory

79CIA, 1865, 1.

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whiskey-peddlers, gun-runners, traders, hunters, thieves, gamblers, wenches, and speculators. Small wonder that Commissioner Cooley, even with his limited experience, was able to propose a long list of reforms and laws needed to improve the administration of Indian affairs. 80

While these difficulties of the civil department were formidable, military leaders probably believed their situation more perplexing. The mighty force which defeated the Confederacy was rapidly being demobilized. By November 15, 1865, eighty percent of the over one million volunteers in uniform the previous May were back in civilian life. 81 A year later the remnant numbered less than fifty-five thousand, with fewer than half that number available for field duty. It was a "skeleton" army which manned the one hundred and thirty-four posts in the South and more than eighty forts and camps in the sprawling West. 82

Initially the post-war Army, headed by General-in-Chief Grant, was divided into five divisions and nineteen departments. Three divisions included trans-Mississippi Indian country. The Division of the Mississippi under Maj. Gen. W. T. Sherman, included the vast Department of the Missouri, commanded by Maj. Gen. John Pope and comprised of three Upper Mississippi Valley states,

80 Ibid., 1-4
81 SW (P), 1865, 561, 563.
Kansas and the territories of Colorado, Utah, Nebraska, Dakota, New Mexico and Montana. The Division of the Gulf, commanded by Maj. Gen. Phil Sheridan, included the Department of Texas, or State of Texas. Finally, the Division of the Pacific, headed by Maj. Gen. Henry W. Halleck, was divided into the Department of the Columbia, commanded by Maj. Gen. Frederick Steele and made up of the State of Oregon and territories of Washington and Idaho, and Department of California, commanded by Maj. Gen. Irwin McDowell and comprised of the states of California and Nevada and Arizona Territory. 83

In the first months after Appomattox, General Grant was preoccupied with the occupation of the South and Army reorganization. Admitting his ignorance of Indian affairs, he gave broad discretionary powers to his western commanders. 84 In some cases division commanders also gave subordinates much latitude in dealing with the Indians. For instance, General Sherman, though well acquainted with the West and untamed Indians, 85 allowed General Pope and the latter's district commanders to proceed with planned expeditions along the vital Missouri River, Platte River valley, Smoky Hill and Santa Fe routes. 86 Perhaps these ambitious field commanders at times acted like "leashed

83SW (p), 1865, 528-529.
85Athearn, op. cit., xii-xiv.
hounds, straining to break away for the hunt," as one author puts it, but they were certainly not of one mind about exterminating the hostiles, as some peace associations alleged. 87

Like the Indian Bureau, the post-war Army of the West was beset by a host of internal and external problems. Officers were frustrated by the usual dissensions between commands and echelons units were undermanned and over-ranked and troops were underpaid. 88 Also, the well-armed, hard-fighting, elusive red men proved fearsome foes in their own environment. Nature added obstacles in the form of mountainous and desertous terrain, great distances which slowed communication and supply and extremes in temperature and weather. 89 Moreover, soldiers were harassed by both the enemies and friends of the Indian. The former, especially frontier settlers, agitated for more aggressive action, sounded false alarms, misrepresented incidents, official reports and public statements, trespassed on reservations and engaged in illegal trade with the tribes. The latter seemed to apologize for everything the Indians did and likewise misstated military views. 90 Army operations, like the Indian service, were repeatedly impaired by congressional attempts to further reduce the Army and cut appropriations. 91 Finally, as

87 Athearn, op. cit., 28.
89 Gance, op. cit., 352; Athearn, op. cit., 15; Downey, op. cit., 30-31.
90 Athearn, op. cit., 29-32; Downey, op. cit., 31.
91 Athearn, op. cit., 15-16; White, op. cit., 134.
already indicated, the frontier force was handicapped and embar­
barrassed by having only partial jurisdiction over Indian affairs.

CIVIL-MILITARY RELATIONS

Earlier, attention was invited to Secretary Harlan's letter of June 22, 1865, to Commissioner Dole. Harlan went on to instruct Dole to proceed "with all convenient dispatch" to Dakota, Idaho, Montana and Colorado territories to negotiate new treaties with various tribes. The Indians were to consent to move to out-of-the-way reservations and there support themselves by civilized means. There was no alternative.  

Commissioner Dole had often advocated such treaties in the interest of "humanity, economy and efficiency," but at this moment he felt too busy to go west. Besides, he replied, there was no money to buy presents for negotiations and no "new general policy" ought to be adopted until a congressional committee, now in Indian country, issued its report. Meanwhile, let the territorial governors do what they could to extinguish Indian titles.  

The congressional committee mentioned by Dole was a joint committee appointed in March, after a heated debate over Indian policy. Headed by Senator J. R. Doolittle of Wisconsin, this group was assigned to study the condition of the tribes,

92 Harlan to Dole, June 22, 1865, I.O.L.R., Misc., NA, RG 75.

93 Acting Commissioner Charles E. Mix to Secretary of the Interior J. P. Usher, January 21, 1865 and Dole to Harlan, July 6, 1865, Office of Indian Affairs, Report Book No. 14, NA, RG 75. Hereafter these records are cited I.O.R.R.
giving particular attention to their treatment by civil and military authorities. Of special interest to Congress were the circumstances of the Chivington affair and the business procedures of the Indian Bureau. Some findings were released in 1865, but the full report was not to be published until 1867.

In the meantime, the civil and military branches got into a lively dispute over what tactics to use toward the roving Indians of the plains. While politicians were counseling with various tribes and territorial officials were preparing for peace talks, military expeditions were seeking to overawe and punish some of the same Indians. With such cross-purposes and contradictory methods, confusion and misunderstanding was almost inevitable.

One of the most controversial situations developed in Dakota Territory. In March, Governor Newton Edmunds notified Commissioner Dole that he was anxious to utilize $20,000 Congress appropriated for peace negotiations with the hostile Sioux. An early peace, he declared, was of "paramount importance" for two reasons. In the first place, road-building crews hoped to complete trails through Sioux country during the summer. Secondly, an end to the expenditure of millions for military campaigns was long overdue.

A month later Dole approved Edmunds' treaty plans. 

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94 13 Stat. L., 572; Dole to Indian Superintendents and Agents, March 13, 1865, Office of Indian Affairs Letter Book No. 76, NA RG 75. Hereafter these records are cited I.O.L.B.

95 CIA, 1865, 191-192.
valley of the Platte river, and all the country south," he admonished, "must be entirely abandoned by the Indians with whom you treat." Agent W. A. Burleigh had authority to purchase flour, bread and presents to attract the Indians. A final note, though. If negotiations were to succeed, cordial cooperation by the military authorities of the northwestern department was essential.

But the Army officers were not ready to cooperate. Angrily, Agent Burleigh on May 9 informed Senator Ben Wade of Ohio that district commander Alfred Sully would "neither assist nor permit" negotiations with the Sioux and allied bands. The military authorities, he added profanely,

...appear determined that this grand farce...this grossest imposition and damndest swindle that was ever practiced upon any government or people, shall not be brought to a close, not withstanding the Congress of the U.S., has declared it shall be done if possible by peaceable means and the interests of our Territory demand it.

Perhaps Wade could persuade the President to get rid of Sully.

Next day the department commander, General John Pope, in a letter to Governor Edmunds, declared his opposition to negotiation with the Upper Missouri Sioux. He maintained that the Indians were at war with the United States and, like bands along the Platte, were committing depredations and murders. Generals Conner and Sully had orders to send cavalry against the outlaw Indians north and west of the Black Hills this summer. "When

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96 Ibid., 192-193.

97 W. A. Burleigh to Senator Ben Wade, May 9, 1865, Letters Received, Department of Interior, NA, RG 75. Hereafter these records are cited D.I.L.R.
they signify a desire for peace," Pope concluded, "it will be time enough for the Indian Department to act."

Soon the feud was discussed in the cabinet. Secretary Harlan reminded Secretary Stanton that Congress had empowered Governor Edmunds to conciliate Indians of his territory. Thousands of tribesmen were reported gathering for peace parleys and a conflict of action must be avoided. "It is," stressed Harlan, "of the highest importance that the civil and military authorities should alike conform to the policy adopted in relation to the Indian tribes."

But differences persisted. On June 14 General Pope, in a letter to General Grant, bitterly criticized the treaty-making policy. The Indian Office, he said, had followed the "unvarying practice" of bribing savages to cease hostilities. Treaties of this sort were worthless. "It is a common saying with the Sioux," he complained, "that, whenever they are poor and need powder and lead, they have only to go down to the Overland route and murder a few white men, and they will have a treaty to supply their wants." If the Army treated with these extortioners, it would be on the basis of peace or war alone -- no annuities or other gifts. Unfortunately, though, soldiers not only had to yield to the peacemakers, but were invariably blamed for every treaty violation. "Either the War or the Interior Department should have the sole management of Indian Affairs."


99 Harlan to Secretary of War, Edwin Stanton, May 29, 1865, Record of Letters Sent, Department of Interior, NA, RG 75. Hereafter these records are cited D.I.L.S.
Pope demanded. "This divided jurisdiction tends to nothing but evil." 100

Although he usually restricted grievances to military channels, General Pope a few days later corresponded with Secretary Harlan. To prove he had the Indians' interests at heart, the outspoken general enclosed copies of some of his earlier statements on Indian policy. His thesis was that the Indians, abused by the constant encroachment of frontiersmen, should be moved to the rear of settlement and taught to live like white men. 101 For the present, though, the problem was more specific. Admitting that inter-departmental differences were "not at all surprising," Pope called for an end to the public vilification and abuse of Army officers by Indian service personnel. 102

Another western commander, Maj. Gen. Grenville M. Dodge, corresponded with the Secretary of the Interior on civil-military relations. Late in June, Dodge complained to Harlan that the Doolittle committee was trying to prevent him from punishing marauders from the Southern Superintendency. While rejecting the Chivington method, he was convinced that no lasting peace could be achieved until these warriors were soundly whipped. 103

The increasing evidence of civil-military antipathy over

100 Pope to Grant, June 14, 1865, I.O.L.R., Misc., NA, RG 75.
101 Pope to Stanton, February, 1864, D.I.L.R., NA, RG 75.
102 Pope to Harlan, June 19, 1865, D.I.L.R., War Department, Indian Division, NA, RG 75.
Indian affairs eventually prompted the Interior Department to clarify its position vis-a-vis the War Department, to clear the way for better relations. Secretary Harlan first communicated with Pope. In a long message, dated July 6, he explained that "uncharitable strictures" against the military were without "sanction or approval"; that treaties were laws no department could disregard; that, when practicable, the Indians would be removed from the frontier as suggested; and that, in selecting reservations, Interior officers would henceforth take advantage of the "great knowledge" of military commanders in the West. Then, summarizing the inter-departmental understanding he proposed, Harlan announced that in the future Indian officials would accept the policy of the War Department with respect to the red men at war and expect the military to support their policy regarding those at peace. 104

Five days later, in a memorandum to his new Commissioner of Indian Affairs, D. N. Cooley, Secretary Harlan enlarged upon this basis for relations with the War Department. 105 On July 17, Cooley sent a circular to all Indian superintendents and agents, directing them to accept military authority over all hostile Indians and to follow normal procedures with the peaceable tribesmen. No goods, money or property were to be distributed and no trade or intercourse permitted with the hostiles without permission from the Army. Finally, if troops interfered with or

104 Harlan to Pope, July 6, 1865, D.I.L.S., NA, RG 75.
105 Harlan to Commissioner D. N. Cooley, July 11, 1865, I.O.L.R., Misc., NA, RG 75.
failed to properly support civil policy toward peaceable Indians, the matter was to be referred to the department but not discussed in the press.106

Unfortunately, this directive left many questions unanswered and was never strictly enforced. In particular, it was vague about how "hostility" was to be determined and who was to make the determination. It also failed to explain when military control was to begin and end, how renegades living among peaceable Indians were to be treated, or what should be done with agency Indians aiding warlike brethren. Nor was it clear how and to what extent soldiers were expected to assist civilian authorities. Problems of this nature were to confuse Indian relations for many years.

For the time being, though, War-Interior relations seemed to improve. In the late summer and fall Army officers and civilians worked together to negotiate treaties and preliminary agreements with various Upper Missouri, Upper Arkansas and southwestern tribes. Having stalled off the treaty-makers long enough for his commanders to carry out planned expeditions, General Pope notified Secretary Harlan on August 16 that a peace commission might be sent to Fort Rice to await further word from Maj. Gen. Alfred Sully. Perhaps there was still time to council with the Sioux and Cheyennes this autumn. If not, arrangements could be made to meet again in the spring.107

106 CIA, 1865, 202-203, 543. Note that conflicting dates are assigned to the circular.
107 Pope to Harlan, August 16, 1865, D.I.L.S., NA, RG 75.
General Sully was still in the field in August, having a discouraging campaign. For weeks his troops hunted hostiles before locating their main camp about sixty miles south of Fort Berthold. But with only eight or nine hundred men to fight an estimated ten thousand warriors, he decided not to risk an attack -- failure would greatly strengthen the war party.  

In mid-September, with the Northwest Expedition garrisoned at Fort Sully, General Sully reflected upon past and future Indian policy in a report to department headquarters. The expeditions of the past three years, he contended, had had a salutary effect upon the bad Indians. It was now too late in the season for effective negotiations, although perhaps two-thirds of the hostiles would "touch the pen" to get presents. "But what would such a treaty be worth?" he queried. At the same time, it was no longer practical to try to track down scattered bands of hostiles with large bodies of soldiers. Hereafter the government should give food to the friendly Indians, small gifts to the cooperative headmen and rewards to the red men who captured hostiles or brought in their scalps.  

The peacemakers nevertheless proceeded with their parleys. In October a six-member commission, headed by Governor Edmunds, negotiated treaties with most of the Sioux bands. The terms,  

108 Ibid., 204-209.  
109 Ibid., 209-211.  
110 The other commissioners were Edward B. Taylor, Henry W. Reed, Orrin Guernsey, and Generals S. R. Curtis and Henry H. Sibley.
however, were not as conclusive as hoped. The Minneconjous, for example, agreed to recognize the authority of the government, cease hostilities against whites and other Indians, prevent crimes by other bands and stay away from overland routes through their country. But their "unmistakable tokens of dissent" dissuaded the negotiators from pressing the issues of farming and civilized pursuits. These subjects and discussions with other bands were deferred until the following May. \(^{111}\)

That same month other treaties were signed with certain tribes in the Kansas and Upper Arkansas vicinity. There had been civil-military misunderstandings in that region too. In May, for example, Superintendent Jesse Leavenworth was informed that General James H. Ford planned to make war on hostile bands, following orders to "pay no attention to any peace movements or propositions." \(^{112}\) Leavenworth insisted he had no thought of interfering with Ford's expedition against the Kiowas, who "needed to feel the strong arm of the government." But most Comanches and Arapahoes had been well behaved and must not be harmed. \(^{113}\)

Later in May Senator Doolittle and some of his fellow investigators entered the discussion of policy toward the Indians threatening the New Mexico routes. They asked President Johnson to call off military operations and authorize peace discussions with the Comanches, Kiowas, Cheyennes and Arapahoes. It would take, they estimated, ten thousand troops and

\(^{111}\) CIA, 1865, 538, 542.
\(^{112}\) Ibid., 389-390.
\(^{113}\) Ibid., 390-391.
forty million dollars to achieve peace by force. Their request was granted. In August Superintendent Leavenworth and Maj. Gen. John B. Sanborn, commander of the District of the Upper Arkansas, procured pledges from several tribal headmen to "cease all acts of violence and injury" and meet representatives of the government in October to establish "perpetual peace."

On October 14 Cheyenne and Arapaho leaders signed a treaty with a commission headed by General Sanborn. These tribes, the commission reported, had suffered "most gross and wanton outrages" at the hands of the military in the Cheyington massacre. In view of past injustices, their sacrifice of valuable mineral lands, the importance of uninterrupted overland travel and the cost of military action, these Indians were promised substantial annuities.

Presently similar negotiations were concluded with the Eastern Apaches, Comanches and Kiowas. The Apaches were federated with the Cheyennes and Arapahoes, receiving the same terms as the latter. A "generous course" was also followed with the more troublesome Comanches and Kiowas because, the commission rationalized, peace was absolutely essential in their country and "costly hostilities" could not bring about that result. Finally, informal talks were held with representatives

\[114\] Ibid., 392.  
\[115\] Ibid., 393-396


\[117\] CIA, 1865, 515-516. The proceedings are reported on pages 517 to 527.

\[118\] Ibid., 527-528

\[119\] Ibid., 527-535.
of the Wichita and Osage bands, with the commissioners advising them to consolidate and settle south of the Arkansas River.\textsuperscript{120}

Still a third commission, appointed about the same time as the others and headed by Commissioner Cooley, met with several tribes from Kansas and the Southern Plains at Fort Smith, Arkansas.\textsuperscript{121} The Indians involved -- Creeks, Osages, Quapaws, Senecas, Shawnees, Cherokees, Seminoles, Wyandotts, Chickasaws and Choctaws -- were not actively hostile and were ready to convene in September. The chief purpose of the talks was the restoration of relations severed during the Civil War. This was accomplished through several agreements repudiating confederate treaties and reaffirming obligations to the United States.\textsuperscript{122} Through "preliminary arrangements" these tribes also abolished slavery and ceded lands outside of the area which was formally organized as Indian Territory in 1866.\textsuperscript{123}

By the time that the peace commissioners had completed negotiations with various plains and western tribes, the year was drawing to a close. Candid observers now realized that a

\textsuperscript{120}Ibid., 536.
\textsuperscript{121}See the instructions to the commission in Harlan to Commissioners, August 16, 1865, Letters Sent, Indian Division, Department of Interior, NA, RG 48.
\textsuperscript{122}Several of the tribes protested against the government's nullification of former treaty commitments during the Civil War. Their "disloyalty," they maintained, was involuntary. In addition some of the tribal leaders expressed dissatisfaction regarding the commission's condemnation and con-recognition of wartime leaders such as the Cherokees' John Ross.
\textsuperscript{123}Schmeckebier, op. cit., 101; Harlan to Commissioners, August 16, 1865, Letters Sent, Indian Division, Department of Interior, NA, RG 48; CIA, 1865, 296-353.
permanent solution to the Indian question was not in the immediate offing. While talking of a new and vigorous approach, federal officials had resorted to the traditional expedients -- new treaties and military expeditions. Neither measure was conclusive, but borrowed time for the policy-makers. Tacitly, the government was following Commissioner Dole's advice to delay any new general policy until the Doolittle Committee completed its study of Indian affairs. 124

Still, the leaders of both the Interior and War departments cited evidences of progress and expressed optimism toward an improvement of relations with the nation's wards. The Army, in the process of being reorganized and redeployed, served notice to hostile bands that it was determined to protect principal settlements and lines of travel. At the same time, military strategists learned important lessons in the techniques of Indian warfare and laid plans for future campaigns. General Sherman, for example, proposed to strengthen such outposts as Forts Smith, Riley, Kearney and Pierre by colonizing them with settlers to produce subsistence for sustained field operations. 125

Spokesmen for the Interior Department claimed "gratifying progress" in reforming agency Indians, despite numerous trials


125 Sherman visited Omaha and Wyandotte, Kansas, in the fall and was much impressed with the potential of railroad construction at these points for aiding military operations. (Athearn, op. cit., 18-24).
and disturbances. The recent peace talks, they maintained, were a victory, not only for humanity and Christianity, but for common sense and economy. For it was impracticable to exter­minate the whole Indian race, and the cost of maintaining a regi­ment at war with the Indians was estimated at two million a year. Still another hopeful development was the informal arrangement with the Army regarding jurisdiction over the tribes.

There were indications, however, that inter-departmental differences would continue to encumber Indian affairs. Many military officers had no faith in treaties with hostile tribes. One colonel told the editor of the Chicago Tribune that such agreements would last only until "the grand processions of treaty makers shall have reached Washington." Senator Samuel C. Pomeroy of Kansas agreed. Late in the year he introduced a reso­lution stating,

...the mild, conciliatory, and even magnanimous conduct of our government towards these savages not being under­stood or appreciated by them, but only construed to be weakness and cowardice, should now be followed by the most vigorous and decisive measures until those hostile tribes are effectually punished for their crimes, and whipped into a wholesome restraint and submission to the authority of the United States.

Beyond the question of conquering or negotiating with

126 SI (P), 1865, 311.
127 Ibid., 312-313.
warlike red men, contention between the civil and military de-
partments was evident in discussions of whether to restore the
Indian Bureau to the War Department. In a circular sent to
Army and Indian authorities in May, 1865, Senator Doolittle in-
quired, "Under what department of the government, the War De帕rt-
ment or the Interior, should the Bureau of Indian Affairs be
placed, to secure the best and most economical administration
of it?"\(^{130}\) Every Army officer who replied was in favor of trans-
ferring the Indian Office to the War Department. But the civil-
ians, with few exceptions, opposed transfer.\(^{131}\) This division
of opinion was to be the basis for repeated disputes over the
control of Indian affairs. "There have been and must continue
to be conflicts between commanding officers of Posts, and of ex-
peditions and Indian Agents, traders etc.," General Sherman
accurately predicted in November.\(^{132}\)

Thus, before the year was out, there were prospects of
a long and wearisome controversy over both the Indian question
and Indian administration. The Johnson administration, which
had declared 1865 an "auspicious and fitting time" to settle
these issues, was neither the first nor the last to make such
announcements without definite results. Part of the explanation
for the persistence of these problems can be found in the unstable
and inconsistent leadership of the War and Interior departments.

\(^{130}\) Sen. Rpt. No. 156, 39th Cong., 2 sess. (Serial 1279),
1867, 424-425.

\(^{131}\) The civilians favoring transfer included Governor Evans
of Colorado, two former agents and a native of New Mexico.
(Ibid., 429-492).

\(^{132}\) Sherman to Grant, November 6, 1865, William T. Sherman

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CHAPTER TWO

LEADERSHIP OF THE INTERIOR AND WAR DEPARTMENTS, 1865-1887

Comprehensively speaking, it may be said that hitherto the Indian Bureau has bribed them into temporary peace, while the War Department has desired to frighten them into permanent quiet; and between the two they have been nearly exterminated.

(The Nation, January 25, 1865)

"It is manifest that any branch of the public service cannot be efficiently and economically managed by two departments," said Secretary of War John M. Schofield with reference to the administration of Indian affairs in 1868. This opinion was often reiterated by officials of the Interior and War Departments in the period 1865 to 1887. But their agreement seldom exceeded the notion that two-headed government of the Indians was undesirable. Like competitors for a coveted prize, spokesmen of each branch demanded full control and criticized the policies and methods of the other. Meanwhile, the Indians wondered who really spoke for the Great Father in Washington.

To understand the setting of the debate over management of the nation's wards, it is necessary to know something of the administrative machinery and problems and, especially, the leaders of the rival branches of government. In some respects,

1SW, 1868, XVII.
the two departments contended with common external influences and internal problems. Their personnel and activities were substantially affected by industrialization, civil service reform and political fragmentation -- developments of the "Republican Era" only indirectly related to Indian policy. Organic disunity, pressure from special interest groups and inadequate funds, facilities and qualified employees hampered the operations of both branches. In addition, each department had a rapid turnover in leadership. The following discussion will include a brief comment on departmental organization and special reference to the key policy-makers, the secretaries, Commissioners of Indian Affairs and Generals-in-Chief.

THE INTERIOR DEPARTMENT AND INDIAN ADMINISTRATION

The Interior Department has been variously described as the "Department of the Great Miscellany," a "hydra-headed monster," and the "slop-bucket of administrative fragments."\(^2\) Established to relieve the bureaucratic burdens of the Treasury, State, War and Navy departments, by the post-Civil War era it had burdens of its own. In addition to the Indian Bureau, it included sub-divisions responsible for land, patents, pensions, education, railroads, geological survey, census, Capital Building improvements, hospitals and institutions, territories, the District of Columbia and national parks.\(^3\) Although an Assistant

\(^2\)White, op. cit., 175; Horace S. Merrill, William Freeman Vilas: Doctrinaire Democrat (Madison, 1954), 134.

\(^3\)White, op. cit., 176.
Secretary and bureau chiefs aided in policy decisions and a chief clerk handled various office duties, the secretaries were unable to devote much time to any one of these heterogeneous obligations.

All routine administrative and policy matters concerning Indian affairs devolved upon the Commissioner of Indian Affairs. The commissioners, in turn, were so heavily burdened with paperwork and responsibilities regarding treaties, trust funds, contracts, schools, agency employment, annuities and so forth that they often complained of being overworked, under-staffed and underpaid. Reformers, notably Secretary Carl Schurz, recommended that the Bureau be made a separate department. Failing in this, Schurz and Commissioner Ezra A. Hayt set up an extensive staff of thirty to forty clerks, copyists, messengers, laborers and other employees assigned to administrative divisions for finance, accounts, land, civilization and records.

Indian policy was usually worked out between the Secretary and the Commissioner. But another central agency, the quasi-official Board of Indian Commissioners, attempted to influence their decisions, especially in the period 1869 to 1874. The ten-member non-partisan, non-salaried board was established in 1869 to "exercise joint control" with the Secretary over Indian appropriations. Until 1874 this group sought

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4 CIA, 1865-1887, passim; Schmeckebier, op. cit., 144.
5 CIA, 1878, LI-LXIV.
6 16 Stat. L., 40.

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to enlarge its authority, but was opposed by the political appointees of the department. Then six of the Board members resigned, and the reconstituted organization confined its activities primarily to the purchase of supplies and annuities and inspection of agency affairs.

Inconsistency was an unmistakable feature of federal relations with the tribes in the twenty-two year period under examination. To a large extent this is explained by frequent changes in administration, for no fewer than ten different secretaries and twelve commissioners held office in that time. While President Cleveland favored no "fixed and unyielding plan of action," most students of Indian policy have criticized the "convenient makeshifts for tiding over temporary difficulties."

Of the secretaries who served between the Grant and McKinley administrations, one author states:

With the exception of Columbus Delano (1870-75), they were men of character and high integrity, although not particularly successful executives. All were caught in the department machine and none seemed to surmount it. The post normally went to a westerner...

Most of the Secretaries had studied and practiced law...

Several were bankers or interested in railroads and investment. Almost all were active in politics and public

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7White, op. cit., 189-191; Annual Report of the Board of Indian Commissioners (Washington, 1874), 4. Hereafter the latter source is cited BIC. The six members resigned in 1874 out of protest against Secretary Columbus Delano's disregard for their recommendations and a proposed removal of their headquarters from New York to Washington. The Board and lower echelons of the Indian service are discussed in Chapter Six.

8Richardson, op. cit., VII, 357.

9Ibid., 55.
life, attending national conventions (a mark of the professional), sitting in state legislatures and Congress, serving as governors. 10

This analysis might be extended to include the two secretaries who served under President Johnson. Only one of the "westerners," though, came from a state as far west as Nebraska. Furthermore, prior to 1887, all but one were Republicans, and, with regard to relations with the War Department, half had seen military duty. 11

The twelve commissioners, mostly "indifferent" leaders, also had varied backgrounds. Their occupations included the ministry, civil engineering, teaching, farming, banking and the legal profession. A few had Army experience, only two or three were Democrats and none were from the Deep South or a state west of the Mississippi Valley. Several were accused of incompetency or graft and left office in disgrace. Finally, because of various personal factors, some played a greater de facto role in the formulation and implementation of policy than others. 12

THE SECRETARIES OF THE INTERIOR

The head of the Interior Department at the end of the Civil War was John P. Usher, a prominent Republican from Indiana. After stepping up from the assistant secretaryship in March, 1862, Usher launched an earnest but unrewarding campaign

10 White, op. cit., 180-181.
11 Ibid., 192.
to obtain larger appropriations for the Indian service. In his annual reports, he outlined a program whereby the Indians consenting to withdraw from the main arteries of white expansion were to be given extensive reservations and liberal treatment while those molesting emigrants and frontier residents were to be summarily punished.\(^{13}\) About a month after Lincoln's assassination, because of disagreement with President Johnson's reconstruction plan, the Secretary submitted his resignation.\(^{14}\)

Usher's successor was Senator James Harlan of Iowa, close friend of Lincoln and, later, father-in-law of Robert Todd Lincoln.\(^{15}\) Experienced as a State Superintendent of Public Instruction, lawyer, and president of Iowa Wesleyan College before entering politics, Harlan had a stormy fifteen-month administration. One of his primary aims with respect to Indian affairs was to achieve "unity and harmony of action" between the civil and military department.\(^{16}\) But he soon came under widespread criticism. He was accused of making "spoils" appointments and fraudulently disposing of Indian and railroad lands. His drastic economy program, by which as many as eighty department employees lost their jobs in a single day,

\(^{13}\) CIA, 1864, 1-2.


\(^{16}\) Harlan to Stanton, December 16, 1866, D.I.L.S., Indian Affairs, NA, RG 75.
also made enemies. In time, Harlan also broke with Johnson over reconstruction. After resigning, in August, 1866, he returned to the Senate as a leader of congressional reconstruction.

Next to direct the department was Orville Hickman Browning of Illinois. Browning had many prominent friends in Washington and had been Johnson's patronage advisor for his state. His administration, which lasted until President Grant took office, covered a period in which important efforts were made to restrict the tribes to limited reservations where they were supposed to be protected and taught to become self-sufficient farmers and laborers. This he called the "best, if not the only, policy that can be pursued to preserve them from extinction." His recommendation contributed to the formation of the well-known civil-military Peace Commission which negotiated with many native groups in 1867 and 1868. Browning attempted to improve the workmanship of his office force by, among other things, threatening to strike from the rolls any employees found at

17 Petersen, "James Harlan," 158; Dict. Am. Biog., VII, 225. Harlan had the dubious distinction of being the Secretary who dismissed Walt Whitman, who had been employed as a $1,600-a-year clerk in the Indian Bureau. Allegedly Harlan considered the Leaves of Grass indecent. ("Walt Whitman and James Harlan," Annals of Iowa, VI (October, 1903), 225-227.)

18 Smith, op. cit., 455-456.


20 CIA, 1866, i.

21 Secretary O. H. Browning to the President, January 15, 1867, D.I.L.S., Indian Affairs, NA, RG 75.
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20CIA, 1866, 1.

21Secretary O. H. Browning to the President, January 15, 1867, D.I.L.S., Indian Affairs, NA, RG 75.
their desks under the influence of alcohol. Throughout his
term he remained a staunch supporter of President Johnson, de­
spite heavy criticism from Congress.

When Grant first entered the White House, he chose General
Jacob D. Cox, former governor of Ohio, to fill the Interior
post. As an organizer of Ohio's Republican Party, and a war
hero, Cox was a typical partisan choice. But he turned out
to be a reformer, much to the discomfort of his party's spoils­
men. He devised a set of competitive exams in "Arithmetic,
History, Geography, Grammar [sic.], Penmanship and Orthography" to give applicants for department positions. Moreover, he
refused to permit political assessments of Indian service per­
sonnel. His reforms were, to a large extent, the basis for
the Indian policy popularized as "Grant's Peace Policy." Cox
was not willing, however, to let the non-political, philan­
thropic Board of Indian Commissioners dictate to the head of
the department. Eventually the "backstairs influences" which
pervaded the Grant administration so hampered his adminis­
tration that, on October 31, 1870, he resigned. "The trouble was",

22 Browning to Office Force, December 27, 1867, I.O.L.R.,
NA, RG 75.
23 Smith, op. cit., 456.
24 Secretary J. D. Cox to Commissioner, July 7, 1870,
I.O.L.R., NA, RG 75.
Mary Hinsdale, A History of the President's Cabinet (Ann Arbor,
1911), 213.
26 See Chapter Five.
27 Cox to Felix R. Brunot, July 5, 1869, D.I.L.R., Indian
Misc., NA, RG 75.
Grant later argued, "that General Cox thought the Interior Department was the whole government, and that Cox was the Interior Department." The Stalwarts tried to misrepresent Cox's departure from office as a dismissal brought on by his mismanagement of a California mining claim.

Grant picked Columbus Delano, another Ohio Republican (but a Radical) and former general, to fill the vacancy left by Cox. Although noted for having reorganized the Bureau of Internal Revenue, Delano proved an incompetent, if not dishonest, Secretary. During his five-year term the annual reports gave optimistic accounts of Indian progress under the "humane policy" of the government. "Industry," the Secretary declared in 1872, "is the great civilizer; without it no race can be permanently benefited." During his administration the Indian policy placed emphasis upon providing adequate subsistence, protection, educational assistance and faithful administrators for the tribes. But this program was implemented so unsatisfactorily that the Indian service was widely censured and underwent a number of intensive investigations. In 1873, for example, the House

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28 Hamlin Garland, Ulysses S. Grant: his life and character (New York, 1898), 427.

29 Sen. Rpt. No. 261, 40th Cong., 3 sess. (Serial 1362), 1869; HR Rpt. No. 24, 41st Cong., 2 sess. (Serial 1464), 1871; HR Rpt. No. 941, 45th Cong., 2 sess. (Serial 1826), 1878; See also Scrapbook, J. D. Cox Papers, Oberlin College Library, Oberlin, Ohio.

30SI, 1872, 6.

31SI, 1873, III-IV.

32See, for example, HR Rpt. No. 98, 42nd Cong., 3 sess. (Serial 1578), 1873; HR Rpt. No. 778, 43rd Cong., 1 sess. (Serial No. 1627), 1874; Report of the Special Commission Appointed to investigate the Affairs of the Red Cloud Agency, July, 1875 (Washington, 1875). Hereafter this source will be cited RSC.
Committee on Indian Affairs reported that "avaricious and unprincipled" persons were plundering both the Government and the Indians. Finally, in September, 1875, amid widespread criticism over malpractices in the letting and execution of Sioux contracts, Delano resigned. One biographer states that he was "woefully lacking in high ideals of service or an appreciation of the responsibility of the Department Chief." In a move signifying the "tightening of the grip of the politicians," Grant next chose Zachariah Chandler of Michigan to head the department. Chandler was then Republican Party "boss" of his state, and a man of wealth, having commercial, banking and land speculation interests. For fourteen years he had chaired the Senate's "pork-barrel" dispensing Committee on Commerce. Many, including military officers, were enthusiastic about his appointment. In a letter marked "personal," General Pope asserted, "We can now count upon a vigorous and business administration of the office especially of that portion yet with which we have most concern, viz. the Indian Bureau." A semblance of reform was achieved. Chandler freely dismissed

33 HR Rpt. No. 98, 42nd Cong., 3 sess. (Serial 1578), 1873, 1.
34 Delano to President Grant, July 20, 1875, D.I.L.S., NA, RG 75.
36 Hinsdale, op. cit., 214.
37 White, op. cit., 181; Smith, op. cit., 458-459.
38 Pope to Z. Chandler, December 3, 1875, Zachariah Chandler Papers, Manuscripts, Division, Library of Congress.
clerks for "dishonesty and looseness" and relieved "unsavory" Indian officials. He emphasized the need for excellent agency teachers. Still many reformers were not convinced that Chandler did enough to revamp the Indian system and root out evils that cropped up time and again.  

When President Hayes took office, in March, 1877, the portfolio of the Interior Department was passed to an outstanding political reformer, Carl Schurz of Missouri. A German political exile, experienced as American minister to Spain, commander of volunteers in the Civil War and leader of the Liberal Republican movement, Schurz became an energetic Secretary. A whole chapter might reasonably be devoted to his efforts to purify the Indian service and maintain civil control of the Indians. He fought the spoilsman, streamlined bureaus, introduced detailed regulations for the purchase and distribution of supplies, investigated and removed unreliable employees, promoted Indian education and advocated land allotments through procedures later formalized in the Dawes Act of 1887.

Secretary Schurz encountered much opposition and made

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39 George F. Hoar, Autobiography of Seventy Years (New York, 1903), II, 75; Smith, op. cit., 460-461; C. M. Feuss, Carl Schurz, Reformer (New York, 1932), 241.

40 Hinsdale, op. cit., 221-222. Having solicited much independent backing for Hayes, Schurz was given a choice of the Post Office or Interior Department jobs.

41 Dict., Am. Bio., XVI, 466-470; Smith, op. cit., 461-463; Priest, op. cit., 68, 130, 142-143, 188; II, 1877-1880, passim. Schurz's role in the ultimate defeat of the transfer proposition was particularly significant and will be discussed in a later chapter.
some embarrassing mistakes in his zeal to reform the Indian policy and administration. His failure to interdict a scheduled removal of the peaceable Poncas from Southeastern Dakota to Indian Territory, for example, resulted in bitter condemnation by humanitarians. Another time, his removal of Chief Clerk Samuel Galpin, who had referred to him as the "dam dutch secretary," was vigorously disputed by influential persons. Toward the end of his four year term, Secretary Schurz summarized his experiences in a letter of advice to President-elect James A. Garfield:

The Interior Department is the most dangerous branch of the public service. It is more exposed to corrupt influences and more subject to untoward accidents than any other. To keep it in good repute and to manage its business successfully requires on the part of its head a thorough knowledge of its machinery, untiring work and sleepless vigilance. I shall never forget the trials I had to go through during the first period of my Administration, and the mistakes that were made before I had things well in hand. It is a constant fight with the sharks that surround the Indian Bureau, the General Land Office, the Pension Office and the Patent Office, and a ceaseless struggle with perplexing questions and situations, especially in the Indian Service. Unless the head of the Interior Department well understands and performs his full duty, your Administration will be in constant danger of disgrace...

Mindful of this admonition to choose wisely, Garfield

42 See Schurz Scrapbook, filed with Carl Schurz Papers, Manuscripts Division, Library of Congress. Schurz later admitted that the Ponca removal was a mistake.

43 Charles Ellison to Schurz, May 2, 1877, Schurz Papers, Former Commissioner Francis A. Walker and the president of Amherst, Julius H. Seelye, were among those who opposed Galpin's removal. (Priest., op. cit., 69.)

44 Carl Schurz, Speeches, Correspondence and Political Papers, (New York, 1913), IV, 81-82.
appointed Samuel J. Kirkwood of Iowa as Secretary of the Interior. Kirkwood, a Republican who had served two terms as governor of Iowa and many years in the Senate, failed to live up to expectations. \(^{45}\) With some insight he diagnosed the shortcomings of the government's Indian program — false economy in appropriations, too little patience in the area of Indian labor, frequent removals or changes in the size of reservations and the absence of civil and criminal law for the natives. \(^{46}\) He, like other secretaries, had suggestions to make, but admitted the methods by which the Indian question was to be settled was "not yet fully recognized." \(^{47}\) Unable to resist the "legions" of office-seekers, he selected Hiram Price of Iowa for Commissioner of Indian Affairs and added twenty-six other Iowans to the department rolls. \(^{48}\) Prior to Garfield's assassination, Kirkwood became only "partially acquainted" with his job; afterwards his tenure was too indefinite to warrant "distinctive policies." In fact, it was reported that he allowed his work to slide so much that correspondence buried his desk and awaited attention in adjoining rooms. \(^{49}\) In February, 1882, after thirteen months in office, the sixty-eight-year-old Secretary handed in his resignation. \(^{50}\)


\(^{46}\) SI, 1881, IV-VII.

\(^{47}\) *Ibid.*, III.


\(^{50}\) *Ibid.*, 368; Smith, *op. cit.*, 463.
Senator Henry M. Teller of Colorado, remembered as a leader of the "free silver" movement of 1896 and the author of an 1898 amendment concerning American intervention in Cuba, accepted President Arthur's appointment to succeed Kirkwood. Then a Republican, Teller was the first Secretary to be selected from a state west of Iowa. He had helped to defend Denver against Indian attack during the Civil War and advocated the purchase of Indian lands for a fraction of their real value. It was not surprising, therefore, that some of his views and policies did not coincide with those of the theorists of his day. Strong measures must be taken to disarm the Indians, he argued. Not even Indian police could be trusted with long-range weapons. Moreover, allotments of land in severalty would be a "crime" against the Indians' savage instincts. Indian education was fine if it was practical and not "literary education." "Heathenish" practices must be abolished. These and other steps he defended in the Darwinian conclusion:

Civilization and savagery cannot dwell together; the Indian cannot maintain himself in a savage or semi- civilized state in competition with his white neighbor, and he must adopt the white man's ways or be swept away by the vices of savage life, intensified by contact with civilization. Humanity revolts at the idea of his destruction, yet it is far better that he should disappear from the face of the earth than that he should remain in his savage state to contaminate and curse those with whom he must necessarily come in contact in the future."

At the beginning of Cleveland's first term, the secretaryship again changed hands. The new head of the Interior

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52 SI, 1883, iii.

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was a Mississippi Democrat and ex-Confederate army officer with the distinctive Latin name, Lucius Quintus Cincinnatus Lamar. Lamar had a varied background, having taught mathematics, political economy, social science and law at the University of Mississippi, served in the House and Senate, and acted as Confederate envoy to Russia and Judge Advocate General during the Civil War.\(^5\) He accepted the appointment reluctantly -- only to "impress the country with the desire of the South faithfully to serve the interests of a common country."\(^5\) Lamar's ambition was to obtain a seat on the Supreme Court, so it was with special regret that he observed:

I eat my breakfast and dinner and supper always in the company of some two or three eager and hungry applicants for office; go to bed with their importunities in my ears...I have no time to say my prayers...I expect you think that I am in a bitter mood...but I am not; only in a jocose one after an engagement with eight office seekers before breakfast.\(^5\)

With regard to Indian policy, Secretary Lamar took the position that the fate of the Indian race depended upon rapid civilization. Incorporation of the red men into the political and social system of white society would be, he asserted, "the crowning glory of our Government."\(^5\) But there were certain prerequisites. The nation's wards must be educated, taught to appreciate individual land-holding and brought under

\(^5\) Ibid., 480-481.
\(^5\) SI, 1886, 4.
As for citizenship, the experience in the South should be considered. "After incorporating into our body politic four millions of blacks in a state of slavery and investing them with citizenship and suffrage," he noted, "we need not strain at the gnat of 260,000 Indians." But such misguided zeal would do more harm than good. The "slow-moving, philosophical" Secretary maintained this somewhat conservative point of view throughout his administration. Finally, in early 1888 he got his wish -- an appointment to the Supreme Court.

THE COMMISSIONERS OF INDIAN AFFAIRS

At the close of the Civil War the Commissioner of Indian Affairs was William P. Dole, a little-known Illinoisan. Although Dole headed the Indian Office from the beginning of Lincoln's first term until early July, 1865, he is not mentioned in standard national and state biographical sources. One may assume from his official reports and correspondence, however, that he was well-informed about the intricacies of Indian relations and concerned about the welfare of the government's wards. He complained, for example, that Indian relations had long been governed by "the course of events" rather than by a "well-settled policy." It was his opinion that the key

57 Ibid., 4-10.
58 Big, 1885, 115-116; SI, 1885, 24-25.
59 Lamar died before he could be installed. There were divided views on his abilities as an administrator. For a criticism of his work see Merrill, op. cit., 131.
60 Register of the Department of the Interior (Washington, 1883), 2. Hereafter this source is cited D.I. Register.
61 CIA, 1864, 3.
to this situation was scrupulous adherence to a program of concentra-
tion. Only in areas protected from white intrusion could the "rising generation" acquire the skills and habits essential to the preservation of the red race. 62

Dole's successor was Dennis N. Cooley, a Dubuque, Iowa, lawyer. Clearly a partisan appointee, Cooley served in 1864 as a special commissioner for the sale of confiscated lands in South Carolina and as secretary of the National Republican Com-
mittee during Lincoln's second campaign. 63 He was one of several Commissioners who entered office with very little knowledge of Indian affairs. At the outset he became involved in Secretary Harlan's program for improving relations with both the tribes and the Army. His principal contribution, however, was an effort to reform the administrative procedures and conditions of the Indian service. He demanded punctual reports, careful accounting and book-keeping and devotion to duty by staff and agency personnel. 64 After less than fifteen months in office, Cooley resigned to practice law in Washington, D.C. 65

Until November first, the office of Indian Commissioner was vacant. Then President Johnson selected Louis V. Bogy, a St. Louis Democrat to fill the post. Also a lawyer, Bogy was a veteran of the Black Hawk War and a pro-southerner who had

62 Ibid., 5-8.
64 See, for example, Cooley's recommendations in CIA, 1866, 1.
65 The U.S. Biographical Dictionary, 37. Cooley resigned in September for "political reasons"; namely disagreement with Johnson's moderate reconstruction program.
"kept very quiet" during the Civil War. Because of his political affiliations, the new Commissioner began his assigned duties without senatorial confirmation of his appointment. He was, however, an energetic leader and fought against widespread public criticism of the Indian Bureau following the tragic Fetterman Massacre in Wyoming in December, 1866. His pleas for justice for peaceable Indians and views concerning the need to negotiate new treaties with various western tribes contributed significantly to the establishment of the Peace Commission of 1867-1868.

A fourth Commissioner to serve under President Johnson, Nathaniel G. Taylor of Tennessee, was appointed March 29, 1867. A graduate of Princeton and former member of Congress, Taylor is described by one biographer as a man of "much erudition and polish, who distinguished himself both as statesman and preacher." Perhaps his most lasting contribution was his work as president of the Peace Commission of 1867-1868. An outspoken opponent of military control, he listed and explained eleven reasons for not transferring the Indian Bureau to the War Department in 1868. Summing up, he stated:

67 The Fetterman Massacre is discussed in the next chapter.
68 L. V. Bogy to Browning, January 3, February 11 and March 2, 1867, I.O.R.B. No. 16, NA, RG 75.
69 D.I. Register, 2; The National Cyclopedia of American Biography (New York, 1898), VIII, 368.
70 CIA, 1868, 7-14.
It is beyond question our most solemn duty to protect and care for, to elevate and civilize them, [the Indians]. We have taken their heritage, and it is a grand and magnificent heritage. Now is it too much that we carve for them liberal reservations out of their own lands and guarantee them homes forever?...It remains for us...to blot out their remembrance of wrongs and oppressions by deeds of God-like love and benevolence. 71

Probably the most colorful person ever to act as Indian Commissioner was Brig. Gen. Ely S. Parker, who was appointed shortly after Grant's inaugural in 1869. Parker was a full-blooded Seneca and a sachem of his tribe. Educated in engineering and law, he obtained a commission and became aide-de-camp for his old friend Grant in 1863. This position he held until he resigned to enter office as Commissioner. 72 While head of the Indian Bureau he became a leading critic of the decadent treaty system and an advocate of reforms such as the establishment of the Board of Indian Commissioners and the selection of agents nominated by religious organizations. But in early 1871 he was denounced by a House investigating committee for having been indiscreet in letting private contracts for some Sioux agencies. 73 Parker resigned in disgrace in July, 1871, and for about four months thereafter Henry R. Clum, a former assistant, acted as Commissioner. 74

In the latter part of November, Francis Amasa Walker,

71 Ibid., 19.
73 Ibid., 220.
74 Clum had acted as Commissioner during Parker's frequent absences, inconspicuously following the policies of his superior.
an ambitious young statistical expert, took charge of the Indian Office. A Massachusetts Republican, well-educated in several fields, Walker acquired the commissionership while serving as Superintendent of the Census Bureau. Few commissioners were able to keep up with the many responsibilities of the Indian Bureau without double-duty, but he achieved a good record nevertheless. His yearly report for 1872 set forth the thesis that the Government, for good reasons, was following two distinct Indian policies — one for "potentially hostile" red men and one for traditionally friendly and weak tribes. He contended:

It is not a whit more unreasonable that the Government should do much for hostile Indians and little for friendly Indians than it is that a private citizen should, to save his life, surrender all the contents of his purse to a highwayman; while on another occasion, to a distressed and deserving applicant for charity, he would measure his contribution by his means and disposition at the time.\(^\text{76}\)

Admittedly, the government was "temporizing with an evil," but expansion and national progress made this necessary.\(^\text{77}\) At the same time, the nation was duty-bound temporarily to support its wards. "The freedom of expansion which is working these results is to us of incalculable value," he pointed out,\(^\text{78}\) "to the Indian it is of incalculable cost." Among those who were

\(^{75}\)Walker had had a brilliant war record, rising from private to Assistant Adjutant General of the Union Army. After the war he taught Latin and Greek at a seminary before assuming the duties of Superintendent of the Census Bureau in 1870. Apparently Grant gave him the appointment as Commissioner because there were no more funds to pay him for his work in the Census Bureau. (Dict. Am. Biog., XIX, 343-344.) He also served as a special commissioner to the Sioux in 1871.

\(^{76}\)CIA, 1872, 3-4.

\(^{77}\)Ibid., 8.

\(^{78}\)Ibid., 10.
able to leave the Indian Office without a bad reputation, Walker, in March, 1873, resigned to teach economics at Yale.79

Next to head the Indian Bureau was Edward P. Smith, a Congregational clergyman who had served as agent at White Earth Agency in Minnesota. As an "agent in the woods" Smith was recognized as a "moderate, sensible and truthful man," anxious to obtain increased funds for houses, farms, stock and a school for his subjects.80 Upon taking over his new job, he termed his duties an enormous "terra incognita," but soon generalized about the problems and needs of the Indian service.81 He recommended a revision of outdated treaty provisions, allotment of lands in severalty, stepped-up training and education for the young and "vigorous treatment" of wild bands.82 In his opinion, transfer of the Bureau to the War Department would defeat the government's purpose of civilizing the natives. With limitations, however, temporary military control over uncooperative tribes was a practical expedient.83

In December, 1875, after various investigating committees criticized his judgments and accounting procedures, Smith turned

80Walker to Delano, December 23, 1872, and Clum to Delano, January 11, 1873, I.O.R.B. No. 22, NA, RG 75; Walker to Smith, July 24, 1872, I.O.L.B. No. 107, NA, RG 75.
81See HR Rpt. No. 778, 43rd Cong., 1 sess. (Serial 1627), 1874, 220-221; RSC, 1875, 677-678.
82CIA, 1873, 3-9.
83CIA, 1874, 13-15; CIA, 1875; 19-20.
in his resignation. Another Smith, John Q. Smith of Ohio, headed the Indian Bureau from December, 1875, until late September, 1877. The Department of Interior appointment files contain some interesting information about his selection and role as an administrator. Ohio's Senator John Sherman, brother of General W. T. Sherman, solicited Secretary Chandler in Smith's behalf. He mentioned the latter's experience as a member of Congress, described him as being "honest as the day is long" and emphasized that he was presently disengaged. An unsigned statement, obviously written by a contemporary observer acquainted with the Indian Office and its personnel, disputes Senator Sherman's views about Smith's qualifications and integrity, stating:

When Mr. Smith came here to take charge of the Indian Office he questioned several persons who knew the facts respecting that office, and he was very fully informed about it, but of all the men who were anxious for reform in, and the purification of that office he has not taken one of them into his confidence, but has struck at them directly and indirectly at the same time keeping and promoting and preferring the men who are either known to be, or suspected of being in league with the ring that has been but half exposed.

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84 Report of Commission to Investigate Certain Charges against Honorable E. F. Smith (Washington, 1874); HR Misc. Doc. No. 167, 43rd Cong., 1st sess. (Serial 1702). Reformers such as A. C. Barstow of the Board of Indian Commissioners insisted that Smith was not dishonest. After resigning, he became president of Howard University and later died in Africa on a visit sponsored by the American Missionary Association. (James G. Wilson and John Fiske, eds., Appleton's Cyclopedia of American Biography [New York, 1888], 561.)

85 J. Sherman to Z. Chandler, December 5, 1875, Appointment File, of the Department of the Interior, NA, RG 75. Hereafter this source is cited D.I.A.F.

86 "Anonymous Charges against J. Q. Smith et. al.," D.I.A.F. NA, RG 75. A note on the outside of these records says the charges were by a Dr. Curtis.
As far as the author of these charges could determine, Smith's only concern was how the Commissioner and other officers made their "dividends."87

Judging from his published statements, though, Commissioner J. Q. Smith was much interested in the welfare of the Indians. He expressed the reformers' sentiment that "the adventurous, grasping Anglo-Saxon race" had dispossessed the aborigines and therefore ought to care for them through "good moral and Christian" officials.88 Unfortunately, however, there was no "well-defined, clearly-understood, persistent purpose on the part of the Government."89 Such high-sounding judgments did not deceive Secretary Schurz, who finally invited Smith to resign. Later, in answer to the Commissioner's protest, Schurz affirmed, "The fact is, you never knew what was going on in the office under your charge, and your clerks were well aware that you did not know it."90 Revealingly, General of the Army Sherman took exception to the removal of his brother's nominee. Sherman insisted, however, that he was most concerned with whether a Commissioner would cooperate with the Army. In this respect, Smith was "the best Commissioner with whom I had come in contact for ten years," the General contended.91

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87 Ibid.
88 CIA, 1876, VI-VII.
89 Ibid., X-XI.
90 Schurz to J. Q. Smith, January 15, 1878, Schurz Papers, and Schurz Scrapbook.
91 Sherman to Schurz, January 25, 1878, Schurz Papers.
The search for another Commissioner ended in the appointment of Ezra A. Hayt, a New Yorker formerly on the Board of Indian Commissioners. Hayt, too, came to office with good recommendations. For example, the well-known Indian reformer, William Welsh, studied Hayt's background and encouraged Secretary Schurz to seek his appointment. On the other hand, former associates on the Board of Indian Commissioners did not think Hayt would be an asset to Schurz's reform program. For a time it seemed that Hayt's critics were quite wrong. He cooperated with Secretary Schurz by dismissing many officials of doubtful reliability. As a result, reformers and ousted personnel alike sought to disgrace the Commissioner. William Leeds, a Chief Clerk who was pressured out of office, conspired with members of the Board of Indian Commissioners to gather evidence that Hayt was delinquent in accounts, arbitrary in his removals and corrupt in private business transactions.

While these maneuvers were in progress, Commissioner Hayt

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92 The head of the Board of Foreign Missions for the Reformed Church once characterized Hayt as a diligent Christian who had made a "handsome fortune" in dry goods and trade before assuming the presidency of International Trust Company. In addition, he was identified as a "firm, courageous, clear-headed and hearty Republican." (The Reverend Mr. J. M. Ferris to Delano, undated, NA, RG 75.)

93 Welsh to Schurz, October 27, 1877, Schurz Papers.

94 E. Whittlesey to B. R. Roberts, September 24, 1877, Letters Sent, Board of Indian Commissioners, Series II, Vol. IV, NA, RG 75. Hereafter these records are cited B.L.S.

95 W. Leeds to C. Fisk, December 6, 1879, Correspondence, Board of Indian Commissioners, NA, RG 75. Hereafter these records are cited B.C.
was apparently busy trying to accelerate the civilization of the Indians. "...it is indispensable at the outset to throw aside the sentimentality that is so fashionable in our day, and to treat the subject in a practical and common sense way..." he asserted. Accordingly, he advocated a code of laws for the reservations, Indian police, land allotments, compulsory education and other reforms. To implement the Indian policy, Hayt sought business-minded individuals, not politicians, preachers or soldiers who lacked functional ideas. Moreover, he was in the forefront of debate against transfer of the Bureau to the War Department.

All of Hayt's efforts to defend and invigorate the Indian service, however, could not extenuate his implication in a shady deal to acquire a silver mine near San Carlos Agency in Arizona Territory. In 1879 Inspector J. H. Hammond discovered that Agent H. L. Hart and others were guilty of "gross frauds and dishonesty" concerning Indian cattle shipments. Hart had a substantial interest in the Washington Mine, and Hammond offered to repress this evidence if he and some of the Commissioner's friends were allowed to buy the mine at a discount. Hayt's son closed the transaction, acting under the assumed name, "Edward Knapp" (his first and middle names).

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96 CIA, 1877, 1.
97 Sen. Misc. Doc. No. 53, 45th Cong., 3 sess. (Serial 1835), 1879, 313-314. Representatives of various religious groups were disgruntled by Hayt's disposition to oppose the appointment of individuals with only theological training as agents.
98 Ibid., 312-338.
Commissioner was not able to justify this action to Secretary Schurz, he was dismissed. This scandal, publicized late in January, 1880, touched off renewed criticism of the Indian Bureau and induced Schurz to pay even closer personal attention to Indian affairs.  

Secretary Schurz was understandably cautious about suggesting a successor for Kayt. For a time Indian affairs were directed by Assistant Attorney-General Edgar M. Marble, but by mid-March President Hayes was anxious to settle the matter, and gave the position to Rowland E. Trowbridge, a leading agriculturist and former Republican congressman from Michigan. This turned out to be an unfortunate selection, for Trowbridge was suffering from sciatica and was ill so much that he was unable to attend to many of his duties. Most of the business of the Indian Office continued to be handled by Secretary Schurz or by Marble. On April 20, 1881, a little over a year after taking office, Trowbridge died.

In May, leadership of the Indian Bureau passed to Hiram A. Price, an elderly Republican banker from Iowa. Although he turned seventy while in office, Price carried on an active

100 Priest, op. cit., 72.
101 President Hayes to Schurz, February 19, 1880, Schurz Papers; Priest, op. cit., 71; D.I. Register, 1; S.D. Bingham, comp., Early History of Michigan with Biographies of State Officers, Members of Congress, Judges and Legislators (Lansing, 188), 614.
103 Bingham, op. cit., 614.
administration. He laid special stress upon the Indians' need to learn to earn their own living and wrestled with the age-old problem of procuring able agents. On the latter point he declared, "The impression seems to prevail to a great extent that almost any man will do for an Indian agent, and as a consequence to this belief, men who are broken down physically, financially, or politically are frequently recommended for that position." The Commissioner also had his differences with the Army. While denying any intention to start a controversy, he entered a vigorous protest against the "reckless consumption" of reservation timber by military detachments. Touching upon another more general problem and an issue with special appeal to his prohibitionist proclivities, Price severely criticized an Army order excluding lager beer and malt liquors from the list of "intoxicating liquors" banned at military posts. Sarcastically he commented:

...at one of the military posts, where the troops number less than 200, 72,000 pints of lager beer were consumed in three weeks, which is about 17 pints per day for each man. I am also informed that most of the lager beer which is sold at these military posts is made expressly for spirits, instead of the 5 to 12 per cent of proof beer. I am therefore constrained to believe that until the right to dispose of liquor of any kind, under whatever name or subterfuge its sale or introduction on or near an Indian reservation may be attempted, is forbidden by law, its sad and de-

104 Dict. Am. Biog., XV, 212-213. Price had served several years in Congress.
105 CIA, 1883, VIII; CIA, 1881, III.
106 CIA, 1881, XXX.
107 In 1855 Price used cannon to defend prohibitionists in Davenport, Iowa, against an angry mob. (B.F. Gue, "The Public Services of Hiram Price," Annals of Iowa, Series 3, I (January, 1895), 591.)
moralizing effects among the Indians will continue to exist. 108

At the beginning of Cleveland's administration, the Commissioner asked to be relieved. 109

The final Commissioner in the period 1865 to 1887 was John D. C. Atkins, a Tennessee Democrat. Before entering office the former Confederate Colonel chaired the House Appropriations Committee, and during his term he was a partner of a telephone company which Republicans tried to depict as a "Democratic Credit Mobilier." 110 His annual reports reveal Atkins as an eloquent, if opinionated, spokesman of a policy of paternal restraint toward the country's original inhabitants. In terms which would have stirred the hearts of Populists, he emphasized the value of Indian homesteads and farms.

Historians, philosophers, and statesmen freely admit that civilization as naturally follows the improved arts of agriculture as vegetation follows the genial sunshine and the shower, and that those races who are in ignorance of agriculture are also ignorant of almost everything else. The Indian constitutes no exception to this political maxim. 111

108 CIA, 1883, vi.
109 A number of the Indians friends asked Price to remain in office. (D.I.A.F., NA, RG 75).
110 In 1883 Atkins joined the Pan-Electric Telephone Company headed by former Confederate general Joseph E. Johnston. The Bell Telephone Company sued Pan-Electric for infringing upon its patent rights. Congress also investigated the firm in 1886. Attorney-General Garland, Solicitor General Goode, Railroad Commissioner Johnston, Senator Harris of Tennessee, Secretary of the Interior Lamar and Atkins were all exonerated of dishonest or censurable acts by the Democratic majority of the investigating committee. But the minority report of the Republican members condemned them for bribing the press and taking improper advantage of their political influence. (Frank B. Williams, "The Pan-Electric Telephone Controversy," Tennessee Historical Quarterly, II/June, 1943, 144-162.)
111 CIA, 1885, III.
Also, in his last yearly report, he eulogized the Allotment Act of 1887, contrasting it with the government's previous "pauperizing" policy. The Commissioner affirmed that, subjected to similar circumstances and treatment -- lands in common, annuities, and ministerial teachers, preachers, farmers and physicians -- even the "enterprising Yankees" of New England would degenerate to parasites upon the community. 112

THE WAR DEPARTMENT AND MILITARY POLICY

The transition from full-scale war in the period 1861-1865 to limited quasi-war and garrison activities in the South and West presented many difficulties for the leaders of the War Department and its lower echelons. A shortage of manpower, inadequate financial support, public opposition to a standing army and unattractive duty assignments were among the more obvious obstacles to effective Army operations. Equally hampering, although less apparent to the casual observer, were central administrative and organizational problems. In the first place, there was rivalry for authority between the politically-appointed Secretary of War and the top military official, the General-in-Chief. Secondly, both of these officers struggled to maintain control over semi-autonomous staff agencies, such as the Ordnance and Quartermaster departments. 113 Finally,

112 CIA, 1887, IX. The Dawes Severalty Act is discussed in Chapter Nine.

coordination between upper echelon authorities and field commands, which were frequently reorganized, left much to be desired.\footnote{114}{White, op. cit., 134, 137-144. In 1866 the Army had five divisions and seventeen departments; twenty years later, three divisions and eight departments.}

In the military branch, as in the Interior Department, policies affecting Indian affairs varied from one administration to another. While field commanders exerted considerable influence upon their superiors and had much latitude in implementing directives, the Secretary or General-in-Chief, in varying degrees, made the important decisions. Excluding three \textit{ad interim} appointees, the War Department, like its civilian counterpart, had ten different leaders in the twenty-two years after the Civil War. The secretaries' backgrounds included business, banking, law, state and national politics and professional military service. Most were Republican and all but one came from states presently considered part of the Midwest. In contrast to the War Office, the office of General-in-Chief was quite stable; only three persons were in charge between the Johnson and Harrison administrations. All were West Pointers of proven ability, and the last two were well-experienced in Army-Indian relations.\footnote{115}{White, op. cit., 137-144; \textit{Dict. Am. Biog.}, passim.}

\textbf{THE SECRETARIES OF WAR}

One of the best known Secretaries, Edwin M. Stanton of Ohio, headed the military department from January, 1862, to May, 1868, except for two \textit{ad interim} interruptions. Stanton's political ties shifted during the Civil War from Unionist to...
Radical Republican. By 1865 he had a reputation as a vigorous and efficient Secretary. President Johnson retained him to handle the problems of demobilization, but in 1867 Stanton and Johnson clashed over reconstruction policy. The Secretary became the key figure in the President's dispute with the Radical-controlled Congress over the Tenure of Office Act. First, in August, Johnson tried to replace Stanton with General-in-Chief Grant, designating the latter as Secretary ad interim. For about four months Grant reluctantly acted in that capacity, but Stanton refused to leave his desk. Again in February, 1868, Johnson tried to oust the "Black Terrier" of the War Office, appointing General Lorenzo Thomas as Acting Secretary. Thereupon Stanton "holed up" in the War Department building and remained there during the weeks of Johnson's impeachment trial.

The crucial events of the latter part of Stanton's term obviously distracted him from the question of military relations with the Indian tribes. To the extent that he commented on the Indian affairs, it was clear that he had little sympathy for the religious reformers' approach. For instance, in anticipation of a visit from the avid Indian reformer, Bishop Henry Whipple, he told an acquaintance:

116 Dict. Am. Biog., XVII, 517-519; Smith, op. cit., 286-291. (Earlier Stanton was a Democrat and served as Attorney General under Buchanan.)


If he has come here to tell us of the corruption of our Indian system, and the dishonesty of Indian agents, tell him that we know it. But the Government never reforms an evil until the people demand it. Tell him that when he reaches the heart of the American people, the Indians will be saved.  

Little more than passing reference to the need for military protection of emigrants against hostile bands is found in his annual reports.  

Although opinionated and strong-willed, Stanton considered the Senate's failure to convict Johnson a personal vote of "no confidence," and on May 26, 1868, he submitted his resignation.  

Little comment is necessary concerning the ad interim Secretaries, Grant and Thomas. Their terms were so brief and tenuous that they made little impression upon departmental policies. Later, as President, Grant was to gain special acclaim as a friend of conciliatory measures toward the tribes. More will be said of his pre-presidential role as General-in-Chief momentarily. General Thomas was a headstrong and argumentative person whose "comic opera" attempt to "boot" Stanton out of the War Office cost him a week in jail at the latter's request.  

Another short-term Secretary, General John A. Schofield,  

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120 SW (P), 1866, 68. Biographical sources do not indicate that Stanton was concerned about Indian affairs.  
122 Smith, op. cit., 541.  
headed the Department from May, 1868, to March, 1869. A West Pointer who had fought the Seminoles and commanded various military departments, Schofield was nominated for the cabinet by Senator William Evarts of New York. He had definite opinions about the management of Indian affairs and did not miss the opportunity to speak his mind on the subject in the annual report for 1868. "For the sake of economy to the government, for the sake of more efficient protection to the frontier settlements, and for the sake of justice to the Indians," he commented, "I recommend that the management of Indian affairs be restored to the War Department, with authority to make regulations for their government and for their protection against lawless whites." An able and industrious Secretary, Schofield nevertheless preferred an active command to a desk job in Washington. A week after Grant's inauguration he resigned to return to duty as commander of the Department of the Missouri.

President Grant selected General John A. Rawlins to take charge of the War Department. Rawlins, formerly a Douglas Democrat, had been a close friend and advisor to Grant during the Civil War. At the time of his appointment he was suffering from a tubercular condition which continued to limit his activities. Not in office long enough to submit an annual report.
which might sum up his views on control over the Indians, the Secretary succeeded, however, in stirring up dissension over authority within the military branch. Much to the chagrin of General-in-Chief Sherman, he prevailed upon Grant to remand an order routing all official business through the head of the Army.\textsuperscript{128} Early in September Rawlins succumbed to his lingering illness. His death, one author contends, meant the loss of a "salutary influence" upon Grant, who was subsequently controlled by political and military "minions."\textsuperscript{129}

For about a month and a half, Rawlins' vacancy was filled by General-in-Chief Sherman.\textsuperscript{130} On October 25, 1869, another Civil War general, William W. Belknap of Iowa moved into the War Office. A former member of the Iowa legislature, Belknap left a position as collector of internal revenue in his state to assume the cabinet post. His six and a half years in office covered a period in which the civil-military dispute over control of Indian affairs was particularly lively. Still his official reports contain surprisingly little personal comment on the subject. He usually endorsed the views of the General of the Army and department commanders who, as a rule, deprecated the actions of the Indian Bureau.\textsuperscript{131} Apparently he, like most

\textsuperscript{128}Athearn, \textit{op. cit.}, 210-212.
\textsuperscript{129}Hinsdale, \textit{op. cit.}, 211.
\textsuperscript{130}Sherman earlier declined to serve as Secretary under President Johnson. He hated the political furor of Washington and happily unburdened himself of this extra duty. (\textit{Dict. Am. Biog.}, XVII, 93ff.)
\textsuperscript{131}\textit{SW}, 1869-1875, \textit{passim}.
of his successors, was less interested in getting embroiled in
the onerous Indian service than military subordinates whose
reputation and efficiency reports hinged upon relations with
the tribes.

Ultimately, though, Belknap was ruined by his involve­
ment in a scandal over the Indian tradership at Fort Sill, In­
dian Territory. In 1876 the House impeached him for receiving
bribes amounting to about $25,000 from Caleb P. Marsh, the
nominal trader. Only a hasty and disgraceful resignation pre­
vented the Senate from bringing in a verdict of guilty.132 Coming
at a crucial time in the contest between departments for au­
thority over Indian matters, the "Belknap Scandal" and a resul­
tant investigation of the transactions of the War Department
strengthened the cause of civilian administrators.133

The departure of Belknap brought an end to the succession
of generals in the War Department. The next Secretary, who held
office only ten weeks, was Judge Alphonso Taft, Ohio Republican and father of William Howard Taft. His stay in the War Department was too brief to substantially affect policies or procedures. But General of the Army Sherman expressed pleasure at having a less meddlesome superior. As planned in advance by Republican patronage managers, Taft was soon transferred to the Attorney General's Office, a position "more suited to his genius and tastes."

Political repercussions followed Grant's announcement that Taft's successor was to be James D. (Don) Cameron, son of the Pennsylvania Republican Party boss, Senator Simon Cameron. Young Cameron had inherited both business and political "know-how" from his father. Before turning thirty-five, he demonstrated "large business capacity" as a bank president and head of the Northern Central Railroad of Pennsylvania. During his ten-month term he achieved greater efficiency in military business activities and cut the cost of operations considerably. His yearly report for 1876 included an endorsement of a strict policy of disarming and dismounting all agency Indians. "Deprived of their arms and ponies it is reasonable to expect,"

134 W. T. Sherman to J. Sherman, March 4, 1876, Sherman Papers, Vol. 42.
136 Simon Cameron had been Secretary of War under Lincoln. Ingersoll contends that the older Cameron had no advance knowledge of his son's appointment. Nevertheless, partisanship was involved.
he declared, "that on the next outbreak of hostilities the anomaly will not again be presented of the Government forces being met in summer by hostile Indians sheltered and cared for at Government expense during the previous winter." Because Cameron made federal troops available to the Republicans in Louisiana and Florida during the investigation of disputed election returns that fall, Pennsylvania Republicans expected President Hayes to retain him in the cabinet. But they were disappointed. Consequently, it is said, Simon Cameron resigned his Senate seat, giving it to his son as a "consolation prize."  

While refusing to compensate Cameron, Hayes repaid a political debt to the author of the electoral commission bill, Representative George W. McCrary of Iowa, by naming him to head the War Department. A former justice of the Iowa Supreme Court and congressional investigator in the Credit Mobilier scandal, McCrary accepted the appointment only because he could not head the Justice Department. Nevertheless, he proved an industrious and able executive. Previous experience on the legislative committee on Indian affairs gave him insight respecting military difficulties with hostile bands. "It is undeniable," he concluded, "that most if not all the disasters attending

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138 SW, 1876, 6.
140 McCrary had disqualified himself from the Attorney-General's position by public statements about a pending mineral land claim. Judge Charles Devens of Massachusetts would not consent to act as provisional Attorney-General until that case was settled. (Smith, op. cit., 298; Dict., Am. Biog., XII, 2-3; Rinsdale, op. cit., 223-224.)
Indian hostilities are the result of inadequacy of force on our part.\textsuperscript{141} To be effective the Army must be enlarged and given adequate appropriations. In December, 1879, McCrary resigned to find "satisfaction for his judicial aspirations in a Circuit Judgeship."\textsuperscript{142}

Next to head the department was Senator Alexander Ramsey. Ramsey had been governor of both the territory and state of Minnesota and an organizer of the Republican Party in his region.\textsuperscript{143} He had first hand knowledge of the problems of dealing with red men on the warpath, having had executive responsibility for calling out the militia and summoning federal troops at the time of the Sioux Outbreak of 1862.\textsuperscript{144} In the Senate, too, he had agitated for greater military protection for roads and frontier communities.\textsuperscript{145} With some understanding, then, Secretary Ramsey called for additional funds to improve the conditions and salvage the esprit of his understaffed and overworked western army.\textsuperscript{146}

At the beginning of the Garfield administration Ramsey was replaced by Abraham Lincoln's son, Robert Todd. Before his appointment young Lincoln was not very active in politics.

\textsuperscript{141}SW, 1879, iii.
\textsuperscript{142}Hinsdale, op. cit., 226-227.
\textsuperscript{143}For the background of Ramsey's appointment see Rhoda R. Gilman, "Ramsey, Donnelly, and the Congressional Campaign of 1868," Minnesota History, Vol. 36, (December, 1959), 300-308; Smith, op. cit., 299.
\textsuperscript{144}Dict. Am. Biog., XV, 341-342.
\textsuperscript{145}Atbearn, op. cit., 41-42.
\textsuperscript{146}SW, 1880, iii-v.
He attracted the President's attention, however, by swinging a delegation of Grant supporters to his support at the 1880 Republican Convention.\textsuperscript{147} Despite the tragedy which abbreviated Garfield's term, Lincoln served a full, if uneventful and unimpressive, four years in the cabinet. He was popular with his father's old generals, particularly because he was so indifferent toward his job that they generally had their way.\textsuperscript{148} Each year Indian resistance seemed to lessen until in 1884 Secretary Lincoln was able to report that the Army had "enjoyed almost complete rest from active field operations."\textsuperscript{149}

Last in the succession of secretaries in the period 1865 to 1887 was William Crowninshield Endicott, wealthy Massachusetts Democrat appointed at the beginning of Cleveland's first term.\textsuperscript{150} Like Lincoln, Endicott was experienced as a lawyer. But the latter's record as an administrator was more impressive. He was noted, especially, for his diligent efforts to improve the Army's efficiency and morale. For instance, he succeeded in establishing higher pay for enlisted men.\textsuperscript{151} Although active operations against the Indians had generally ceased, it was during Endicott's term that Geronimo and his Apache followers were finally defeated.\textsuperscript{152}

\textsuperscript{147}Hinsdale, op. cit., 234-235.
\textsuperscript{149}SW, 1886, 5.
\textsuperscript{150}Endicott was a direct descendant of the Massachusetts colonial governor, John Endicott.
\textsuperscript{151}Smith, op. cit., 300-301.
\textsuperscript{152}SW, 1886, 7.
General Ulysses S. Grant, supreme commander of the Union forces during the last thirteen months of the Civil War, remained in charge of the Army the first four years of Reconstruction. A West Pointer, Grant's pre-war service included duty under General Zachary Taylor in the Mexican War and at outposts on the Pacific Coast, but no active operations against hostile Indians. After Lee's surrender a succession of military and personal involvements prevented the General-in-Chief from devoting much attention to Indian affairs. Initially, he concentrated upon disbandment of the Army, the French threat in Mexico and the complex question of the South. In 1866 he toured the erstwhile confederacy and struggled with the unpleasant task of implementing the Army Reorganization Act, which cut the military force to a fraction of its wartime strength. In August, 1867, after the Tenure of Office Act and Supplementary Reconstruction Act convinced President Johnson that his chief antagonist was Secretary of War Stanton, Grant was temporarily assigned the additional position of Secretary ad interim. The next spring, following Johnson's near-conviction on impeachment charges, Grant became the Republicans'}
candidate for the presidency. Finally, in the ensuing months he was elected and became involved in the selection of cabinet and other appointive officials.  

On a few occasions, though, General Grant expressed his views on Army-Indian relations. Significantly, as Commander of the Army his attitude did not suggest that he might someday be considered a humanitarian Indian reformer. In his annual reports, he echoed and underscored the demands of subordinates who favored the transfer of the Indian Bureau to the War Department. By abolishing agencies and licensed trading and appointing a few inspectors to work with military leaders, he argued, the government could save money and minimize conflict between the red and white races. In February, 1867, he declared:

If the present practice is to be continued, I do not see that any course is left open to us but to withdraw our troops to the settlements and call upon Congress to provide means and troops to carry on formidable hostilities against the Indians until all the Indians or all the whites on the great plains and between the settlements on the Missouri and the Pacific slope are exterminated.

No wonder General Sherman shook his head disbelievingly upon learning two years later that Grant wanted to pacify the red men through church-nominated agency officials!

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156Hesseltine, op. cit., 93-144.
157See, for example, SW, 1866, 17-18.
159Sherman to Sheridan, April 10, 1869, Sheridan Papers.
Grant's successor as Commander-in-Chief, General William T. Sherman, was much more experienced in Indian affairs and considerably more verbose about Indian policy. Also a graduate of the Military Academy and a Union war hero, Sherman had contacts with numerous native groups before the war and had campaigned against and negotiated with scattered western tribes in the period 1865-1869. While commander of the Division of the Missouri, he frequently proposed complete military control over the red men. The Army, he complained, was not consulted about land sales, railroad projects or other forms of expansion, yet was "left in the breach to catch all the kicks and cuffs of a war of races." Critics often accused Sherman of wanting to wipe out the Indians, but he insisted, "Indian wars are all work and no glory!" On the other hand, he could not stand to be told that, because he signed the 1868 Peace Commission report which denounced military subjugation of the Indians, he was obliged to make concessions to hostile bands.

Sherman's term of over fourteen and a half years was punctuated by innumerable intra and inter-departmental crises.

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161 SW, 1868, 1-2.
162 Ibid., 5.
He was much exasperated, for example, when secretaries Rawlins and Belknap by-passed him with directives to staff leaders and field commanders. This was a "double if not a treble-headed machine," he later recalled, "...the general often reading in the newspapers of military events and orders before he could be consulted or informed." In 1874 Sherman got so disgusted with this situation that he moved his headquarters to St. Louis and did not return to Washington until after Belknap's embarrassing exit from office in early 1876. Even then, he deprecated the "flatterers and clerks and orderlies" cringing and bowing before each Secretary.

Vexed by his administrative duties, life in Washington, congressional attempts to further reduce the Army and public criticism in the East and on the frontier, and agitated by Indian wars and incidents, Sherman sometimes made some caustic remarks about Indian affairs in his reports and endorsements. "The Indian Bureau should take care of their own Indians," he replied to a query about sending Indian prisoners to Florida. Of agents who called for military aid and then changed their minds, he once fumed, "It is this habit of blowing hot and blowing cold which all soldiers complain of in the Indian Bureau."  

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164U. S. Grant, Personal Memoirs of U. S. Grant (New York, 1886), 443.
165Sherman to John Sherman, March 4 and 10, 1876, Sherman Papers. Sherman had less difficulty with Belknap's successors.
166Endorsement by General W. T. Sherman, March 5, 1879, W. T. Sherman of Congress. Hereafter these records are cited End., Sherman, followed by the date, the symbol E.M., and the volume number or inclusive dates.
167Ibid., December 11, 1878
Again, despairing over Indian campaigns, the General grumbled, "...it is a waste of life and waste of money to hunt down nomadic Indians like the Sioux to be turned over to the Indian Bureau, and then turned loose well supplied with food and the means of renewing the war." Still another time, with reference to government support for warlike Apaches, he inquired, "Does not this magnanimity verge on the borders of folly?"

Yet General Sherman persevered and found satisfaction in the Army's relations with the natives. Upon retiring from active duty, in November, 1883, he observed, "I now regard the Indians as substantially eliminated from the problem of the Army." In the "great battle of civilization with barbarism," the military, together with railroads and emigrant farmers and miners, had been a "large factor."

Sherman's successor in the top military post was another prominent and experienced Indian fighter, General Philip H. Sheridan. After graduating from West Point in 1853, Sheridan had an opportunity to test his tactical skills against hostile tribes in both the Southwest and Northwest. Achieving an impressive record and the rank of Major General in the war between the states, the Irish-born officer later commanded the Division of the Gulf and Fifth Military District before filling Sherman's vacancy as head of the Division of the Missouri.

168 Ibid., March 16, 1878.
169 Ibid., March 23, 1880.
170 SW, 1883, 45-46.
While in charge of this division, Sheridan became known as a leading exponent of military control and forcible suppression of nomadic Indians. Some of his caustic comments about the "peace policy" made Sherman's remarks seem quite innocuous. He called the program established by the Peace Commission in 1868 an "inhuman farce," leaving "too many fingers in the pie."\textsuperscript{172}

The Indian, he generalized, was a "lazy, idle vagabond," schooled only in the art of taking scalps. Yet the government persisted in giving these outlaws blankets and sending white criminals to penitentiaries.\textsuperscript{173} As for the Indian Office's common practice of repeatedly relocating its agencies, the motive was usually "a desire to cheat and defraud the Indians by avoiding the presence of officers who would naturally see and report it."\textsuperscript{174}

It would be incorrect, however, to characterize Sheridan as an adherent of the principle "the only good Indian is a dead one." To him, the "baulky team" of civil-military control and the failure to impress upon the Indians the difference between right and wrong defeated an otherwise "liberal and humane" program of Christianizing and civilizing the Indians. Transfer would make more work for the Army but was necessary.\textsuperscript{175}

\textsuperscript{172}SW, 1868, 20-21.
\textsuperscript{173}SW, 1869, 37-38.
\textsuperscript{174}Endorsement by General P. H. Sheridan, September 14, 1878, Sheridan Endorsement Book, November 27, 1877-December 18, 1879, Manuscripts Division, Library of Congress. Hereafter these records are cited End., Sheridan, followed by the date, the symbol E. B., and the inclusive dates of the volume.
\textsuperscript{175}SW, 1868, 21; SW, 1872, 35-36.
At times the General also petitioned for better treatment and more supplies for the red men. For instance, in 1878, he compared the pitiable condition of the White River Utes to that of prisoners at Libby and Andersonville prisons. On many other occasions Sheridan's actions and statements belied the stereotyped "Indian hater" label Indian friends gave him, particularly after a rather personal dispute with reformer Carl Schurz in the late Seventies.

As General-in-Chief, Sheridan took up Indian matters left unsettled at the time of Sherman's retirement. Importantly, certain hostile bands of the Southwest had to be subdued and confined to reservations. This problem was finally solved through temporary military control. Sheridan also gave special attention to a plan to help the Indians "take up the white man's road." Describing the natives as the "richest people in this country, as communities," he recommended that the government locate each Indian family on half a section and sell the balance at $1.25 an acre. Interest on the proceeds, invested in government bonds, would more than pay for annuities, subsistence and a program of civilization. Although this scheme was not adopted, the Dawes Severalty Act of 1887 was based on some of the same principles.

176 End., Sheridan, January 3, 1878, E. B., November 27, 1887 - December 18, 1879.
177 The Sheridan-Schurz feud is discussed in Chapter Seven.
178 SW, 1885, 62-63; SW, 1887, 76-78.
An examination of the succession of secretaries, commissioners, and Army commanders reveals certain practical aspects of the government's difficulty in seeking a solution to the Indian problem. For various reasons, many of the leaders lacked the talent, desire or opportunity to deal effectively with Indian affairs. Significantly, the process by which the political appointees were selected was not designed to benefit the Indian service, but political parties. Preference was given to personal friends of the Presidents and party bosses, to G.A.R. veterans and residents of certain sections of the country. Moreover, the appointees, with few exceptions, followed the practice of using their office for political ends. Secretary Kirkwood, for example, dispensed patronage to many Republicans from his home state. Others, such as Zachariah Chandler, utilized their position to make political assessments. Despite the Pendleton Act of 1883 and reforms designed to bring about more "businesslike administration," the spoils system prevailed.

The leaders of the two branches were, by and large, no better suited for their jobs than Secretary of War Daniel S. Lamont (1893-1897), of whom Woodrow Wilson wrote:

> The only criticism which his appointment prompts is, that he was, so far as we are able to ascertain, no more fitted for the War Department than for any other. He is, in short, simply a very capable man of unusual

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179 White, op. cit., 332-335. This problem was less prominent in the late Eighties.

180 Ibid., 379-388.
executive talents. He has had no special training to be War minister. Still it is difficult to determine what training would have most effectively prepared these men for their diversified duties. The Generals-in-Chief, though trained and experienced in military matters, were baffled by bureaucratic involvements. Presumably an ideal Secretary of the Interior should have been an efficiency expert, statistician, lawyer, geologist, business administrator, diplomat, economist, engineer, sociologist, architect, conservationist, educator, and politician. Certainly the heads of the departments were not, and could not be expected to be, experts on Indian affairs. Some such as Commissioner Parker, Secretary McCrary and General Sherman, had more talent along that line than others. Yet all were subject to an established complex system of Indian administration which not even reformers like Secretary Schurz could completely overcome. For the Indians and those who dealt with them, the implications were momentous.

Woodrow Wilson, "Mr. Cleveland's Cabinet," Review of Reviews, VII (1893), 291.
CHAPTER THREE

OLIVE BRANCH AND CARBINE:
JANUARY, 1866, TO JULY, 1867

The white man owes the Indian nothing. He is in the way of the evolutions of progress, and when the government pays what is to him a reasonable compensation for his title to the territory, or for privileges in it, the debt is as perfectly cancelled as when a corporation pays the assessed value of the site of a public school.

(Maj. Gen. William B. Hazen, December 1, 1866)

Our people, full of the Anglo-Saxon blood... powerful, increasing, spreading, aggrandizing, press in upon the plains and the prairies.... Is it just in the sight of God or men for us to say that we owe nothing to these people whose land we are appropriating to our pleasure?

(Senator James R. Doolittle, April 18, 1866)

In 1878, during a personal feud between Secretary of the Interior Carl Schurz and General Phil Sheridan over the relative merits of military or civil management of the Indians, General William T. Sherman aptly observed, "...the present conflict between the two systems is such that he [Schurz] and General Sheridan look at the same fact from opposite directions; both are equally honest, yet both cannot be right."1 It was standard practice for the War and Interior departments to draw contrary conclusions from the same "facts" where the Indians were concerned. Certainly this was a theme

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of civil-military relations between January, 1866, and July 20, 1867, the period to be considered in this chapter. To some extent, the two branches of government disagreed about the Indians because of conflicting policies. At the same time, their policies differed because of diverse views. The dual nature of the Indian policy was suggested by the Army and Navy Journal, a leading military organ, when it observed, "We are now approaching the red man with the olive branch in one hand and carbine in the other." ²

The present discussion takes the study of War-Interior Indian relations to July 20, 1867, when President Johnson was empowered to appoint a special civil-military commission which helped to found a general "Peace Policy" toward the tribes. To appreciate the factors which influenced the government to adopt this "new" approach it is necessary to understand some of the trials and errors of the preceding year and a half of Indian affairs. In most respects these months witnessed a continuation of the difficulties of 1865, particularly with respect to divided authority over the tribes. The policy-makers also continued to concentrate upon the situation on the Great Plains, although increasing interest was shown in problems in the Southwest. At the same time, growing frontier pressures, new crises and unprecedented issues devalued past experience as a guide for action.

²The Army and Navy Journal, III (September 9, 1865), 33. Hereafter this source is cited A&N Jnl.
PREPARATIONS FOR PEACE AND WAR IN 1866

During the winter of 1865-1866 leaders of the War and Interior departments anticipated problems to be met when the snow melted and emigrants resumed their march to the frontier. Their common objective was to maintain peace with the natives. Indian Bureau spokesmen were confident this could best be accomplished through conciliatory means, particularly through the implementation of existing treaties and others pending ratification or to be negotiated. Most military officers were skeptical of this approach. When the grass grew, they expected to have to once more demonstrate the power of the government to unruly tribesmen.

General Sherman, commander of the vast territory stretching from the Mississippi to the Rocky Mountains and from Mexico to Canada had a plan of operations as early as January 13. Settlement would naturally extend as far west as the soil supported profitable farming, he figured, and beyond that point it would be necessary to designate two or three routes of travel and guard them as well as his limited forces allowed. If travel was restricted to key lines, blockhouses and small cavalry patrols might provide at least a degree of security. When the weather permitted, he would make a tour of military posts and the territories to inventory facilities and determine where troops were most needed. For economic reasons, though,

\[3^{SW \ (P), \ 1866, \ 481.}\]
he would have to be "circumspect" about building new forts. 4

Meanwhile in the Indian Office, Commissioner Cooley was contemplating unfinished business in connection with treaties made the previous fall with various western tribes. These agreements would have to be confirmed before he could decide on agency officials, appropriations and supply contracts. Also, treaty commissions would have to council with a number of tribes this coming season. For instance, the Northwestern Commission would have to meet with tribes along important routes to Montana. It was time, moreover, to organize a separate territory for the Five Civilized Tribes and other native groups living on the Southern Plains. 5

As the two departments set to work, the durability of their informal division of authority between hostile and peaceable Indians was put to the test. Inter-departmental relations began, though, on a note of cordiality. Secretary Harlan was unhappy that General H. H. Sibley was mustered out of the service before completing duties with the Sioux commission, but made no issue of it. 6 On February 28 he thanked Secretary Stanton for the "material aid" his department gave the peace commissioners in 1865, and added,

4 Sherman to Bowers, January 13, 1866, Letters Sent, Division of the Mississippi (NA, RG 98). Hereafter these records are cited Div. Miss. L.S.

5 CIA, 1865, 28, 35.

6 Harlan to Stanton, February 23, 1866, D.I.L.S., Indian Affairs, NA, RG 75.
I assure you it will be my desire and careful instructions to my subordinates to conform the actions of this Department with your purposes, especially with remote wild tribes, and as far as possible secure such unity and harmony of action as to best secure the interests of our country and humanity.

For the next few months the peacemakers were very active. By July the Senate had approved treaties with twenty-three different tribes or bands. In the mean time, agreements were made with fifteen other tribal groups and forwarded to the Senate or Indian Office in preparation for ratification. Commissioner Cooley was so pleased by these results that he concluded that these treaties made 1866 a "memorable" year.

While Indian officials and the "Peace Party" were optimistic about Indian treaties, most military leaders and frontiersmen considered them mere legal fiction. Such agreements were often unenforceable for a variety of reasons. The Indians, in the first place, seldom fully understood the documents upon which they "touched the pen" in exchange for presents. The chiefs and headmen who signed were frequently unable or disinclined to bind fellow tribesmen to treaty provisions. Significantly, non-treaty Indians, who caused the most difficulty, completely disregarded bargains with the white men by other Indians. Furthermore, the government sometimes made unilateral revisions or failed to fulfill its treaty commitments. Under these circumstances, and abused by frontiersmen who

7 Ibid., 133-134
8 CIA, 1866, 2-7.
9 Ibid., 7-15.
10 Ibid., 2.
freely violated the government's pledges, even some of the most conscientious red men acted without regard to agreements with the "White Father in Washington."  

Various faults of the treaty-making system may be illustrated by an examination of negotiations with tribes in the upper reaches of the Platte, Missouri and Yellowstone rivers in the spring of 1866. Nowhere was it more urgent to establish peace with the Indians, for Montana was in the midst of a gold rush reminiscent of earlier rushes in California and Colorado. Aware of this situation, the Indian Bureau organized two peace commissions, comprised, in part, of treaty-makers who had visited the Plains in 1865.  

One commission, including Governor Newton Edmunds of Dakota, Maj. Gen. S. R. Curtis, Orrin Guernsey and Henry W. Reed, was assigned to treat with tribes on the Upper Missouri. In May, Curtis and Reed asked General Sherman to provide rations for their sessions at northern forts. Sherman, who disdained such proceedings, at first declared he would be damned if he would allow his posts to be eaten out of house and home by hungry savages. Later he relented and authorized a loan of limited amounts of stores. The obstacle overcome, the commission traveled to Fort Berthold and signed a treaty

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11 Ibid., 168-176; HR Ex. Doc., No. 165, 40th Cong., 2 sess. (Serial 1339), 1868, 2, 11; Frederic L. Paxson, History of the American Frontier

12 CIA, 1866, 13-14.

13 Athearn, op. cit., 49-40.
with the Arickarees, Gros Ventres and Mandans by which the Indians ceded about 640,000 acres and granted right of way for roads to the mines in return for annuities and other payments. Later they went to Fort Union and made separate treaties with the Assinaboines and Grows, who, for similar considerations, ceded lands between the Missouri and Yellowstone rivers and agreed not to bother traffic to Helena.14

On August 25, in a report to Secretary Harlan, the commissioners generalized about their experiences. After two seasons in Indian country and conferences with sixteen or eighteen tribes, they were somewhat sympathetic toward the buffalo-hunters of the rolling prairies. To these Indians, agriculture was completely "alien" and peace between tribes was "quite preposterous." They relied solely upon game for existence and naturally opposed intrusions by trains, stages, boats and white people who scattered and diminished their sources of subsistence. Moreover, they had earlier been abused by "material" changes in a treaty with the government,15 duped by persons posing as government representatives, excited by false accounts of the Santees' expulsion from Minnesota and cheated by whites, including agents of the Indian Bureau.16 Therefore, they yielded the right of way for roads through their lands with "some regret" and "strong protests" against

14CIA, 1866, 13-14.

15The Fort Laramie Treaty of 1851 specified fifty annuity payments, but the Senate cut the number to fifteen without giving the Indians a choice in the matter.

16CIA, 1866, 168-170.
subsequent invasions. These people, the commission concluded, were more "sinned against than sinning," and the United States must henceforth take every precaution against subjecting them to general hostilities because of raids by a few marauders or false rumors by "malicious, designing and heedless persons."17

The second peace commission, consisting of Colonel Henry E. Maynadier, Superintendent E. B. Taylor, Thomas Wistar and Colonel R. N. McLaren, journeyed to Fort Laramie in June to negotiate with the Ogallala and Upper Brule Sioux and Northern Cheyennes and Arapahoes.18 A treaty with these Indians was top priority because their favorite hunting grounds were crossed by the shortest route to the Montana diggings. The Bozeman Trail, or Powder River Road, which ran from Fort Laramie northwest into Powder River country, east of the Big Horns and then across the Yellowstone to the gold fields, was about four hundred miles shorter than the route by way of Fort Hall and Virginia City.19

Numbered among the tribes which gathered at Fort Laramie to participate in the peace talks were some of the most ardent opponents of white expansion. The Cheyennes and Arapahoes were not involved in the 1865 treaty made by their southern brethren, and the Sioux bands were not among those who signed treaties at Fort Sully the previous autumn.20 Opposed to

17Ibid., 171-173.
18Ibid., 14.
20CIA, 1866, 2, 4.
white encroachments of any sort, many of the red men were much disconcerted by the commission's announcement that the Great Father wished to build forts on the trail through their country. 21

During the course of the discussions Brig. Gen. Henry E. Carrington arrived with about seven hundred troops. On June 17 Carrington was tactlessly introduced to the chiefs as the "White chief going up to occupy Powder River, the Bighorn country and the Yellowstone." This was too much for some of the "non-progressive" Sioux, and presently Red Cloud and Man-Afraid-of-His-Horses stalked away from the council. Red Cloud left, according to one report, brandishing his rifle and proclaiming, "In this and the Great Spirit I trust for the right." 23

Undeterred, the commission distributed food and gifts and collected the "X's" of a number of Fort Laramie "Loafers," agency Indians and less belligerent Sioux and Cheyennes. 24 Without waiting for the outcome of the negotiations, much less the time-consuming process of ratification, Carrington's command

23 Herbert E. Kahler, "Relations Between the United States and the Indians Along the Platte River and Bozeman Trail, 1866-1868," Unpublished Master's Thesis (University of Nebraska, 1930), 34, 14ff.
24 The commission reported a "partly perfected" treaty with the Cheyennes and a "favorable prospect" of similar terms with the Arapahoes. (CIA, 1866, 203).
left, as ordered, to begin construction of forts on Powder River Road. Although the treaty gave "as much satisfaction to the parties concerned...as...could have been expected," the fort-builders were soon to learn that it did not eliminate Indian resistance to their mission.

Like the first commission, the Fort Laramie negotiators made some general remarks about the difficulties of obtaining effective treaties. Particularly discouraging, they asserted, were rumors circulated by persons "interested in keeping up an agitation for the purpose of keeping freights at high rates." A greater challenge to the permanence of the treaty than the refusal of certain Indians to come to terms, was the behavior of white men living in Indian country or passing through it.26

With an eye on the Indian Bureau and the peace talks at various locations, the Army spent most of the year getting reorganized and established on the frontier. Late in February, General Sherman announced that it would take months to recruit and train replacements for "clamorous" volunteers who had to be mustered out as soon as winter permitted them to come in from scattered outposts.27 Looking over his map, he also recognized that General Pope's Department of the Missouri was too large and unwieldy to be properly administered.

25 Ibid.
26 Ibid., 208-209.
27 Sherman to J. Sherman, February 23, 1866, Sherman Papers, Vol. 18.
In March, at Sherman's advice, the War Department cut down Pope's command by creating the Department of the Platte for the region north of the Platte. General-in-Chief Grant assigned Maj. Gen. Philip St. George Cooke, a western veteran, to head the new command.28

As the weeks progressed, representatives of states in the upper Mississippi Valley began to exert pressure on the military to safeguard sundry routes to Montana.29 Still Sherman insisted that his "long, thin line" could protect only the main routes. These would include the Missouri River, the Platte River and Bozeman Trail and the Fort Pierre road through the Black Hills.30 In mid-April Maj. Gen. D. B. Sackett was directed to examine these routes and posts, settlements and natural resources as far west as Idaho. "I regret to say that we do not now possess a force adequate to the wants of this extensive region of country," Sherman informed Sackett, "but you may assure the people...that their safety and the protection of their interests will command our attention as soon as Congress increases the regular army, and as soon as...we can act with due regard to the interest of all alike."31

The following month General Sherman made a preliminary

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28 Sherman objected to Cooke's selection, feeling that the latter was not firm enough to handle hostile Indians. (Sherman to Grant, March 10, 1866, Div. Miss. L.S., NA, RG 98).
29 Sherman to G. K. Leet, April 17, 1866, Div. Miss., L.S., NA, RG 98.
30 HR Ex. Doc. No. 23, 39th Cong., 2 sess. (Serial 1288), 1866, 20.
31 Ibid.
inspection trip of his own. He visited the Kansas and Union Pacific railroad construction camps, examined the condition of Forts Riley and Kearny and observed emigration along various routes. The progress of the railroads pleased him, for they "much simplified" the logistical problems of the Army. It looked as though most overland traffic would be along the Platte River, heavy wagon trains on the south bank and lighter conveyances on the north.\(^{32}\)

While at Fort Kearny Sherman conferred with General Carrington, who was then organizing newly-inducted troops and building crews for his fort-building expedition on Powder River Road. Carrington planned to take approximately the same route Maj. Gen. Patrick Connor had taken on a foray into Sioux country the summer before.\(^{33}\) His assignment was to build four forts along the five hundred and forty-five mile trail from Bridger's Ferry, on the North Platte, to Virginia City, Montana Territory.\(^{34}\)

After meeting with Sherman, Carrington and his command proceeded with their duties. During July and August, they enlarged Camp Connor, renaming it Fort Reno, and began work on Forts Phil Kearny and C. F. Smith. With the completion of these small outposts, the Army believed it could meet most

\(^{32}\)Ibid., 2.

\(^{33}\)Kahler, "Relations Along the Platte River and Bozeman Trail."

\(^{34}\)Sen. Ex. Doc. No. 23, 50th Cong., 1 sess. (Serial 2504), 1887, 2.
exigencies in the region between Fort Laramie and Virginia City. Events were soon to prove, however, that military precautions were no more infallible than the Indian Bureau's treaties and conciliatory measures.  

While these fortifications were taking shape, Army headquarters took further steps to improve military control over the Plains and Southwest. On August 6 the Division of the Mississippi was redesignated the Division of the Missouri and divided into four departments. The Department of the Platte was split into the departments of the Platte, under Maj. Gen. Cooke, and Dakota, under Maj. Gen. Alfred Terry. Further south were the departments of Missouri, commanded by Maj. Gen. Winfield S. Hancock, and Arkansas, headed by Brig. Gen. E. E. C. Ord.

Shortly after this reorganization, General Sherman made a tour of the central and western part of his command. Accompanied by his brother John, he first journeyed to Fort Laramie. Enroute, the General became suspicious of rumors about Indian dangers on the eastern slope of the Rockies, for in five days on the road he saw no Indians. At Fort Laramie he gave special attention to conditions on the Powder River Road. After talking with various Indian and white observers, Sherman concluded that there was no danger of a general war if the new

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35Ibid., Thirty-three whites were reported killed in the Powder River area before the end of August.

36SW (P), 1866, 533.

37HR Ex. Doc. No. 22, 39th Cong., 2 sess. (Serial 1288), 1866, 308; Athearn, op. cit., 56-66.
forts were kept in readiness. Most of the older chiefs he interviewed made repeated declarations of friendship, but lamented their inability to restrain their young braves. Treaties with these tribal leaders, he thought, were just so much "waste-paper," for neither frontiersmen nor Indians adhered to them unless their interests were served.

In September Sherman arrived in Denver and was met by local dignitaries who promptly requested a military post to protect their thriving little town from bloodthirsty savages. He emphatically denied these petitions, arguing that Denver could raise a thousand men in an hour and should be able to protect neighboring settlements. This experience helped to convince him that the Army had to worry about not only the Indians, "awful distances" and interference from utopians in the Indian Bureau, but frontiersmen and interested parties who exaggerated Indian dangers.

After visiting Denver, Sherman inspected posts in Western Colorado and New Mexico. The latter territory was a peculiar problem. "There appears to be a civil government there," he commented, "but as useless as possible, and the military is expected to do all the dirty work." Not much

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38 Ibid., 9.
39 Ibid., 11; Athearn, op. cit., 69.
40 HR Ex. Doc., No. 23, 39th Cong., 2 sess. (Serial 1288), 1865, 13.
41 Ibid., 15.
could be done this year, though. The troops would concentrate on building up the "great central belt of security," and next year, perhaps, the division would be strong enough to provide more comprehensive defense.\textsuperscript{42}

Having obtained much first hand information and some strong impressions about the military situation in the West, General Sherman returned to his headquarters in St. Louis. Most of the year had now been spent in studying frontier needs and furnishing stopgap protection for vital settlements and overland routes. Now it was time to analyze the reports of field commanders and prepare his annual report and recommendations for 1867.

Several other officers had also made inspection tours and submitted reports to Sherman's office. Some of their findings were similar to those of the division commander. Brig. Gen. Orville E. Babcock, for example, traveled to the Pacific Coast and back without annoyance from hostile Indians. In Denver, Babcock, too, was pressed for military protection by special interest groups. "One man said in my presence," he remarked, "'money was never so plenty \textit{sic.}\ as when there was an Indian war.'\textsuperscript{43} In the Far West the Indian situation was not critical; there were occasional raids, but nothing small cavalry units could not handle.\textsuperscript{44}

Another investigator, Maj. Gen. John Pope, generalized

\textsuperscript{42}Ibid., 16.  
\textsuperscript{43}Ibid., 4, 12, 33-34.  
\textsuperscript{44}Ibid., 3.
about the Army's ability to cope with the Indians of the Plains and Southwest and had plans for improving protection for railroad-builders, emigrants, miners and settlers in the coming season. In closing, Grant seconded the appeal of his frontier commanders for military control over Indian affairs. Such a change would save the government money and benefit both the Indians and white people.

Most Indian officials were also engaged in the preparation of annual reports in the fall. Many shared the optimism of military commanders about the development of Indian affairs over the past several months. "Peace appears to have been the rule, and hostilities the exception, between the Mississippi river and Rocky mountains," Secretary Browning affirmed. Commissioner Cooley concurred, extolling the success of the treaty-makers at length. Cooley and his subordinates also maintained that, for the most part, 1866 was a year of progress in the civilization of agency Indians. Much work remained to be done, however, especially in the Northern Plains and Far Southwest.

Those in charge of the Indian service, at least at the upper echelon, were more charitable toward the officers and

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49 Ibid., 480-485.
50 Ibid., 480.
51 CIA, 1866, i.
52 Ibid., 2-16.
53 Ibid., passim.
policies of the military branch than *vice versa*. The Army had been quite critical of illicit trade by Indian traders and the administration of the agencies. Attention needed to be given to both problems, Commissioner Cooley admitted. At the same time, he suggested that the military might keep closer check on the trade between post sutlers and Indians. He also recalled past misunderstandings about supplies for the peace commissioners, but conceded that the War Department "doubtless had good reasons for its course." Finally, glossing over many inter-departmental differences during the past year, the retiring Commissioner remarked:

*It gives me great pleasure to state that, for the most part, indeed almost without exception, the relations between the civil and military officers upon the frontier, necessarily thrown into connexion in Indian matters during the year, have been of the most cordial character, and that our superintendents and agents have had frequent occasions to express their thanks to military commanders for prompt and efficient assistance.*

**The Fetterman Massacre**

The War and Interior departments' annual reports, submitted to President Johnson late in November, were mutually optimistic about Indian relations and more or less sanguine toward interdepartmental relations. This was, however, the calm before another civil-military storm. Presently a vigorous dispute over Indian control was touched off by the much-

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54 Ibid., 16-17.
55 Ibid., 20.
56 Ibid.
publicized Fetterman Massacre of December 21, 1866, near Fort Phil Kearny, Montana Territory. Lt. Col. William J. Fetterman and a detachment of seventy-six men, two officers and two civilians were ambushed and savagely slaughtered by Sioux, Cheyenne and Arapaho warriors while enroute to relieve a wood train. So shocking was this affair that officers of the two departments found it hard to accept official reports. 57

Colonel Fetterman, a glory-bent recent arrival at Fort Phil Kearny, had previously stood off a large band of Sioux with a small detachment and had a low regard for their fighting ability. Hence, he eagerly volunteered to command the relief party, and, violating orders from the post commander, recklessly led his troops into a well-laid trap. Post physician C. M. Hines later related the sickening details of the scalped and torn bodies which were brought in "like you see hogs brought to market." 58

General Carrington immediately sent an urgent appeal for reinforcements, declaring that his troops had experienced a fight "unexampled in Indian warfare." 59 In response, Department of the Platte Commander Cooke dispatched Brig. Gen. Henry W. Wessells to take charge of Fort Phil Kearny and

58 Ibid., 8, 10; Sen. Ex. Doc. No. 33, 50th Cong., 1 sess. (Serial 2504), 1887, 40, 41, 64; Hebard and Brininstool, op. cit., I, 303-305; George B. Grinnell, The Fighting Cheyennes (New York, 1915).
conduct a winter campaign against the hostiles. Meanwhile, excited accounts of the massacre circulated throughout the country. Congress, the Indian Bureau and the Army were put under great pressure to explain the tragedy, revenge the death of Fetterman's command and eliminate the causes of the outbreak.

Commissioner Lewis V. Bogy's first reaction was that the Indians involved were on a "friendly visit" to Fort Phil Kearny when met by Colonel Fetterman's force. The latest word from that vicinity described the red men as peaceable, and there was no apparent reason why they should have suddenly gone on the warpath. "Now under these circumstances, the question is presented," he asserted, "whether it is not the duty of this Office, with the view of putting the blame where it properly belongs, to have an investigation." Generalizing about the Army's treatment of the Indians, Bogy added:

The policy of the Government and particularly of the military has heretofore been to chastise the Indians when any white men were killed, regardless of the fact whether they were assailants, or defending themselves, and I am informed that this is the disposition of the military in this very case...This policy I conceive to be very mischievous and has heretofore led to a great deal of trouble.

Military leaders had various views about the causes of

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60 The winter campaign proved abortive because of extremely bad weather. (Dunn, op. cit., 430).
61 Hebard and Brininstool, op. cit., I, 323.
62 Bogy to Browning, January 3, 1867, I.O.R.B. No. 16, 1866-1867, NA, RG 75.
63 Ibid.
the massacre. General Cooke blamed the Interior Department for failing to check the sale of arms to the hostiles. General Sherman, embarrassed and irate about the disaster, criticized General Carrington for taking insufficient precautions and recommended that he be removed. But he also announced, "We must act with vindictive earnestness against the Sioux, even to their extermination, men, women and children. Nothing else will reach the root of this case." Finally, General Grant, also convinced that the post commander was at fault, demanded a thorough investigation.

While the Army recognized some of its own mistakes, the severest censure came from the Indian Bureau. On January 23, 1867, Commissioner Bogy told Secretary Browning that he was certain Military interference had caused the Phil Kearny uprising. General Cook had agitated the Indians, he argued, by preventing them from buying arms and ammunition for hunting purposes. General Sherman was also mistaken in his plan


66 Sen. Ex. Doc. No. 16, 39th Cong., 2 sess. (Serial 1277), 1867, 4. The Army had erred in various ways in this case. Fresh recruits had been stationed in an area where Indian relations were most volatile, Colonel Fetterman was culpable for violating orders and Carrington was too preoccupied with fort construction to maintain accurate intelligence on the build-up of hostile strength near Fort Phil Kearny. Furthermore, Generals Carrington and Cooke had been at odds for some time, and this, too, hampered military operations and preparedness. (Kahler, "Relations Along the Platte River and Bozeman Trail," 72; Sen. Ex. Doc. No. 12, 40th Cong., 1 sess. (Serial 1277), 1867, 33.)
to deal "summarily" with tribesmen outside restricted areas. Unmolested overland travel was essential, but the way to obtain this privilege was through treaties, annuities and "judicious management," not military action. "I think the greatest difficulty I encounter, in administering the affairs of this Bureau," Bogy complained, "is the constant interference on the part of the military with all Indian affairs."\(^67\)

A few days later Bogy commented further on the massacre. Although the military exaggerated the affair, he observed, many soldiers had lost their lives and the country demanded to know why. Showing his prejudice and underestimation of the hostiles' strength and disposition, Bogy set forth the following "explanation":

\[\ldots\text{the Indians, almost in a state of starvation, having made repeated attempts at a conference, that they might make peace and obtain supplies for their families, and the rescinding of the order prohibiting them from obtaining arms and ammunition, were rendered desperate, and resorted to the strategem which proved too successful. It seems as if the officer commanding could have avoided the catastrophe; and it seems also that men thus armed could have repelled an attack by all the Indians in Western Dakota.}\(^68\)

On February 4, looking beyond the present controversy to the general problem of Indian-white relations, Commissioner Bogy outlined a program for the future. The first step toward remedying existing difficulties, he suggested, was to appoint several commissioners of "high character" to spend the coming summer studying the possibility of locating all tribes on one or two reservations where they could farm, raise live-

\(^{67}\text{Sen. Ex. Doc. No. 16, 39th Cong., 2 sess. (Serial 1277), 1867, 12-14.}\)

\(^{68}\text{Ibid., 11.}\)
stock, attend school and overcome uncivilized habits. Congress was not to act on this proposal for several months, but a special commission was soon dispatched to Montana to investigate the Fetterman affair and the feasibility of new treaties with tribes in that territory. While this group was engaged in its duties, civil and military authorities continued to wrangle over the question of how to manage the Indians.

EARLY DEBATE OVER TRANSFER OF THE INDIAN BUREAU

One result of the publicity given the Fetterman disaster was a heated congressional debate over which executive department should control Indian affairs. Periodically, since before the Civil War, bills had been introduced to restore War Department authority over the Indian Bureau. The subject was widely discussed in 1865, and in 1866 two attempts were made to accomplish transfer, or re-transfer, of the Bureau. The first came in May, when Senator W. M. Stewart of Nevada introduced a transfer bill which was killed in the Committee on Indian Affairs. Later Senator John Sherman of Ohio, chairman of the Senate Finance Committee and brother of General Sherman, tried to attach a transfer amendment to the annual Indian appropriation bill. Senators Sherman and Stewart engaged in a lively argument with transfer opponent

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James R. Doolittle of Wisconsin before the Senate defeated the amendment by a 21 to 12 vote.  

In the early part of 1867 many observers maintained that the troubles in Dakota and Montana were not due to military provocation, as Commissioner Bogy claimed, but the system of divided jurisdiction over the Indians. On January 17 The Nation presented a caustic editorial on the recent Indian hostilities, declaring, "Our whole Indian policy is a system of mismanagement, and in many parts one of gigantic abuse." It would not do to "deny or gloss over" the red men's raids and massacres or excuse the outrages which aggravated them. Under the present policy neither civilian nor military authorities could be held responsible for the behavior of the nation's wards. This "divisum imperium" ought to be replaced by War Department control. Then the Army could "corral" the tribesmen, keep them in a "healthful state of non-intercourse," and effectively protect vital overland routes.  

A week later Brig. Gen. Ely S. Parker, later a Commissioner of Indian Affairs, gave General Grant a detailed list of legislative proposals relating to Indian affairs. First and foremost on the list, which was to be forwarded to the House Committee on Military Affairs, was a recommendation that the Indian Office be re-transferred to the War Department.  

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73Ibid., 3506-3507; 3552-3559.  
74The Nation, IV (January 17, 1867), 51.  
75Ibid., 51-52.  
76For a full discussion of Parker's proposals, see Sen. Ex. Doc. No. 13, 40th Cong., 1 sess. (Serial 1308), 45-49.
Parker contended that with the military branch in control of the Indians there would be more forcible and faithful fulfillment of treaties, honest expenditure of Indian funds, less illicit trade and better relations between government authorities and their charges.  

Accompanying Parker's letter of recommendations was one by General John Pope, the Army's leading theorist on Indian management. Pope first pointed out the fallacies of divided jurisdiction. Two sets of officials, responsible to different superiors, he stated, naturally could not act in harmony. When hostilities occurred (and what constituted hostilities was not clear), the military usually ended up making fruitless and costly chase. If the Indians were cornered, they would go to some agent and persuade him to protect them with a peace treaty. "While the army is fighting the Indians at one end of the line," he lamented, "Indian agents are making treaties and furnishing supplies at the other end, which supplies are at once used to keep up the conflict." Transfer the Indians to Army control, and this frustrating game would be over, because the natives knew and respected force. At the same time, soldiers, more than any other group, wanted to keep the peace and avoid "arduous and harassing field service." If a military agent cheated the Indians, he would quickly be court-martialed. "The military are necessary," the General concluded, "the civil officers

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77Ibid., 42-45.
78Ibid., 50.
are not; and, as it is essential that the one or the other be
displaced, I cannot see what doubt can exist as to which party
must give way." 79

At the end of January, armed with evidence such as the
letters of Parker and Pope, advocates of transfer in the House
of Representatives sought to achieve their goal by amending a
Senate bill to reorganize the Indian service. 80 The bill in
question was basically the handiwork of Senator J. R. Doo-
little's 1865 joint special committee on the condition of the
Indian tribes. 81 Among other things, it called for the estab-
lishment of five inspection boards with circuit court authority,
division of the Indian country into inspection districts, and
annual investigations by the boards. 82

Leading the fight to amend this bill were Representa-
tives Robert C. Schenck of Ohio, Chairman of the Committee on
Military Affairs, John A. Kasson of Iowa, William A. Darling of
New York and Andrew S. Sloan of Wisconsin. They appealed to
the emotions and providence of the House, presenting lurid
accounts of Indian barbarities and characterizing the administra-
tive procedures of the Indian Bureau as corrupt, wasteful and

79 Ibid., 49-52.
81 General Parker's proposals were also introduced by
Senator Henry Wilson of Massachusetts, a long-time advocate of
transfer. The section pertaining to transfer, however, was
dropped in the Senate Military Committee, because it was known
that the House planned to amend the Doolittle bill. (Cong.
Globe, 39th Cong., 2 sess., 1677; Garfield, "The Indian Ques-
tion," 31.)
82 Sen. Rpt. No. 156, 39th Cong., 2 sess. (Serial 1279),
1867, 8-9.
brother John that he soon expected to be very busy taking charge of the Indians.\footnote{87}

But now the bill was returned to a tougher arena, the Senate. Some of the same leaders who defeated similar proposals in 1866 were prepared to present a barrage of reasons why the Army should not control the Indian service. The most formidable opponent was Senator Doolittle, a ten-year veteran of the Committee of Indian Affairs. He could be counted upon to cite evidence from the voluminous testimony appended to the joint committee report which had just been completed.\footnote{88}

The Doolittle Committee had given extensive consideration to the question of civil or military control of Indian affairs.\footnote{89} It reported that arguments on each side were "not without force." Army administration would eliminate inter-departmental conflicts, facilitate necessary operations against hostile bands and provide agents who could be court-martialed for dishonesty. But agency supervision required personnel who

\footnote{87} Sherman to J. Sherman, February 1, 1867, Sherman Papers, Vol. 20.

\footnote{88} The report of the Joint Special Committee appointed under the joint resolution of March 3, 1865, was accompanied by a five hundred and twenty-seven page appendix. (\textit{Sen. Rpt. No. 156, 39th Cong., 2 sess. (Serial 1279)}).

\footnote{89} The joint committee also concluded: first, that the tribes, except in Indian Territory were rapidly decreasing in population because of disease, intemperance, wars, white encroachment and the "irrepressible conflict between superior and an inferior race"; second, that most Indian wars were caused by white aggression; and third, that the evils of the Indian system could "never be remedied until the race is civilized or shall entirely disappear." To alleviate interim abuses, though Congress was asked to provide an inspection system of the type in the bill now before the Senate. (\textit{Ibid.}, 308).

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were not subject to orders which might suddenly take them elsewhere. Besides, soldiers were notorious for demoralizing Indian women and precipitating costly wars, and Indian treaties and lands were closely connected with other services under the Interior Department. In the final analysis, the committee decided, the current system of divided control was not without its advantages.

The inconveniences arising from the occasional conflicts and jealousies between officers appointed under the Interior and War Departments are not without some benefits also; to some extent they serve as a check upon each other; neither are slow to point to the mistakes and abuses of the other. It is therefore proper that they should be independent of each other, receive their appointments from and report to different heads of departments. Weighing this matter and all the arguments for and against the proposed change, your committee are unanimously of the opinion that the Indian Bureau should remain where it is.

Besides the curious argument for divided control over the Indians as a check upon administrative abuses, the anti-transfer faction of the Senate presented numerous reasons why the military might not be depended upon to improve Indian-white relations. The Army, they contended, often spent too much for supplies and transportation, and its officers were not bonded like civil agents. Moreover, War Department control in the pre-1849 period had not been effectual, and many Indian chiefs opposed a resumption of military rule. Against these considerations, transfer opponents, led by Nevada's Stewart, stressed the pride and responsibility of military

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91 Ibid., 7.
officers, the ill-effects of joint jurisdiction and the precedent of military control in the South. But a majority favored the status quo, and, on February 22, transfer was again rejected by a vote of 24 to 13.

The defeat of the transfer amendment brought a sigh of relief from the Interior officials and their humanitarian supporters, but negative reactions from military leaders and frontiersmen. Civilian authorities, busy negotiating new treaties even while the congressional debate was in progress, were now hopeful that the coming season would bring a flowering of civilization by tribes recently assigned to reservations. On the other hand, western commanders now expected further frustrations as their little army resumed its police duties in Indian country. General Sherman, already agitated by recent reports that the Indian Bureau was allowing its traders discretion in selling arms and ammunition, struggled to retain his composure. "It simply postpones the agony," he wrote John Sherman, "But I don't intend to distress myself, but will try and let the Indian Bureau fulfill their destiny. We surely cannot be held responsible for the peace of the Frontier if it is adjudged we are trespassers everywhere in Indian country and have no right to pursue and prevent collision and

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92 Cong. Globe, 39th Cong., 2 sess., 1712-1719
93 Ibid., 1720. Many senators opposed transfer because they regarded it as a proposal designed to pressure the upper house into relinquishing its treaty power over the Indian "nations." See below.
troubles. Before long the peace-makers and war-makers were busy at their respective tasks.

CIVIL-MILITARY RELATIONS IN THE SOUTHWEST

In the early post-Civil War period the government's Indian policy was geared especially to meet problems of tribes inhabiting the Great Plains. During the debate over transfer of the Indian Office to the War Department in February, 1867, however, considerable attention was given to civil-military relations in a second trouble zone, the Southwest. There the military played a prominent role, because many warlike bands persistently preyed upon mining camps, settlements and overland transportation. In New Mexico, by 1866, the Mescaleros, Navajoes, Mahuache and Capote Utes and peaceable Pueblos were assigned to reservations, and only a few groups, such as the Gila Apaches, were on the warpath. But the administration of Indian prisoners at Bosque Redondo Reservation caused many headaches for officials of both the War and Interior departments. Meantime, in Arizona, where until 1866 "a definite policy...remained to be charted," there were differences of opinion about how to deal with the warlike Hualapais, Yavapais, Mimbrenos and other wild Apache bands.96

The situation at Bosque Redondo, officially under War

95Sherman to J. Sherman, February 21, 1867, Sherman Papers, Vol. 20.

96Ralph Hedrick Ogle, Federal Control of the Western Apaches, 1818-1866 (Albuquerque, 1940), 57; CIA, 1866, 27-28, 31-33; CIA, 1867, 10-13.
Department control until November, 1867, was a favorite topic with those who opposed military control of Indian affairs. This small reservation was established near Port Sumner during the Civil War to accommodate Mescalero and Navajo prisoners brought in by volunteers under Maj. Gen. James H. Carleton. While guarding the reservation, soldiers began the "noble experiment" of teaching the Indians to irrigate, farm and improve their livestock. As critics observed, though, the cost of food, clothing and labor for the seven thousand Navajoes was about $1,500,000 a year as compared to less than $2,500,000 for all the Indians under the control of the Indian Bureau.

Bosque Redondo was not only expensive; it was an administrative problem. Although the Army had final authority, a civilian agent was supposed to handle much of the paperwork. "The division of authorities makes trouble constantly," Commissioner Cooley complained. Civil authorities frequently found fault with the Army administrators, and one superintendent, Michael Steck, even refused to send an agent to the reservation. To further confuse matters, "anti-Bosque" citizens of New Mexico Territory, continually agitated for the removal of the Indians. The tribesmen, too, disliked the

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98 CIA, 1866, 148-150.
99 Ibid., 146. The Indian Bureau's appropriation for 1866 was $2,468,050.00. For a discussion of graft and corruption in Army expenditure of funds at Bosque Redondo, see Edward E. Dale, The Indians of the Southwest (Norman, 1949), note, 58.
100 CIA, 1866, 31.
101 Dale, op. cit., 56.
102 CIA, 1866, 131.

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location and were not quieted until the reservation was finally abandoned in 1868. 103

Meanwhile, in Arizona expediency governed the action of both Army and Indian service officials. Early in 1866 Maj. Gen. Irwin McDowell, commander of the Department of California, ordered a series of expeditions to "overawe" the Apaches, hoping they would surrender and settle on reservations. This policy was criticized, on one hand by Superintendent of Indian Affairs George W. Leihy, who believed such operations "fruitless" and expensive, and, on the other hand, by territorial officials and residents who wanted an "extermination policy." 104

Late in 1866, after a campaign deep into Tonto country, Colonel Guido Ilges of Fort Grant signed a peace treaty with headmen of the Aravapa, Tonto and Pinal Apache bands. These Indians agreed to live at peace on a designated reservation except when hunting or gathering food. 105 But high-ranking officers of both the War and Interior departments rejected the treaty. General McDowell reprimanded Ilges for making "irregular, injudicious and embarrassing" commitments, declaring that Army officers could negotiate only armistices. 106

103 For conflicting reports on physical conditions at Bosque Redondo see Ibid., 131-142 and Dale, op. cit., 57-58.

104 Ogle, op. cit., 58-60.

105 Ibid., 62-63.

106 Ibid., 63. Although abortive, this treaty encouraged Indian officials to make other attempts to conciliate heretofore intractable Apaches.
In the early part of 1867 inter and intra-departmental differences continued to plague government-Indian relations. Superintendent George W. Dent, General Grant’s brother-in-law, favored more vindictive punishment of the red men than the department commander was prepared to deliver. Dent advocated “active, offensive, persistent, combined and simultaneous war,” not “ostensible demonstration.” Some district commanders, such as General J. E. Gregg of the District of Prescott and Upper Colorado, wanted to make war on all Indians off specified reservations, but General McDowell opposed “wholesale war against a large body of friendly Indians, facing starvation because of congressional negligence.” Subsequently, Army operations were limited to minor “spirited” engagements which, in the opinion of Acting Commissioner Charles Mix, did little to improve the state of affairs.

FURTHER DIFFICULTIES ON THE PLAINS

During the early months of 1867 General Sherman was again preparing to defend emigration and overland transportation in the Division of the Missouri. This year he planned to protect four principal routes: a new road from Minnesota to Montana, the Platte Valley road, the Smoky Hill

107 Ibid., 65. Dent arrived at his post on December 19, 1866, to find that his predecessor had been murdered by Apaches. Undoubtedly this experience affected the policy he proposed.

108 Ibid., 66.

109 CIA, 1867, 10.
trail to Colorado and New Mexico, and the Arkansas route through Kansas to Fort Union, New Mexico. Travel would be restricted in accordance with an order put out by General Pope. Among other things, there would be specific rendezvous points for each route, trains would have to consist of at least twenty wagons and thirty armed men, and escorts would be furnished upon formal notification. In the absence of other forms of law, the Army would govern and "use the musket pretty freely."

Sherman had other plans, too. "I will remark," he affirmed, "that defensive measures will not answer against Indians." There are many hostiles northwest of Fort Laramie and on the Central and Southern Plains who needed to be brought to terms, chastised perhaps, for crimes and violations of treaties. General Alfred Sully with about two thousand troops would deal with the hostile Sioux and Northern Cheyennes and Arapahoes in the northern theater and General W. S. Hancock with the Cheyennes and Kiowas in the South. Certainly military officers were the proper judges of Indian hostility; civil agents did not live among the roaming bands. There was but one effective way to treat warlike red men, Sherman concluded. Troops "must get among them, and must kill enough of them to inspire fear, and then conduct the

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111 Sherman to G. K. Leet, March 13, 1867, Letters Received, Military Division of the Missouri, Special File, NA, RG 98. Hereafter these records are cited Div. Mo. L.R.

112 Ibid.
remainder to places where Indian agents can and will reside among them, and be held responsible for their conduct.\(^{113}\)

The implementing of these plans, however, proved difficult. First of all, there was the ever-present problem of intervention by the Interior Department, which was hesitant to recognize a state of hostilities. In some cases agents seemed to fabricate reasons for wanting a truce to parley with the natives. "So long as the Indian Agents have the disbursement of annuities," Sherman exclaimed, "Indians are meant to be killed, and citizens are forced to expose themselves..."\(^{114}\)

It would much "simplify the game," he told Secretary Stanton in June, if the President would consign the nomadic plains Indians to the Army. As matters stood, fifty braves wandering between the Platte and Arkansas rivers could "checkmate" three thousand soldiers by forcing them to guard every train, station and railroad crew.\(^{115}\) To really do an effective job, the military ought to have five thousand mounted volunteers and authority to invade north of the Platte and south of the Arkansas, where the hostiles took refuge from Army patrols.\(^{116}\)

Handicapped by a shortage of manpower, division of authority and treaty restrictions, the Army was also harassed

\(^{113}\)Ibid.

\(^{114}\)Sherman to J. Sherman, April 3, 1867, Sherman Papers, Vol. 21.

\(^{115}\)Sherman to Stanton, June 17, 1867, I.O.L.R., Central Superintendency, Vol. I.

\(^{116}\)Sherman to Grant, June 25, 1867, Div. Mo. L.R., Special File, NA, RG 98.
by the actions and antagonism of territorial leaders and residents. Frontiersmen never seemed to be satisfied that the military was doing enough to protect their settlements and embryonic enterprises. Governors, such as Acting Governor Thomas Francis Meagher of Montana Territory, were constantly sounding the alarm and demanding more regulars.\textsuperscript{117} Sometimes the complaint was that Army officers did not understand or appreciate the dangers facing border towns. For example, a citizen of Denver who grieved the plight of his "unfortunate and used up community" sarcastically advised General Sherman against judgments based upon "flying visits" to the West.\textsuperscript{118} In addition, westerners often agitated the tribes or spread disconcerting false rumors about military disasters, such as the "Fort Buford massacre."\textsuperscript{119} Like it or not, the territories had to provide much of their own defense in 1867.

While Sherman and his subordinates wrestled with the problems of guarding an extensive frontier, officials of the Indian Bureau, temporarily caught up in their treaty-making, busied themselves with sundry routine duties. The letting of contracts for annuities, supplies and miscellaneous purchases; the appointment of agency officials, the planning of building,

\textsuperscript{117}Athearn, \textit{op. cit.}, 139-144.

\textsuperscript{118}M. K. Delano to Sherman, June 14, 1867, Sherman Papers, Vol. 21.

\textsuperscript{119}There was a false rumor in the spring of 1867 that the entire force at Fort Buford, Dakota Territory, had been wiped out. (Robert G. Athearn, "The Fort Buford 'Massacre,'" \textit{Mississippi Valley Historical Review}, XLI (March, 1957), 675-684.)
educational and economic programs and the handling of stacks of correspondence and records were unglamorous but vital aspects of federal Indian relations. At remote reservations, agency employees, most of them honest, underpaid and overworked, labored to teach their subjects to sow wheat or raise cattle, speak English, care for the sick or improve sanitation and overcome superstitions and vices.120

During the spring, special commissioners visited the Northern plains to inspect the progress and problems of the government's wards. Father P. J. DeSmet, who traveled to various agencies along the Missouri, found most of the Indians well-disposed and interested in "stirring up the ground." Likewise, Generals Parker and Sully were gratified by the behavior and ambition of certain tribes in Nebraska and Dakota Territory.121 Encouraged by such reports and signs of improved relations under a policy of conciliation, Interior Department spokesmen expressed a continuing concern over indiscriminate military expeditions. Secretary Browning set the tone for critics of the war policy, maintaining that the Army should confine itself to the protection of roads and let civilian negotiators take care of the establishment of peace between the Platte and Arkansas.122

120 CIA, 1867, 30-37ff.
121 Ibid., 241-244.
122 Browning to W. T. Otto, June 3, 1867, Div. Mo. L.R., Special File, NA, RG 98.
Relations between the civil and military branch were again strained by an incident which took place about thirty miles west of Port Larned, Kansas, in the spring of 1867. On April 19, after unsuccessful attempts to council with Southern Cheyenne and Sioux leaders, Maj. Gen. Winfield S. Hancock, commander of the Department of the Missouri, ordered his troops to destroy their villages on Pawnee Fork. Two hundred and seventy-two lodges were burned or removed and great quantities of supplies and equipment were destroyed or confiscated as punishment for the Indians' "bad faith." As a result of this arbitrary action, Hancock was criticized by Indian officials and high-ranking Army officers alike.

The details of this affair were later revealed by a congressional investigation. For months the government had attempted to persuade the Cheyennes to leave the vicinity of the Republican and Smoky Hill rivers in compliance with their treaty of October, 1865. But many influential red men had not signed that agreement and refused to be bound by it. While no serious difficulties arose in 1866, settlers and military officers complained of the presence of armed tribesmen in the path of Kansas Pacific construction crews. Ultimately, frontier pressure led Congress to appropriate $150,000.

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124 Grinnell, op. cit., 245-246.
for a military expedition into the Central Plains, and in February, 1867, General Sherman directed Hancock to put his troops in readiness. 125

Hancock sent advance notification of his plans to Colonel E. W. Wynkoop, agent for the Cheyennes and Arapahoes, and Colonel J. R. Leavenworth, agent for the Kiowas and Comanches. The expedition, he explained, did not necessarily mean war, but was intended to "show the Indians...we are able to chastise any tribes who may molest people who are traveling across the plains." 126 Thus, with professions of peace -- if the Indians wanted it -- Hancock marched a fourteen-hundred-man force to Fort Larned in early April. 127

On the 12th, after delays caused by bad weather, a few Cheyenne leaders came to the post and listened to the soldiers' demands that they leave Kansas. Professing their intention to remain at peace, the chiefs then returned to Pawnee Fork, where their people and a party of Sioux were camped. Thereupon Hancock, disappointed by the turn-out for his council, led his command to the vicinity of the Indians' villages. Before further talks could be held, though, many of the red men hastily packed up and fled. The tribal spokesmen apologized, saying that their followers feared another Chivington massacre.

125 Ibid., 246; Sherman to Grant, February 18, 1867, Telegrams Received, Office of the Secretary of War, 1867, NA, RG 98. Hereafter these records are cited W.D.T.R.
But Hancock insisted that they were anxious to get away because they had been plotting to make war and sent Maj. Gen. George Custer with a detachment of cavalry to try to cut off their escape. 128

Custer had a fruitless chase. He found only the results of recent raids by a war-party — several murdered whites and burned buildings. Although there was no specific proof, Custer informed his commander that there was "no doubt" that the Indians from Pawnee Fork were responsible for these crimes. 129 Hancock then proceeded to destroy the villages, having previously written, "It is a cheap victory to burn this camp, but I feel it an imperative duty to do so. Its destruction will be of great loss to the Indians, unless the Indian Department restores it, as I understand it has done in other cases heretofore." 130

Hancock was right about the reaction to be expected from the Interior Department. He was severely criticized by, among others, Acting Commissioner Charles E. Mix and Agents Leavenworth and Wynkoop. In Wynkoop's opinion, for instance, the expedition had been a "mistake" from start to finish. The troops had given every indication of re-enacting the Sand Creek massacre to the very Indians who recalled that infamous affair most vividly. In short, Wynkoop commented:

128 HR Ex. Doc. No. 210, 41st Cong., 2 sess. (Serial 1125), 1870, 50-82; Grinnell, op. cit., 248ff.
129 HR Ex. Doc. No. 210, 41st Cong., 2 sess. (Serial 1125), 1870, 69.
130 Ibid., 67, 85.
The nation knows and I know who General Hancock is—know him for the good, brave, faithful soldier, who has won the proud position he now holds through gallant and meritorious services; but the Indians were not aware of General Hancock's antecedents, and had no means of discriminating between him and Colonel Chivington, or distinguishing the man from monster.131

Such censure greatly irritated Hancock. He defended his actions in a letter to Army headquarters, maintaining that the Indians were in effect at war. Nothing had been shown to prove that they were not to blame for the crimes discovered by General Custer. In addition, a long list of unprovoked murders and depredations in 1866 and 1867 justified the punishment which had been meted out. Lastly, because the peaceable intentions of the expedition had been announced, there was no excuse for the behavior of either the Indians or their agents.132

In General Sherman's view, the military report on the Pawnee Fork affair was "satisfactory."133 Yet General Hancock later heard rumors that the division commander had changed his mind and requested another vote of confidence.134 Even more distressing to Hancock, though, was General Grant's reaction. Grant rejected his explanation and proposed to reimburse all the Cheyennes and Sioux who could not be convicted of specific crimes against white people.135

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131Ibid., 4, 26, 37-41.
132Ibid., 111-118.
133Sherman to Loet, July 1, 1867, Letters Received, Adjutant General's Office, NA, RG 94. Hereafter these records are AGO, L.R.
134Hancock to Sherman, May 24, 1868, Sherman Papers, Vol. 23.
135Hancock to Grant, May 23, 1867; Grant to Hancock, May 23, 1867, Div. Mo. Special File, Selected Documents on Indian Affairs, 1867-1869, NA, RG 98.
In the wake of War-Interior contention over the Pawnee Fork episode, Congress took steps to secure peace and more systematic management of Indian affairs. On July 8, the Senate requested the Interior Department to submit reports and information pertaining to existing difficulties and the disposition of different tribes, along with suggestions on how to achieve a "speedy termination of pending hostilities and prevent Indian wars in the future." A few days later Acting Secretary W. T. Otto forwarded investigation reports on the Fetterman and Pawnee Fork incidents and recommendations by the new Commissioner, N. G. Taylor.

The report on the Fort Phil Kearny affair exonerated all living military officers, but questioned General Cooke's judgment in not sending more troops to the unsettled Powder River region. It was especially critical of certain non-military groups which seemed to encourage Indian wars. Freighters, contractors and speculators wanted hostilities, because they profited from shipping army supplies. For example, Union Pacific Railroad officials and employees favored war, since the government paid two cents a pound for freight and ten cents a mile for troops carried from Omaha to North Platte. In fact, two-thirds of the Union Pacific's business was with the War Department.

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137 Ibid., 66.
138 Ibid., 60.

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Maj. Gen. John B. Sanborn's report on the treatment of the Sioux and Cheyennes at Pawnee Fork was a denunciation of General Hancock, western interest groups and the war policy. Imagining how Hancock's speeches may have sounded to the relatives of Sand Creek massacre victims, Sanborn stated, "You Indians permitted our army to visit your villages, supposing it friendly, and we killed your women and children and old men, captured and drove away your ponies, burned your lodges. Now we are going to visit your village again, and if you do not trust us, and dare leave before our arrival, we will burn it up and wage a war of extermination against you." This "revolting" war policy was not in the public interest, he contended; it was a mockery practiced by contractors, ranchers and certain military leaders. The argument for war to safeguard travel and transportation was an "absurdity," for the prerequisite of safety was peace.

Summing up these and other reports, Commissioner Taylor further deprecated the use of force. Most Indian troubles could be traced to white injustices, he argued. To prevent a tragic and expensive general war, the government must terminate military operations and conclude new, comprehensive treaties. These agreements should consolidate all the tribes on a few large reservations where the natives could be educated, trained to provide for themselves through industrial

\[139\text{Ibid.}, 112.\]
\[140\text{Ibid.}, 11-113.\]
\[141\text{Ibid.}, 1-5.\]
pursuits and prepared for citizenship. It was advisable to locate these reservations north of Nebraska and west of the Missouri for Indians living north of the Platte and east of the Rocky Mountains; south of Kansas and west of Arkansas for Indians living south of the Platte and east of Arizona and at other selected points west of the mountains for far western tribes.¹⁴²

Congress was impressed by Taylor's suggestions. Most of his proposals were encompassed in the act of July 20 which authorized President Johnson to appoint a special commission to negotiate peace treaties with hostile tribes.¹⁴³ The renowned "Peace Commission" was to include Commissioner Taylor, John B. Henderson, chairman of the Senate Committee on Indian Affairs, S. F. Tappan, Maj. Gen. Sanborn, Maj. Gen. William S. Harney, Lt. Gen. Sherman and Maj. Gen. A. H. Terry.¹⁴⁴ This group, destined to spend many weeks in Indian country in 1867 and 1868, was instructed to:

...make and conclude with said [hostile] bands of tribes such treaty stipulations, subject to the action of the Senate, as may remove all just causes of complaint on their part, and at the same time establish security for person and property along the lines of railroad now being constructed to the Pacific and other thoroughfares of travel to the Western Territories, and such as will most likely insure civilization for the Indians and peace and safety for the whites.¹⁴⁵

The degree to which these objectives were accomplished would be a decisive factor in future relations of the War and Interior departments with the red men.

¹⁴²Ibid., 5-6.
¹⁴⁴Maj. Gen. Christopher C. Augur filled in for Sherman on various occasions. See next chapter.
CHAPTER FOUR

OUR MOST SOLEMN DUTY

JULY, 1867, TO MARCH, 1869

For nearly three hundred years our people have blundered on this Indian question...Fame consists in doing what has not been done before....
(Samuel P. Tappan, July 20, 1868)

It is more humane and economical to subsist Indians than to fight them. A wise and just policy will soon relieve us from either necessity.
(Secretary O. B. Browning, November 30, 1868)

For more than two years after the close of the Civil War, the Interior and War departments pursued semi-independent, stopgap programs toward the hostile Indians who challenged westward expansion. The small western army sent out expeditions, built forts and struggled to police the principal overland thoroughfares and settlements. Representatives of the Indian Bureau counseled with tribal leaders, concluded treaties and promised to subsist the natives who moved to scattered reservations where they were less likely to collide with white men. But neither approach to the Indian question was more than partially successful, and tragic, costly conflicts continued. Moreover, as Indian disasters recurred, the two departments were often openly critical of each other and the Indian "system."

Meeting in special session in the summer of 1867,
Congress was under great pressure to find an effective means of pacifying the warlike red men of the Plains and Southwest. President Johnson called for an early termination of frontier wars, westerners clamored for more protection and freedom to expand and easterners and humanitarians demanded justice for the natives and restraint upon the Army. Acting upon the recommendations of Indian officials and special commissions, the law-makers passed a bill which was supposed to serve the interests of all parties, including the Army and the Indians.

The Act of July 20, 1867, provided for the appointment of a civil-military commission to work toward three principal goals: first, elimination of the causes of conflict with the Indians; second, greater security for frontier settlements and railroads being extended toward the mountains and, third, permanent settlement of the natives on small reservations where they might take up the white man's ways. In theory, this program would bring peace between the races, help the Indians to achieve a higher level of civilization, open new regions for settlement and travel, improve the administration of Indian affairs and relieve the Army of many dangerous and onerous responsibilities. In practice, for a variety of reasons, it was of limited success.

Many of the shortcomings of the government's efforts to solve the Indian problem by conciliatory means are beyond the scope of the following discussion. Consideration will be

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1Stat. L., CIA, 1868, 26. See also Browning to Taylor, August 8, 1867, D.I.L.S., NA, RG 75.

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given to civil-military Indian relations during the last twenty months of the Johnson administration. Traditionally this has been interpreted as a period in which the War and Interior departments resolved their differences and agreed upon the principle that it was cheaper and more effective to feed hostile Indians than to fight them. Actually, the truce between the two branches was very tenuous, and bickering continued even while their representatives worked together on the peace commission. Shortly before Grant entered the White House, the inter-departmental controversy became particularly heated. While Commissioner N. G. Taylor insisted that the nation could fulfill its "most solemn duty" of uplifting the red men only through civil control, advocates of military control disagreed and made another concerted effort to transfer the Indian Bureau to the War Department.

THE PEACE COMMISSION OF 1867-1868

To a large extent, the future of federal Indian relations and administration depended upon the views of the heterogeneous group selected to serve on the Indian Peace Commission. At first glance, there was more or less a balance of civil and military representation, with three civilians, known to be Indian sympathizers; two -- later three -- active military officers who favored a coercive policy; and two former military officers believed to have divided opinions about

\[2\text{CIA, 1868, 19.}\]
the tactics to be used against the wild tribesmen of the West. As it turned out, the commission, by a split vote, supported a conciliatory policy and civil administration until the course of events changed their minds.

Heading the commission, which was to be engaged in its various duties for about fifteen months, was Commissioner of Indian Affairs Nathaniel G. Taylor. Taylor, a Methodist minister by profession, was described by some as a man with a "warm heart" and sympathy for the red men but criticized by others as a "simpering White House courtier." His humanitarian inclinations and concern for his position made him the leader of the faction that voted for liberal treatment of the Indians and civil control. Another ardent, at times fanatical, friend of the Indians was Samuel F. Tappan of Colorado. A transplanted Bostonian, Tappan was described by one author as a "mysteriously inclined gentleman." He had long been identified with the Indian reformers, and there was no doubt how he would vote.

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3 Carl C. Rister, Border Command: General Phil Sheridan in the West (Norman, 1944), 57 quotes from "Bohemian" of the Leavenworth Bulletin. See also A&AJ, V (December 7, 1867), 251.

4 Rister, op. cit., 57.

5 In 1876 Tappan explained his views on Indian affairs to a reporter for the Philadelphia Daily Press, indicating that his sympathy for the red man dated from his own misfortunes as an early "free-stater" in Lawrence City, Kansas. In 1860 he moved to Colorado and, during the Civil War, commanded volunteers at different posts in the Indian country. Colonel Tappan observed the Utes, Comanches, Apaches, Cheyennes and other tribes during this tour of duty. In 1865 he appeared before a joint committee of Congress and proposed a bill to establish civil law among the Indians similar to the "English system" used in Canada. The scheme received support in the Senate but was blocked by the
A third Peace Party member of the commission was Senator John B. Henderson, chairman of the Senate Committee on Indian Affairs and author of the bill creating the commission. A wealthy bachelor-lawyer, Henderson was the "student" of the group; while others "felt inclined to indulge in barroom philosophy, he was up and stirring, taking notes, receiving and analyzing evidence." The Army and Navy Journal stated of him, "...the peace makers in the East may thank their stars that he was on the Peace Commission."

Aligned against these civilian Indian enthusiasts were three generals characterized as "true members of their profession -- alert, watchful, meticulous." Leading this group was Lt. Gen. Sherman, commander of the Division of the Missouri and opponent of "bribing" treaties. Sherman served on the commission because he was detailed by the President and General Grant. Not an advocate of all-out Indian extermination, as some maintained, he nonetheless was ready to use force against marauders who defied the government, molested travel and

5(continued) Military Committee of the House. While on the Peace Commission, Tappan's favorite plan was a separate Indian Department. Failing in this and disappointed in efforts to conciliate the hostiles, he later advocated military control. (Sen. Misc. Doc. No. 53, 45th Cong., 3 sess. /Serial 18357, 203-212).

6Rister, op. cit., 57; Athearn, op. cit., 172.
7A & N Jnl., V (December 7, 1867), 251.
8Rister, op. cit., 57.
9SW, 1868, 381.
endangered the construction of the Pacific railroads. Siding
with Sherman was Maj. Gen. Alfred H. Terry, commander of the
Department of Dakota. Terry, a handsome, forty-year-old
bachelor and former law student at Yale, had an outstanding
military record and a reputation for getting along with other
Army leaders. He shared Sherman's views about the necessity
of whipping intractable red men before coming to terms. The
third professional soldier was Maj. Gen. Christopher C. Augur,
commander of the Department of the Platte. Called upon at
first to substitute for Sherman at certain talks, Augur later
served as a regular member of the group. He, too, believed
the War Department should control the Indians and that force
was necessary where wilder bands were concerned.

The two commissioners who held the "swing vote" were
retired General William S. Harney and former Maj. Gen. John
B. Sanborn. Harney made his home in St. Louis and was a well-
to-do cotton and sugar plantation owner. Nearly seventy years
old, he had fought against the Indians, but probably had more

\[10^A \& N \text{ Jnl.}, V (December 7, 1867), 251; \text{Athearn, op. cit.}, 172ff. \text{,} \]
\[\text{Sherman expressed his views about the other} \]
\[\text{commissioners in a letter to his brother, Senator Sherman. He} \]
\[\text{observed:} \] "Henderson is the best and most thoughtful man on
\[\text{this Commission. Sanborn does very well. Commr. N. G. Taylor} \]
\[\text{is a good-hearted man but a perfect stereotyped edition of the} \]
\[\text{old Indian policy. Gen. Terry is a first rate officer, but} \]
\[\text{Harney is of no account. Tappan } is a mere nothing." \]
\[(\text{Sherman to J. Sherman, September 28, 1867, Sherman Papers, Vol. 21).} \]

\[11\text{Athearn, op. cit., 173;}\]
\[12\text{Athearn, op. cit., 184-199.}\]
\[13\text{SW, 1868, 356.}\]
personal Indian friends than any other member of the commission. It was questionable where the old gentleman's sympathies would lie. Sanborn, a native of Minnesota, had a lucrative law practice in Washington, D.C. He was the "business man" of the commission, hiring helpers, purchasing supplies and "sitting up all night to look after things..." Some questioned his sympathies, but his vigorous condemnation of General Hancock's action at Pawnee Fork in April suggested his opposition to military control and the use of force.

Most of the peace commissioners convened at the Southern Hotel in St. Louis on August 6. There, they threshed out questions about making contact with the scattered hostile bands. One problem was whether or not to travel in the company of troops, for their intentions might thus be misinterpreted by the Indians. Ultimately a "perfect concert of action" was worked out. General Sherman and Commissioner Taylor were to notify their respective subordinates of plans to meet the western Dakota tribes at Fort Laramie on September 13 and the tribes south of the Arkansas near Fort Larned, Kansas, on or about October 13. Only a limited number of troops would go

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14 A & N Jnl., V (December 7, 1867), 251; Athearn, op. cit., 173.
15 General Sherman told his brother John that he expected Harney to vote with him against the other four civilians -- Taylor, Tappan, Henderson and Sanborn. (Sherman to J. Sherman, August 3, 1867, Sherman Papers, Vol. 21).
16 A & N Jnl., V (December 7, 1867), 251.
along, and, for the duration of the negotiations, General Sherman announced, operations by departmental commanders would be "purely defensive." 19

Before going to Fort Laramie, the peacemakers journeyed to Fort Leavenworth to interview General Hancock, Governor Crawford, Father DeSmet and others and stopped at Omaha to discuss the Indian situation with General Augur. They then sailed by steamboat up to Fort Randall to pick up General Terry and observe the progress of tribes along the Missouri. At Forts Sully and Thompson and at Yancton, Ponca and Santee reservations the commission held talks with the Indians. Many tribesmen were found in need of "prompt and serious attention" because of inappropriate provisions under current treaties. Moreover, some of the agents, the commission decided, needed to be replaced by persons with greater honesty and ambition. 20

On September 11 the government's delegates headed west on the Union Pacific. Eight days later at North Platte, the end of track, they parleyed with Spotted Tail, Man-Afraid-of-His Horse, Swift Bear, Pawnee Killer and other Sioux and Cheyenne spokesmen. The Indians soon announced that they came to receive powder and lead and still opposed travel on the Powder River and Smoky Hill roads. 21 On the 20th Sherman was stern with the demanding chiefs, deprecating their argument that trains

19 SW, 1867, 381.
20 CIA, 1868, 28-29.
21 Ibid., 29.
and wagons ruined hunting and reminding them of agreements with other commissioners. Little was accomplished. Scouts reported Red Cloud and the northern Sioux busy fighting in the Powder River region, too occupied to come in to Fort Laramie for some time. Therefore, the would-be treaty-makers postponed the Laramie meeting until November first and, after some objection by the military commanders, passed out limited amounts of powder and ball to the chiefs whose followers had been best behaved. The commission rationalized the distribution of ammunition on the basis of the Indians' need for meat and the biblical injunction, (this may have been Taylor's contribution) "do good to them that hate us." 

The commissioners minus Sherman, then headed south to try their luck with the southern tribes. Their caravan consisted of several hacks, a few howitzers for display, and wagons heaped up with ten thousand dollars worth of presents for the Cheyennes, Arapahoes, Kiowas, Apaches and Comanches. Accompanying the party were interpreters such as George Bent and a number of reporters representing Boston, New York, St. Louis and western newspapers.

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23GIA, 1868, 29.

24Sherman was called to Washington by the President and Augur was sent to fill in for him.

25Rister, op. cit., 53, 56.
Arriving at Fort Larned before the scheduled meeting date, the negotiators waited for Superintendent Thomas Murphy, agents Leavenworth and Wynkoop and interpreters and runners to assemble the tribesmen at Medicine Lodge Creek, about seventy miles to the south. For several days the main body of red men camped at a distance, leery of another "talk" such as General Hancock conducted in April. Finally, the stage was set and the peacemakers moved to the council site with gifts and ready-made treaties. 26

A number of preliminary meetings were necessary before the formal discussions got under way on October 19. Then Senator Henderson, dressed in the latest eastern fashion, announced the Great Father's wish that the Comanches, Kiowas and Kiowa-Apaches settle down and farm on a three-million-acre reservation between the Red and Washita rivers and ninety-eighth and one hundredth meridians. The Cheyennes and Arapahoes were to occupy a reservation about half again as large further north. The United States, Henderson and others explained, would provide beef, flour, coffee and sugar; blankets and clothing; farm tools and seed; teachers, carpenters and blacksmiths -- everything the Indians needed to become happy and prosperous like white men. 27

One by one the blanketed Indian headmen rose to object to the terms offered. Ten Bears, an influential Comanche, decried the loss of his prairie homeland. Satanta, the Kiowa

26 CIA, 1868, 30; Grinnell, op. cit., 273-274.
27 Rister, op. cit., 55, 57; Grinnell, op. cit., 274.
"Orator of the Plains," complained long and bitterly about the wrongs suffered by his tribe before consenting to the government's demands. After Black Kettle of the Cheyennes, Little Raven of the Arapahoes and others made their speeches, the ceremony of touching the pen was held. On October 21 two separate treaties were concluded with the Kiowas and Comanches and with other Kiowa, Comanche and Apache bands. A few days later the Cheyennes and Arapahoes came to terms. In exchange for their "signatures" the red men collected more blankets and other gifts than they were able to carry away.

The Medicine Lodge treaties were reported as "very satisfactory", yet further trouble was forecast by some of the documents' provisions. Tribes which had for generations roamed the buffalo country of the plains were suddenly required to confine themselves to relatively limited areas, forego hunting and revolutionize their way of life. There was, though, no effective barrier against renewed excursions into Texas or Kansas, and, as one author put it, "...the commissioners did little more than create an unworkable arrangement."

30 Grinnell, *op. cit.*, 275; CIA, 1868, 30. Among the items distributed were annuities which had been delayed at military posts since spring. Rister adds, "The commissioners winked at other gifts of whiskey, guns, and ammunition." (Rister, *op. cit.*, 59).
31 CIA, 1867, 4.
32 Rister, *op. cit.*, 59; Atbearn, *op. cit.*, 183.
Leaving Medicine Lodge Creek, the commission returned to North Platte and then proceeded to Fort Laramie, where they hoped to meet Red Cloud and other leaders of hostile Sioux and Northern Cheyenne bands. The only Indians found at Fort Laramie, however, were Crows, most of whom had not been at war. Of Red Cloud's absence the commissioners stated, "We greatly regret the failure to procure a council with this chief and his leading warriors. If an interview could have been obtained, we do not for a moment doubt that a just and honorable peace could have been secured." 33 In fact, Red Cloud notified the commission that he would not give up his war until the Bozeman Trail forts were removed. Again frustrated, the peacemakers re-scheduled their meeting with the Sioux and other northern tribes for spring, appealed to the Indians to live at peace, and adjourned. 34 It seemed, Acting Commissioner Mix noted in his annual report for 1867, that the work of the treaty-makers would take "longer...than was at first supposed". 35

During the ensuing winter the commission had time to review its initial efforts and plan future sessions with the hostiles. Encouragingly, the frontier remained relatively quiet. Still, General Sherman made preparations to reinforce his outposts in the spring, believing that if these installations were not needed for defense, they could become "nuclei"

33 CIA, 1868, 30.
34 Ibid., 31.
35 CIA, 1867, 5.
for new settlements. The troops would remain "as much on the
defensive as possible." 36

Meanwhile various observers commented upon the work of
the peace commission. The Nation, taking a conciliatory line,
pointed out that it was easier, cheaper and more honorable to
"regenerate" the nation's wards than to coerce them. 37 On the
other hand, Maj. Gen. Henry H. Sibley, veteran of many cam­
paigns against the Sioux, argued against not only civil con­
trol and "purchased peace," but also against defensive or
limited military operations. He demanded a full-scale Indian
war, with the Army capitalizing upon the natural enmities
within the red race. "Eight or ten millions wisely expended,
would," Sibley figured, "...suffice to close the war within
two years...." 38

On January 7, 1868, the peace commission made its offi­
cial report to President Johnson. The report was deceptively
sympathetic with the Indians and civil control. It mentioned
the "heartrending" consequences of the Chivington massacre;
the "utter futility of conquering a peace;" the illogic of
punishing whole tribes for the crimes of a few; the wrongs
which "compelled" Indian outbreaks such as the Fort Phil Kearny
affair; the provocative action of General Hancock at Pawnee

36SW, 1867, 381.
37The Nation, V (October 31, 1867), 356. The journal
estimated that it cost seventy thousand dollars to kill each
Indian.
38Sibley to Sherman, December 6, 1867, I.O.L.R., 1867,
NA, RG 75.
Fork and the "many noble qualities" of the Indian. It placed emphasis upon the necessity for prompt congressional action to ratify and fulfill the provisions of peace treaties. Also, it made the following suggestions for improving the Indian service: (1) revision of the laws on intercourse with the Indian tribes; (2) continuation of Interior Department jurisdiction over the Indians, except for temporary military control over "unmanageable" tribesmen; (3) dismissal of all incompetent and unfaithful agents and superintendents by February 1, 1869; (4) creation of a new Department of Indian Affairs; (5) prohibition of organized Indian war by state or territorial governments; (6) tighter restriction upon licensing of Indian traders; (7) new laws to authorize the Army to oust white intruders from Indian reservations; (8) removal of the Bosque Redondo Indians; (9) appointment of Indian inspectors and (10) appointment of a new commission to meet with the Sioux, Navajoes and other tribes, including some "confessedly at peace."\[40]

The commission's comments on the "much mooted question" of civil or military control of the Indian Office were quoted time and again by defenders of the status quo in Indian management because Generals Sherman, Terry and Augur and former Generals Harney and Sanborn all signed the report. Particular note was given to the statement:

We have the highest possible appreciation of

\[39\] CIA, 1868, 26-43.
\[40\] Ibid., 47-48.
the officers of the army, and fully recognize their proverbial integrity and honor; but we are satisfied that not one in a thousand would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil, and not military, occupations. 41

But these remarks did not represent the views of the entire peace commission. A year later General Sherman explained to Senator E. G. Ross of Kansas how the members voted on the document. Although General Augur signed the report, only the seven original commissioners had a vote. Henderson, Tappan, Taylor and Sanborn supported it, and Sherman, Terry and Harney opposed it. "We did not favor the conclusion arrived at, but being out-voted," the General explained, "we had to sign the report." 42

On one thing the commission was unanimous, however. They believed it was necessary to collect the Indians east of the Rockies on reservations north of Nebraska and south of Kansas as rapidly as possible. 43 As soon as the Senate confirmed the Medicine Lodge Creek treaties, measures could be taken to implement the concentration program on the Southern Plains. But negotiations still had to be completed in the North, and success there depended to a large extent upon whether or not the government would give up the forts on the road to Montana.

Already in August, 1867, General Grant suggested to

41 Ibid., 47-48.
42 Sherman to Ross, January 7, 1869, Div. Mo. L.S., NA, RG 98.
43 SW, 1868, 334.
Sherman that the extension of the Union Pacific was beginning to delimit the value of the Powder River road and that it might be practical and diplomatic to retract the posts northwest of Fort Laramie. But Sherman demurred. To give in to the hostiles was to encourage their resistance, he thought.

In the January report, the Peace Commission proposed to route travel to Montana from a more western point on the Union Pacific and along the west side of the Big Horns. By late February Sherman, too, was in accord with the removal scheme and solicited General Augur's suggestions on how to proceed. Finally, on March 2, Grant wrote Sherman, "I think it will be well to prepare at once for the abandonment of the posts, Phil. Kearny, Reno and Fetterman and to make all the capital with the Indians that can be made out of the change."

As soon as the weather permitted, various "chief-catchers," including Father DeSmet, Reverend S. D. Hinman, and a number of traders and interpreters, were sent out to invite the Sioux and Northern Cheyennes and Arapahoes to Fort Laramie for a big council in April. Sherman announced

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44 Grant to Sherman, August 26, 1867, Sherman Papers, Vol. 21.
45 SW, 1867, 392-393.
46 CIA, 1868, 42.
47 Athearn, op. cit., 194.
48 Grant to Sherman, March 2, 1868, Letters Sent, Commanding General, NA, RG 108. Grant also indicated that other posts might be needed west of the Powder River region.
49 George E. Hyde, Red Cloud's Folk (Norman, 1937), 163-164. See, for example, Taylor to Rev. F. DeSmet, February 17, 1868, I.O.L.B., No. 17, NA, RG 75.
that he would go along with further attempts to pacify the hostiles, holding his troops in reserve until the agents had to "confess an inability to manage their Indians..." 50 Senator Henderson made the necessary business arrangements, and in early April the treaty-makers again set out to try to rendezvous with the warriors of Powder River country. 51

Once more the warlike bands failed to meet the appointment set by the Great Father. Nevertheless, the commission was determined to negotiate treaties. Dispensing liberal amounts of rations, blankets, utensils, arms and ammunition, they induced many leaders of the friendly Brule and non-belligerent Sioux bands to sign the white man's paper on April 29. 52 The agreement pledged peace between the white and red races; fixed the boundaries of the Sioux reservation; authorized the natives to hunt north of the Platte and in the Republican and Powder River regions "so long as the buffalo may range therein in numbers as to justify the chase"; offered awards and financial and technical assistance to Indians taking up farming; promised rations to all settling on the reservation and, finally, provided for an annual

50 Sherman to J. Sherman, March 14, 1868, Sherman Papers, Vol. 22.

51 Sherman was called to Washington to testify in Johnson's impeachment trial and did not go west until later.

52 Brule, Ogallala, Miniconjou, Yanktonnai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, Sans Arc and Santee Sioux bands and a few Arapahoes eventually signed the treaty. Many of the signatures were collected at Forts Rice and Sully or at scattered Indian camps weeks after the formal council was held. (Kappler, op. cit., II, 998; Hyde, op. cit., 164-167).
clothing allowance and cash-equivalent annuities for thirty years.\textsuperscript{53}

While awaiting the appearance of Red Cloud and headmen of the various hostile bands, the commission on May 7 concluded treaties with the Mountain Crows and on May 10 came to terms with the Northern Arapahoes and Cheyennes. The latter agreement was similar in most respects to the Sioux treaty; the former provided for a different reservation and hunting restrictions.\textsuperscript{54}

It soon became evident that it would be difficult to treat with the wilder Sioux, who were the chief concern of the government. The decision to withdraw the Bozeman forts had been announced, but Red Cloud's Bad Faces and some of the Oyuhkpe and Miniconjou Sioux were unwilling to come to terms until the soldiers left their hunting grounds.\textsuperscript{55} The dismantling of the posts began on June 1 and took several weeks. A few of the hold-outs were coaxed into signing the Sioux treaty during the summer, but the leading Northern Sioux, notably the influential Red Cloud, did not sign until November, after the vacated forts had been burned to the ground.\textsuperscript{56}

\textsuperscript{53}Kappler, \textit{op. cit.}, II, 998-1007.

\textsuperscript{54}Ibid., 1008-1015. The Crows were to live along the Yellowstone and the Cheyennes and Arapahoes were given a choice of settling on the Sioux Reservation or with their relatives in the South.

\textsuperscript{55}\textit{Ex. Doc. No. 239}, 40th Cong., 2 sess. (Serial 1341), 1868, 1-3.

\textsuperscript{56}Hyde, \textit{op. cit.}, 166-167.
General Sherman, who arrived at Fort Laramie in early May, was irritated by the uncompromising attitude of some of the red men. He did not believe, for example, that they deserved the privilege of hunting outside their reservation. "I think it would be wise to invite all the sportsmen of England and America there for a Grand Buffalo hunt," he suggested, "and make one grand swap of them all. Until the Buffalo and consequent Indians are out from between the roads we will have collisions and trouble." 57

There was little time for second-guessing, however. The peace commissioners, together with other treaty-makers, had a great deal of negotiating to do before the end of summer. Some went south to treat with the Osages and Chippewas; others journeyed to Montana Territory to meet with the Blackfeet, Gros Ventres, Missouri River crows and Northern Bannocks and Shoshones; still others traveled to Utah Territory to confer with other Bannock bands and the Eastern Shoshones and to Idaho Territory to talk with the Nez Perce. The chief objectives of the treaties made with these tribes were, Commissioner Taylor reported, "the binding the Indians, parties, thereto, to keep the peace, the providing for the several tribes a suitable reservation, and the means for their education and civilization." 58

Commissioners Sherman and Tappan drew the assignment

58 CIA, 1868, 4.
of parleying with the Bosque Redondo Navajoes and Utes of New Mexico. They began talks with the former at Fort Sumner on May 28. From personal observation and the comments of Bar-bonicita and other Navajo headmen, both decided that Bosque Redondo was a miserable location. Sherman tried to persuade the red men to select a reservation in Indian Territory, but encountered such strenuous objections that he concluded "nothing less than absolute force" would get them to move east. On June 1 the Navajoes signed an agreement to re-locate on a six-million-acre reservation in their homeland, west of the Rio Grande. At that location they were entitled to one hundred and sixty-acre farms, up to five dollars worth of clothing and goods apiece each year, a hundred dollars worth of seeds and tools per family and a total of fifteen thousand sheep.

In mid-June the two peace-makers conferred with Ute leaders north of Fort Union. Representatives of the Colorado Utes had visited Washington in March and made a treaty which allowed the Capotes, Weminuches and Mohnauches of New Mexico to share their reservation in southwestern Colorado Terri-tory. But the New Mexico Utes objected to this arrange-ment. Reluctant to settle down and unhappy that the com-missioners had talked with the Navajoes first, they refused to make specific commitments. Sherman's one consolation

59 HR Ex. Doc. No. 308, 40th Cong., 2 sess. (Serial 1345), 1.
60 Kappler, op. cit., II, 1015-1020; CIA, 1868, 164-165.
61 Kappler, op. cit., II, 990-996; CIA, 1868, 182.
62 CIA, 1868, 167-169.
with reference to these natives was that time was on the side of the government.  

By late summer Sherman, Tappan, and others had nearly completed the treaty-making phase of the government's program to conciliate hostile tribes, and major peace agreements, except those with the Sioux, Nez Perce and the Eastern Shoshones and Bannocks, had received senatorial approval. The Peace Party was enthusiastic, anticipating a new era in Indian relations. Before the year was out, however, events were to dampen their optimism. In the meantime, the policymakers endeavored to implement the concentration scheme recommended in the Act of July 20, 1867.

EARLY IMPLEMENTATION OF THE PEACE TREATIES

Both civil and military officials recognized the need for early, adequate appropriation of funds to implement the peace treaties of 1867 and 1868. In his annual report for 1867 Secretary O. H. Browning urged, "...no consideration of the...expenditure likely to be required should be suffered to defeat an object [peace] of such surpassing importance." In its January, 1868, report the commission gave special attention to the necessity of congressional action to finance the reservations and civilization programs it

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63 Sherman to J. Sherman, June 11, 1868, Sherman Papers, Vol. 23.
64 Kappler, op. cit., II, 977-1025.
65 Quoted in CIA, 1867, II.
proposed. After mid-February, Commissioner N. G. Taylor repeatedly commented on the "grave importance" of procuring money at an early date "in order that the faith of the Government and the promises of the Indian Peace Commission, may be kept good...." Taylor insisted that his office should not be held liable for hostilities or depredations by needy red men. Finally, General Sherman informed his brother John, "I feel reluctant to go further in these...promises as I fear our Government is becoming so complicated that it is very venturesome to make promises in advance." At last, on July 27, the annual Indian appropriation bill was passed. One clause provided that half a million dollars was to be disbursed under the direction of General Sherman, ...for carrying out the treaty stipulations, making and preparing homes, furnishing provisions, tools and farming utensils, and furnishing food for such bands of Indians with which treaties had been made and not yet ratified, and in defraying the expenses of the commission in making such treaties and carrying their provisions into effect.

This was not the kind of transfer of authority Sherman had so often recommended, but it was not unexpected. A few days earlier he learned from Samuel Tappan that Congress-

66 CIA, 1868, 44-46.
67 Taylor to Browning, April 6, 1868, I.O.R.B. No. 17, NA, RG 75.
68 CIA, 1868, 52-53.
69 Sherman to J. Sherman, April 26, 1868, Sherman Papers, Vol. 23.
70 SW, 1868, 338.
Ben Butler of Massachusetts was supporting the appropriation bill on condition that the General would hold the purse strings.\(^1\) On August 6 Secretary Browning delicately explained Sherman's duties. "I have neither the right nor wish to give you instructions," Browning stated, before listing expenditures to be made. The subordinates of the Interior Department, still in general control of the Indians, would do everything to cooperate. "There is no reason why there should be interference or conflict between you and the Agents of this Department," the Secretary added somewhat hopefully.\(^2\)

Sherman realized that it was essential to expend the Indian funds as promptly and judiciously as possible. The season was growing late, and in many places there were signs that the Indians were losing faith in the government's treaty promises. For example, Superintendent Thomas Murphy some time earlier reported the Cheyennes, Arapahoes and Apaches of the Southern Plains near starvation and in a state of unrest.\(^3\) In addition, the Sioux, now being coaxed and cajoled toward agency sites along the Missouri River, would be very upset to find that no preparations had been made for their settlement and subsistence.\(^4\)

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\(^{1}\) Tappan to Sherman, July 20, 1868, Sherman Papers, Vol. 23.

\(^{2}\) Browning to Sherman, August 6, 1868, D.I.L.S., Indian Misc. NA, RG 75.

\(^{3}\) CIA, 1868, 60.

To meet these pressing needs and govern Indian disbursements, General Sherman issued General Order No. 4, dated August 10, 1868. Department, district and post commanders were directed to act temporarily as agents for the purpose of moving tribes to their new homes and issuing supplies. Regular agents were not to be interfered with, but "any neglects or irregularities" by Agency officials or their subjects were to be reported. Maj. Gen. W. S. Harney was to be in charge of expenditures for relocating the Sioux nation; Maj. Gen. W. B. Hazen the Cheyennes, Arapahoes, Kiowas, and Comanches; Maj. Gen. George W. Getty the Navajoes; Major R. S. LaMotte the Crows and Maj. Gen. C. C. Augur the Shoshones, Snakes and allied tribes. Purchases of rations, clothing and supplies were to be handled through the Army's quartermaster and commissary channels, and issues to Indians were to be witnessed by two officers with the rank of captain or above. 75

In his yearly report, Sherman explained the breakdown of disbursements by his assistants. First, the half million dollars was reduced by $150,000 to settle outstanding accounts against the peace commission. The remaining $350,000 was split up, allowing General Harney $200,000 and General Hazen, General Augur and Major LaMotte $50,000 each. General Getty handled substantial separate funds for relocating and providing for the Navajoes of New Mexico. While the Indians were

75 Quoted in Browning to Schofield, August 21, 1868, D.I.L.S., Indian Misc., NA, RG 75. The expiration date for the order was to be June 30, 1869.
due to receive "the benefit of every cent," there was not enough money to properly provision the peaceable red men during the winter. It was "indispensable," Sherman contended, to have an additional appropriation of $300,000 for Harney and $200,000 for General Hazen.76

Many military leaders regretted this temporary experience in managing part of the finances and logistics of the Indian service. In the first place, despite Secretary Browning's call for cooperation, civil authorities frequently complained about the army's virtual "care and control" of their wards.77 Secondly, General Sherman realized that the Indian funds were not always properly managed. "Harney never reads anything," he grumbled. "I saw at once he was giving out orders of purchase far in advance of his money...I did not and do not approve his large purchases [although] I do believe he will thereby prevent suffering."78

In February, 1869, when Harney asked for a deficiency appropriation of over $485,000 and almost $2,500,000 for the coming year and General Sanborn requested a deficiency payment of $23,000 and allowance of $365,000 for the southern Indians for the year, the House Committee on Appropriations was in a quandary. Of the deficiency requests they reported, "...the difficulties...

76SW, 1868, 339; CIA, 1868, 62-63.
77CIA, 1868, 231, Taylor to Browning, January 9, 1869, I.O.R.B. No. 18, NA, RG 75.
78Sherman to Schofield, January 28, 1869, Letters Received, Secretary of War, NA, RG 107. Hereafter these records will be cited S.W.L.R.
are so great, the amounts asked for so large, the estimates are so contradictory, and the evidence so unsatisfactory that \[we\] ...are unable to make any recommendation in which the committee feel any considerable degree of confidence.\(^79\) With a sense of relief, Sherman in April requested a final report on Indian expenditures by the military so that he might "close that business."\(^80\)

THE RENEWAL OF HOSTILITIES

For about a year the Peace Commission's crusade to convert the Indians into "peaceful shepherds, herdsmen and farmers" seemed to have positive results.\(^81\) Collisions between the white and red races continued, but there were no major Indian outbreaks or military campaigns. The Army, as announced, maintained a semi-truce by carrying on largely defensive operations. Territorial volunteers, although inclined toward aggressive action, were checked by a lack of personnel, funds, resources and federal support.\(^82\) While certain native bands persisted in depredations and acts of violence, many heretofore warlike groups consented to live on reservations and eat the white man's food. By November, 1867, according

\(^{79}\) HR Rpt. No. 29, 40th Cong., 3 sess. (Serial 1388), 1869, 1, 4.

\(^{80}\) Sherman to Sheridan, April 10, 1869, Sheridan Autograph Letters, Sheridan Papers.

\(^{81}\) SW, 1868, 334.

\(^{82}\) SW, 1867, 376-379.
to General Sherman, peace prevailed except on the Arkansas and Smoky Hill, and there, too, prospects for a settlement were good. Secretary Browning later reported "not a single act of depredation or violence" by Indians subsisted by the government during the winter of 1867-1868. Finally, General Grant, in May, 1868, stated his belief that the peace commission was doing "real and lasting good" as well as "incidental good" by distracting tribesmen and frontiersmen during "the season practicable for making war."

But in the latter part of 1868 the illusion of permanent peace was abruptly dispelled by renewed war with the Cheyennes, Arapahoes, Kiowas and Comanches. Before the year was over, General Sherman again ordered his field commanders to "obliterate" the hostiles. Likewise, some of the Indians' friends, including members of the Peace Commission, changed their minds and called for a policy of coercion and military control over Indian affairs.

The war with the Southern Plains tribes was touched off by an outbreak on August 10 on the Saline and Solomon rivers in Kansas. A party of two hundred Cheyennes, together with a few Arapahoes and Sioux, unexpectedly went on a rampage, killing fifteen men, violating women, capturing children and

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83 Ibid., 381.
84 CIA, 1868, I.
85 Grant to Sherman, May 19, 1868, C.G.L.S., NA, RG 108.
Civil and military officials did not agree in all respects on why the Cheyennes became violent. Commissioner Taylor believed that their action, although inexcusable, was based on a "spirit of revenge" over not receiving arms and ammunition promised by the Peace Commission and disgust over insufficient supplies. General Sherman was convinced that they had heard of the government's concession to the Sioux on the Bozeman forts and hoped to achieve similar results along the Smoky Hill. The atrocities were "premeditated crime," he insisted. Investigations proved "beyond dispute" that whites had not provoked the uprising.

E. W. Wynkoop, the Cheyenne and Arapaho agent, admitted that the Cheyennes were guilty and needed to be punished. In response to a letter from General Phil Sheridan, commander of the Department of the Missouri, he tried unsuccessfully to get his charges to deliver up the guilty parties. "Let those who refuse to respond to my call and come within the bounds prescribed be considered at war," the agent proposed, "and let them be properly punished."  

Although he believed war "inevitable," General Sheridan notified the Cheyennes and the Arapahoes, Kiowas and Comanches several times to move to the vicinity of Fort Cobb, Indian

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87 SW, 1868, 335. There were four Arapahoes and twenty Sioux with the Cheyennes when they left Pawnee Fork on August 3 or 4.  
88 CIA, 1868, 2-3.  
89 SW, 1868, 335.  
90 CIA, 1868, 71.
Territory, to avoid conflict with the military. Young hostiles, growing bolder every day, spurned these instructions and committed murders and depredations all along the Smoky Hill and Arkansas roads. 91 Soon, in General Sherman's words, there was "open war, all the way from Fort Wallace to Denver...." On August 27, the acting governor of Colorado reported Denver "completely surrounded" by hostiles. Eight days later Governor S. J. Crawford of Kansas declared scalping and burning "an almost daily occurrence" in his state, adding "I cannot sit by and see our people butchered...." 92

Under pressure of this sort, General Sheridan requested additional cavalry and prepared to conduct a vigorous campaign against the hostiles. The Indian Bureau and its superintendents and agents supported this move, provided precautions be taken not to harm innocent Indians. 93 One of the few objections to war came from S. F. Tappan, who warned General Sheridan that a southern "conspiracy" was seeking to involve his troops in a general Indian war to "compromise the generals of the Army and carry the South against Grant" in the coming election. 94

By late September, Sherman was anxious to put an end

91SW, 1868, 336. A total of seventy-nine deaths were attributed to the Cheyennes in August and September.
92Ibid., 336-337.
93CIA, 1868, 74-76.
94Tappan to Sheridan, August 26, 1868, Sherman Papers, Vol. 23.
once and for all to Indian resistance along the southern routes.

"I propose that Gen. Sheridan shall prosecute the War with vindictive earnestness," he wrote, "...all who want peace must get out of the theater of war." Troops would keep after the wild braves right up through the winter if necessary. "We must not let up this time," he told Senator Sherman, "but keep it going till they are killed or humbled."

In answer to repeated protests from the "fanatic," Tappan, Sherman sent a scorching letter. "Of course our views on this Indian question are irreconcilable," Sherman asserted. The reformer's judgments amounted to "mono-mania." Even the Indian Bureau admitted there was not a "jot or tittle of provocation" by whites against the Cheyennes and Arapahoes. Forty million people could not be "cowed" by a few thousand savages. Moreover, this business about a southern conspiracy was utter nonsense! "At our meeting of Oct. 7th in Chicago you can produce your evidence in one case, and I in the other," the General concluded.

The Chicago meeting was a session at which the peace commission was to review its work and make final recommendations to the President. Before squaring off, Tappan sent Sherman another letter. He thought the general's plainness and

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"decidedly refreshing." But could Sherman not understand that Indian wars inevitably brought harm to innocent Indians and were as unjust as hanging another member of the white race for John Wilkes Booth's crime? Maybe he was mistaken about some of the persons involved in the Indian war plot, for it was "the work of more daring and desperate politicians." Finally, Tappan admonished Sherman to avoid those trying to "trap" him into becoming another Chivington and to prevent the army from becoming a "curse."98

This kind of talk only made General Sherman all the more determined to present a strong case against the conciliatory policy at Chicago. All the commissioners except Senator Henderson were present when the peace commission convened on October 7.99 The discussions went on for three days, but from the outset it was evident that all but Taylor and Tappan were convinced that force and military control were the only effective means of dealing with the wilder Indians.

Completely reversing itself in some respects, the commission on October 9 passed six resolutions. The first recommended that provisions and supplies be furnished to eleven tribes which had settled or were scheduled to settle permanently on "agricultural reservations." The second proposed recognition of only those treaties, ratified or pending, which


99 Atbearn, op. cit., 227-228. General Grant sat in on the meetings and supported Sherman's recommendations for a coercive policy toward hostile tribes.
affected these same tribes. The third called for an end to the recognition of Indian tribes as "domestic dependent nations" (except in implementing current treaties) and the application of civil law to Indians. The fourth recommended that, because of treaty violations, tribes under the Medicine Lodge Creek treaties no longer be permitted to roam and hunt outside their reservations. The fifth proposed the use of military force to compell unwilling natives to move to reservations after due notice and provision for rations and protection. Significantly, the last resolution stated: "...in the opinion of this commission the Bureau of Indian Affairs should be transferred from the Department of the Interior to the Department of War."100 Commenting on these resolutions, one of Sherman's biographers remarks, "Sherman went back to St. Louis with several scalps, including Taylor's and Tappan's hanging from his belt."101

As president of the peace commission, Commissioner Taylor signed these resolutions, but he did not personally approve of some of them. Like Sherman, Terry and Harney in January, 1868, he was outvoted.102 The Commissioner was still upset six weeks later when he commented upon the results of the Chicago meeting in a letter to Secretary Browning. Among

100 CIA, 1868, 371-372.
101 Athearn, op. cit., 228.
102 HR Rpt. No. 354, 44th Cong., 1 sess. (Serial 1709), 1876, 212. Sanborn later said that only Taylor opposed the resolutions.
other things, he had become convinced that the Army was engaged in an unnecessary war against the tribes of the Southern Plains. Only a few Indians were guilty of atrocities, and, given more time, the chiefs would have turned the criminals over to Agent Wynkoop. In summary Taylor remarked:

...I must take occasion to say to you that while I regard Lieut. Genl. Sherman and the gallant officers commanding under him utterly incapable of for one moment entertaining the disgraceful idea of perpetrating a massacre upon peaceful Indians invited to our protection, nevertheless this Department as their lawful guardian is bound to take every necessary precaution to shield the innocent and helpless against the fearful punishment now pursuing the actual criminals.103

A few days after writing this the Commissioner was to wonder whether some of Sherman's officers were so "gallant" after all.

**THE BATTLE OF THE WASHITA**

In late November, when the weather turned cold and snowy, General Sheridan decided it was time to launch the vigorous winter campaign prescribed by General Sherman. On November 21 he arrived at Camp Supply, Indian Territory, to find Maj. Gen. George Custer's Seventh Cavalry making final preparations. Two days later, although Colonel S. J. Crawford's Nineteenth Kansas militia regiment had not yet arrived, Sheridan ordered Custer to set out against any Cheyennes, Arapahoes, Kiowas or Comanches off their reservations. With eleven companies and Osage scouts, Custer headed south

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103 Taylor to Browning, November 21, 1868, I.O.R.B. No. 18, 1868-1869, NA, RG 75.
through a fresh twelve-inch blanket of snow.¹⁰⁴

The morning of the 26th the expedition struck a day-old trail, left by a Cheyenne war party returning from a raid on the Smoky Hill River. Leaving wagons, tentage and heavy equipment, the cavalry set out in "rigorous pursuit." The chase lasted on into the night, and at 1:30 a.m. the Osage trackers spotted a large encampment of Cheyennes, Arapahoes and Kiowas along the banks of the Washita River, about one hundred and twenty miles upstream from Fort Cobb.¹⁰⁵ Situated nearest to the advancing troops was the village of Black Kettle, the Cheyenne leader whose village four years earlier, almost to the day, had been overrun by Colonel Chivington's volunteers at Sand Creek.¹⁰⁶

After withdrawing to avoid discovery, the officers of the command reconnoitered the Cheyenne village and planned the attack. At dawn, four columns would strike simultaneously; Custer would lead the frontal assault. Meanwhile the Indians were oblivious of the presence of white soldiers, their sentries having gone to their lodges to escape the bitter cold.¹⁰⁷

At last the hour for the attack arrived, and, with the band striking up "Garry Owen," the troops rushed Black Kettle's settlement from several directions. "Caught napping," the

¹⁰⁴ Grinnell, op. cit., 298-300; HR Ex. Doc. No. 240, 41st Cong., 2 sess. (Serial 1425), 1870, 162-163.
¹⁰⁵ HR Ex. Doc. No. 240, 41st Cong., 2 sess. (Serial 1425), 1870, 163.
¹⁰⁷ HR Ex. Doc. No. 240, 41st Cong., 2 sess. (Serial 1425) 1870, 163; Rister, op. cit., 104.
the red men grabbed up their arms and ran for cover, some to
the underbrush and nearby ravines, others into the ice-filled
river. While the soldiers "gallantly" charged again and
again, the red men fought back in a manner "rarely, if ever...
equaled in Indian warfare." By mid-afternoon the battle was
over, and Custer was able to inventory the "fruits of vic-
tory." Black Kettle and one hundred and two "warriors" were
dead; fifty-three women and children were taken captive and
fifty-one lodges were destroyed. Eight hundred and seventy-
five horses, ponies and mules; a vast amount of robes, equip-
ment and clothing; and a whole "winter supply" of meat and
food were seized and/or demolished. Also found in the
village were four white captives, but two were killed before
they could be rescued. Almost incidentally, Custer added in
his report, "In the excitement of the fight, as well as in
self-defense, it so happened that some of the squaws and a few
children were killed and wounded."^5

The Battle of the Washita produced another violent dis-
pute between the officers of the War and Interior depart-
ments. Almost two weeks before Custer's attack, Superintendent
Thomas Murphy of the Central Superintendency stated his concern

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108 HR Ex. Doc. No. 240, 41st Cong., 2 sess. (Serial
1425), 1870, 163. Rister, op. cit., 108. Rister estimates
that a third again as many were found dead miles from the camp.

109 HR Ex. Doc., No. 240, 41st Cong., 2 sess. (Serial
1425), 1870, 163-164.

110 Ibid., 164. Custer's losses were two officers and
nineteen men killed and three officers and eleven men wounded.
over military movements while he made "preparations for peace and promises of protection." Murray had no doubt that A. G. Boone, agent for the Kiowas and Comanches, and E. W. Wynkoop, agent for the Cheyennes and Arapahoes, could persuade their charges to move peaceably to Fort Cobb. But he wondered what would be in store for them there.

In all these military movements I fancy I see another Sand Creek massacre. If these Indians are to be conglomerated at Fort Cobb or elsewhere, under promises of protection, and then pounced upon by the military, it were far better that they had never been sent for, or any such promises made.

Just before learning of the Washita affair, Agent Wynkoop, too, sensed an impending crisis. No friend of the hostiles, he nevertheless had special reasons for wanting to protect the innocent Cheyennes. In 1864, as the military officer responsible for bringing Black Kettle's people to Sand Creek, he found it very difficult to convince the Indians that he had no part in the disaster that followed. Again, after Hancock's expedition in April, 1867, he had to talk fast to regain the confidence of the Cheyennes. Now undisciplined volunteers and Utes and Osage scouts, the "deadly enemies of the plains Indians," were headed for the vicinity where he was supposed to gather his subjects. "...I most certainly refuse to again be the instrument of the murder of innocent women and children," he exclaimed prophetically.

In his initial report on the Custer expedition, General

Sheridan was laudatory. After recounting the losses imposed upon the Indians, he remarked, "The highest credit is due General Custer and his command. They started in a furious snow-storm and traveled all the while in snow twelve inches deep." The Black Kettle band had been justly punished for depredations on the Saline and Solomon rivers in Kansas. "We will soon have them in good condition," Sheridan predicted. "If we can get one or two more good blows there will be no more Indian troubles in my department."\textsuperscript{113}

Superintendent Murphy read of what Sheridan called "the opening of the campaign against the hostile Indians" in the newspaper and became, as he put it, "sick at heart." Most of the Indians killed in the village were not involved in the crimes in question. Particularly appalling was the killing of Black Kettle, "one of the truest friends the whites have ever had among the Indians of the plains." Black Kettle, even after Sand Creek, had intervened to prevent widespread trouble in the spring of 1867 and had worked "assiduously" to make the Medicine Lodge Creek negotiations a success. Probably there would now be an alliance between formerly friendly and hostile tribes and a costly and bloody war.\textsuperscript{114}

Reverberations of the argument over Custer's action were heard from the Plains to the Potomac and lasted for many weeks.

\textsuperscript{113}Ibid., 147.

\textsuperscript{114}Ibid., 5-6. Murphy reported the Cheyenne village within seventy miles of Fort Cobb, figuring land miles instead of distance by boat, as cited by the military.
One of the first to attack the Army, of course, was Samuel Tappan. On December 4 he condemned the "stupid and criminal blundering" of the officers involved. By waging war on villages inhabited by women and children, they left no doubt in the minds of the Indians that extermination was the government's objective. The only hope for salvaging the work done by the Peace Commission lay in "immediate and unconditional abandonment of the present war policy" and the discharge of volunteers, control of the Army and its field officers and just fulfillment of treaties. 115

Presenting a contrary view was General W. B. Hazen, the officer in charge of implementing the Medicine Lodge Creek treaties. The military's strong stand was just beginning to have a "salutary effect," he noted. The victory over the Cheyennes was fine, but General Sheridan should not relax his campaign. To have a lasting effect, the work of subduing the tribes of the Southern Plains must be done "thoroughly." 116

On December 23, shortly after the Senate had begun an investigation of the Washita attack, General Sherman informed Generals Sheridan, Hazen and Grierson that he was behind Custer one hundred per cent. He wanted them to "go ahead, kill and punish the hostile, rescue the captive white women and children, capture and destroy the ponies, lances, carbines, etc..."

115 SI (P), 1868, 1012-1016.

116 HR Ex. Doc. No. 210, 41st Cong., 2 sess. (Serial 1425), 1870, 148-150. In fact, Sheridan on December 19, 1868, indicated that he would have acted more vigorously, particularly against the Kiowas, but for Hazen's appeal in their behalf. (Ibid., 154).
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Tappan, Taylor and company were making "bald and naked assertions" in the papers about Black Kettle's friendliness, but most of the public would not be "humbugged." If there were repercussions he would accept full responsibility. 117

A refutation of the charge that Black Kettle's camp was friendly was issued by General Sheridan on January 1, 1869. There were two major flaws in the allegation, he maintained. In the first place, the Cheyenne village was not near Fort Cobb, as claimed, but far up-river. Secondly, there was definite proof that a number of young bucks from the village were raiding at Dodge at the very time the camp was wiped out. Evidence that they used the Washita settlement as a base of operations included stolen mules, mail and photographs found by Custer's men. In addition, the Indians' own illustrated history of murders and depredations (drawings on hides and so forth) had been found and would be at the "service of any one desiring information on the subject." 118

As the mutual recriminations continued, General Sherman was at times tempted to declare war on the Indian Bureau! Such was the case when Agent Wynkoop, through channels, asked President Johnson to direct the Army to release the widow of "guiltless" Black Kettle from imprisonment at Port Hays.

117 Among other things, Sherman said that he did not want agents to have charge of the Cheyennes and Kiowas until Bull Bear and Satanta, leaders of the respective tribes, had been killed. (Sherman to Sheridan, Hazen and Grierson, December 23, 1868, Letters Sent, Division of the Missouri, NA, RG 98). Hereafter these records are cited Div. Mo. L.S.

118 HR Ex. Doc. No. 240, 41st Cong., 2 sess. (Serial 1425), 1870, 166.
It would be but a "small tribute" to the memory of the great chief, Wynkoop submitted, to send her to her daughter, Mrs. George Bent, on Purgatory River, Colorado Territory. Commissioner Taylor and Secretary Browning endorsed the appeal, and Johnson issued an Executive Order for the woman's release.

Sherman declared that Wynkoop had gone "out of his way" to send such a petition to the President. The agent's reference to the "murdered" chief and Taylor's comment about the former's "manly and magnanimous appeal" were simply calculated to embarrass the Army. They knew that the squaw was in good keeping. But, if George Bent would have her, she would be released.

Only time and new controversies quieted the charges and counter-charges. The Washita "battle" or "massacre" was neither the first nor the last occasion for dispute between leaders of the War and Interior Departments over the question of punishing large groups of Indians for the action of unmanageable young tribesmen. A factor which made civil and military authorities especially critical of one another in this case, though, was the concurrent resumption of congressional debate over which branch should control the Indian service.

119 Ibid., 9. George Bent was a son of "Colonel" William Bent, founder of Bent's Fort, Colorado Territory. For further information see Allen H. Bent, The Bent Family in America (New York, 1900).

120 Sherman to Townsend, January 28, 1869, Div. Mo. L.S., NA, RG 98.

121 Ibid.
REVIVAL OF THE TRANSFER ISSUE

The advocates of military control over Indian affairs remained relatively quiet for many months after their transfer proposal failed in the Senate, in February, 1867. They assumed a wait-and-see attitude toward the joint efforts of top civil and military officials to negotiate a peaceful settlement with the hostile tribes. Some were skeptical about the Peace Commission's report of January, 1868, which rejected the transfer proposition. But the fact that Generals Sherman, Terry and Augur signed the statement prevented any attempt to revive the Indian control issue.

The turn of events in the fall of 1868, however, led many policy-makers to reconsider the government's system of Indian administration. Once more the threats and violence of native war parties endangered westward expansion and development. With some tribes, at least, peace treaties seemed a waste of time and money. In October, disillusioned by the apparent failure of conciliatory measures and civil control, the Peace Commission recommended the use of force and War Department control over the Indian service.

On November 1, in his annual report, General Sherman followed up the Chicago resolutions with a vigorous appeal

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122 See Chapter Three.

124 CIA, 1868, 371-372; see above.
for transfer. Only the War Department, he argued, had the requisite force to carry out the commendable objectives of the Peace Commission. Many people, especially in the East, thought that whites always caused Indian wars, but this was not the case in recent developments on the Plains. Transfer and early appropriations were the "only hope" for ending this "eternal" conflict on the frontier.125

Commissioner Taylor delivered a nine-page rebuttal in his yearly report. "In view of probable action upon that recommendation, and impelled by solemn convictions of duty, I feel called upon to offer some facts and arguments," he began. First, the proper management of Indian affairs was "too large, onerous, and important a burden" to add to the Secretary of War's many duties. Second, transfer would necessitate a large, expensive standing army in peacetime, and a "magnificent array of bayonets" was not the way to safeguard the nation. Third, in contradiction to the "true policy" of peace, transfer was "tantamount...to perpetual war." Fourth, military management had been tried for a long time without success. Fifth, military government would entail "inhuman and unchristian" treatment and would "destroy a whole race by...demoralization and disease." Sixth, Indian affairs were "incompatible" with the training and objectives of military men. Seventh, transfer would offend the Indians and, as a consequence, bring injury upon their white neighbors. Eighth, the Peace Commission in January, 1868,

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125SW (P), 1868, 338.
advocated an independent department in preference to military control. Ninth, it was impossible for the Army to fulfill the "sacred and responsible" trust of Indian guardianship. Tenth, war management would be much more expensive than the existing system. Lastly, the change would violate republican principles of civil supremacy and personal liberty. 126

The Reverend Mr. Taylor was most anxious to save the "unlettered children of the wilderness" from the "blighting sceptre of military despotism." His solution to the Indian problem was an independent department, presumably governed by men of high Christian character and missionary zeal. 127 Others also advocated a separate Indian Department or other reforms, but in terms less offensive to those connected with the military. The Commissioner's idealistic and impassioned argument may have swayed some in Congress, but westerners and practical-minded politicians undoubtedly felt the Indians could do without "friends" such as Taylor.

In late November and early December the inter-departmental altercation was lively. President-elect Grant threw his support behind War Department control, stating that the necessity for a change was becoming "stronger and more evident every day." 128 General Sheridan complained of agent absenteeism, charging, "...the whole Indian management is a notorious fraud." In reply, Commissioner Taylor asserted

126 CIA, 1868, 7-15.
128 Grant to Schofield, November 24, 1868, C.G.L.S., NA, RG 108.
that Sheridan's "ungenerous attack" was false and "discreditable to its author."

On December 8 the controversy was shifted to the House of Representatives. Congressman James A. Garfield of Ohio, chairman of the House Military Committee, introduced H.R. 1482, a bill to restore the Indian Bureau to the War Department as of January 1, 1869. Among other things, the bill proposed to empower the Secretary of War to detail military superintendents and agents and to appoint a colonel or higher ranking officer as Commissioner of Indian Affairs. This change, Garfield argued, would eliminate expenses for the salaries of many civil officials and prevent corruption, by making Indian authorities subject to courts-martial. "General Grant, General Sherman, and General Sheridan, and nearly all the leading officers of the Army connected with the Indian service," he argued, "recommend this as the initial step."

Representatives Sidney Clarke of Kansas, Robert C. Schenck of Ohio and Halbert Paine of Wisconsin were among those who backed the bill. Clarke said that the Indian question was not a matter of philanthropy, but practical administration, that expansion was inevitable and that the government was obliged to protect it. Schenck insisted that nine out of ten Indian wars were caused by "conniving" agents, sub-agents and contractors, rather than by troops.

129 Taylor to Browning, December 5, 1868, I.O.R.B. No. 18, NA, RG 75.
130 Cong. Globe, 40th Cong., 3 sess., 17.
stationed in the Indian country. Paine qualified his support by suggesting that military agents be bonded like quarter-master or pay officers. 131

The leading opponent of the measure was William Windom of Minnesota, chairman of the House Committee on Indian Affairs. "I believe if there is any Department of this government in which we find the great maelstrom of the treasury, where money is sunk by millions and never accounted for, it is the War Department," he contended. To Windom, transfer meant all-out war on the Indians, and in his own state, six millions were spent in 1864–1865 to kill two red men! But this case was weakened when he admitted ignorance of the latest peace commission resolutions. 132

Few others disputed the bill. Representative William Higby of California debunked the idea that Army officers were more virtuous than civil agents, and Representative William Munger of Ohio charged that Congress had itself caused the recent Indian war by delaying the 1868–1869 Indian appropriation bill. 133 These arguments were to no avail, for the House passed the Garfield bill by the overwhelming margin of 116 to 33. 134

On December 10 H.R. 1482 came up in the Senate, where

131 Ibid., 18-19.
132 Ibid., 17-18
133 Ibid., 20.
134 Ibid., 21.
its fate was determined by a vote on committee reference. Senator Henry Wilson of Massachusetts moved that it be referred to the Committee on Military Affairs because it originated in the House military committee and would not get a fair hearing in the Committee on Indian Affairs. Senators Orris Perry of Connecticut and Roscoe Conkling of New York agreed that reference to the latter committee would be "fatal." During the discussion, Senator William Stewart of Nevada, long-time advocate of transfer, offered his views on the evils of divided authority in the West. "All over that country there is a jealousy between the two Departments," he observed, "...each laying all the blame on the other, and it is difficult to investigate and ascertain where it really is."135

Senator John Thayer of Nebraska countered with a motion to send the bill to the Committee on Indian Affairs, remarking that any other course would be "irregular." Senator Lot Morrill of Maine concurred, criticizing Wilson's comment that the measure was "recommended by the generals of the Army." Strong objection to the inference that the Indian Committee would "smother" the bill came from Senator Lyman Trumbull of Illinois and Senator James R. Doolittle of Wisconsin, head of the special committee which investigated Indian affairs in the period 1865-1867. Finally, Senator Thomas Hendricks of Indiana interjected the popular argument,

135 Ibid., 39-40.
136 Ibid., 41.
"It is known...that it has cost this government much more to
fight the Indians than to feed them -- very much more; and I
think this a question whether they shall be...fed or fought."¹³⁷

When the debate ended, the Senate voted to send the bill to
its grave, the Indian Committee.¹³⁸

The session was not over, though, and proponents of
military control hoped to accomplish their goal by other
means. Senator E. G. Ross of Kansas sounded out General
Sherman on certain alternatives. He asked, for example, if
the same purpose could not be served "without incurring any
of the responsibilities" if a pro-military man, such as
Governor S. J. Crawford, was made Indian Commissioner and
Army officers were utilized as agents.¹³⁹

Sherman, who was busy with other matters, including a
"grand" army re-union in Chicago, did not reply for some time.
Then, on January 7, be sent Ross a detailed explanation of
his views on the Indian problem. The worst part of the pre­
sent system, he asserted, was that the Army was unable to
forestall hostilities. Agents always lived as far as possible
from their charges and ministered to their "savage wants."
The alternative of an independent department would not remedy
this, for politicians would still have the upper hand. "No
amount of virtue or intelligence seated in Washington," Sherman

¹³⁷Ibid., 42.
¹³⁸Ibid. Senator John Sherman voted for submission of
the bill to the Military Committee.
¹³⁹Ross to Sherman, December 12, 1868, Sherman Papers,
Vol. 24.
emphasized, "will change the state of facts on the Plains or in the Mountains...and the men who are to save any part of the wild tribes of America must live among them. Our Army is there and we have the power to keep them there...."  

New maneuvers were tried by Ross and his associates. In February attempts were made in both the House and the Senate to achieve transfer by amendment. On February 4, Representative Garfield resubmitted his December bill as an "amendment" to H.R. 1738, the Indian appropriation bill. Garfield blasted the existing control of the Indian service, alleging that in all branches "fraud 'creams and mantles' and is a stench in the nostrils of all good men." Windom discounted the amendment as not "germane" to appropriations and sarcastically asked why soldiers "clamored" to take over such a corrupt bureau. Significantly, Ben Butler, in opposing the amendment, suggested that the time might come when the House would resort to withholding Indian supplies to "wrest" power from the Senate. Although most of the members of the House favored transfer, they did not accept legislation by amendment. The proposal lost by a vote of 93 to 40. 

Two weeks later Senator Stewart introduced a similar amendment to the Indian appropriation bill in the upper house.

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140 Sherman to Ross, January 7, 1869, Div. Mo. L.S., NA, RG 98.
142 Ibid., 879-882.
143 Ibid., 883.
Trying to establish a connection between War Department control and the measure under consideration, he contended that one-department administration would reduce the "mountain high" stack of money bills.\textsuperscript{144} Senator Morrill was particularly critical of Stewart's arguments, reminding the latter that it was "not a decorous thing" to solicit votes by describing his proposal as the wish of the President-elect.

The vote, 36 to 9 against the amendment, left no doubt that the Senate was a bulwark against transfer.\textsuperscript{145}

The defeat of Senator Stewart's transfer amendment eliminated any chance that the War Department would get authority over Indian affairs during the Fortieth Session of Congress. Still the advocates of military control were optimistic. In two weeks General Grant was due to be inaugurated as President, and he had often spoken in favor of the administrative change they proposed. The Grant administration was to bring reforms in Indian policy, but not the kind most observers expected.

\textsuperscript{144} Ibid., 1376-1377.
\textsuperscript{145} Ibid., 1377-1378.
CHAPTER FIVE

INAUGURATION OF THE "GRANT PEACE POLICY":

MARCH, 1869 TO MARCH, 1871

I...hope the policy now pursued will... bring all the Indians upon reservations, where they will live in houses, have schoolhouses and churches, and will be pursuing peaceful and self-sustaining avocations, and where they may be visited by the law-abiding white men with the same impunity that he now visits the civilized white settlements.

(Professor Grant, December 5, 1870)

...this government...has practically exempted the red men from the operation of that law which says "In the sweat of thy face shalt thou eat bread."... he is regarded, in official circles, not only as a national pauper but a national pet.

(Denver Daily Rocky Mountain News, March 20, 1869)

On March 4, 1869, after taking the oath of office, President Ulysses S. Grant read, "in low voice," a brief inaugural address. The listeners who knew that he had previously advocated a military-controlled, coercive Indian policy and that he planned to appoint former generals Jacob D. Cox and Ely S. Parker as Secretary of the Interior and Commissioner of Indian Affairs, respectively, were probably surprised by his remarks. "The proper treatment of the original occupants of this land -- the Indians -- is one

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1Hesseltine, op. cit., 143.
deserving of careful study," Grant asserted. "I will favor any course toward them which tends to their civilization."\(^2\)

The soldier-President was vague, but was not rattling sabres. "Any course" did not exclude the military theory that the prerequisite for reforming Indians was to make them feel the power of the government. But contemporary Indian sympathizers thought so, and several scholars have since asserted or implied that these inaugural remarks were the prelude to a benevolent, enlightened Indian program known as the "Grant Peace Policy."\(^3\)

Volumes have been written on the government's shift to a more paternalistic and conciliatory approach to the Indian problem during Grant's administration. Grant himself has sometimes been depicted as the leading spirit in a movement to spare the nation's wards from the "fire and sword" policy of the Army, the corruption of the "Indian ring," and the exploitation of frontiersmen. The questionable implication of this interpretation is that he not only underwent a sudden and dramatic conversion after leaving the office of General-in-Chief but followed standards in Indian administration in striking contrast to the gross frauds and mismanagement he evidently condoned in other phases of government.

\(^2\)Richardson, *op. cit.*, VII, 8.

\(^3\)See, for example, Manypenny, *op. cit.*; Elsie Rushmore, *The Indian Policy During Grant's Administrations* (Jamaica, New York, 1914); Flora W. Seymour, *Indian Agents of the Old Frontier* (New York, 1941) and Lawrie Tatum, *Our Red Brothers and the Peace Policy of President Ulysses S. Grant* (Philadelphia, 1899).
The following discussion will deal, briefly, with the origin and early development of the leading features of the federal Indian policy of the period March, 1869, to March, 1871. The latter date coincides with the adoption of one of the last major aspects of the so-called peace policy, abolition of the Indian treaty system. While concentrating upon the interaction of the War and Interior department in these two years, the writer will attempt to qualify the traditional view that the "Grant Peace Policy" was an institutionalization of Christian and philanthropic ideals and a credit to the statesmanship and humanitarianism of President Grant.

 Initially, it should be noted, however, that contemporary and modern analysts have used the term "Grant Peace Policy" in various ways. Some have referred to the conciliatory elements of the Indian policy attributed to Grant personally, others to all non-belligerent methods used while he was in office and still others to the general policy after 1869, including coercive and pacific measures. Herein the broadest definition will be used, for the government sought peace through a mixed program which combined old and new tactics and differentiated between the treatment of peaceable and hostile Indians.

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4 Hyde, op. cit., for example, emphasizes the word "peace" and dates the policy from 1865, while Seymour, op. cit., typifies those who stress Grant's personal role. Robert M. Utley, "The Celebrated Peace Policy of General Grant," North Dakota History, XX (July, 1953), 121-143 and Lucy E. Textor, Official Relations Between the United States and the Sioux Indians (Palo Alto, 1896), give more comprehensive interpretations.

5 SI, 1873, III-IV.
The Peace Policy

An initial feature of the peace policy was the establishment of an unpaid, non-partisan Board of Indian Commissioners to advise the Secretary of the Interior and "exercise joint control" with him over Indian appropriations. This organization, comprised at first of nine leading philanthropists, was more the result of humanitarian pressure and political exigencies than the charitable ingenuity of President Grant. Long before it was created, Colonel Ely S. Parker, Grant's military aide, the Doolittle Committee of 1865-1867, the Peace Commission of 1867-1868 and others recommended such an agency to improve and exert a "moral influence" upon the Indian service. The immediate impetus for the organization of the Board, though, was a House-Senate dispute over the Indian appropriation bill for the fiscal year beginning July 1, 1869.

At the end of the fortieth session of Congress, the House refused to approve a Senate amendment to add to a proposed Indian appropriation of $2,312,240.12 over four and a


7Parker to Grant, January 24, 1867, I.O.L.R., Misc., NA, RG 75; Sen. Rpt. No. 156, 39th Cong., 2 sess. (Serial 1279), 1867, 8-10; HR Ex. Doc. No. 97, 40th Cong., 2 sess. (Serial 1337), 1867, 22; SI (P), 1869, 613; Priest, op. cit., 42. One of the organizations which brought pressure upon the government to establish such a board was the "United States Indian Commission," a twenty-member group of prominent clergymen and reformers. This group included Peter Cooper, founder of Cooper Union in New York, Henry Bergh, organizer of the Society for the Prevention of Cruelty of Animals, James A. Roosevelt, Reverend Henry Ward Beecher and several well-known religious and former anti-slavery crusaders. (CIA, 1869, 95-96).
third million dollars to fulfill the peace treaties of 1867-1868. The House, jealous of the Senate's treaty and related powers over Indian affairs, held out so stubbornly that Congress adjourned without passing an Indian bill.\(^8\) Early in the forty-first session, the House re-introduced its original bill, and the Senate again amended it to allow for implementation of the peace treaties. As a compromise, Congress finally passed the measure with a supplementary, unallotted $2,000,000 and an additional $25,000 for the establishment of a board of "not more than ten commissioners...eminent for their intelligence and philanthropy" to help supervise Indian expenditures.\(^9\)

Accordingly, on June 3, Grant issued an executive order appointing the Board of Indian Commissioners and vesting it with vague, semi-official duties. The Board was instructed to: establish its own organization; examine records and information pertaining to the activities of the Indian Office; inspect agencies, witness annuity distributions and confer with field officials; supervise the purchase of Indian goods; advise the heads of the department and bureau on appointments and purchases; and make recommendations on Indian management.

\(^{8}\) *Cong. Globe, 40th Cong., 3 sess., 1698, 1813, 1891.* Hesseltine, *op. cit.*, and Athearn, *op. cit.*, are in error in stating that two million dollars were appropriated in the fortieth session and that Grant had a free hand in expending it. The House and Senate, as shown by debates over transfer, had long differed over the latter's power to approve treaties and Indian appointments and to control Indian land cessions. See below.

\(^{9}\) *16 Stat. L.*, 40.
In short, it was to have a supervisory, not an executive, role. 10  

Among the first commissioners were some outstanding humanitarians: William Welsh of Philadelphia, John V. Farrell of Chicago, William E. Dodge of New York, Silas E. Tobey of Boston, Nathan Bishop of New York, Robert Campbell of St. Louis, Henry S. Lane of Indiana, Felix Brunot of Pittsburgh, George H. Stuart of Philadelphia and Vincent Colyer of New York. These men had such varied professional experience as manufacturing, retailing, shipping, education, real estate and banking. Several were prominent in the Y.M.C.A. movement and the organization of Sunday school, Bible and missionary societies. Lane, the only active politician, had served in the House of Representatives. Robert Campbell, a colorful Irish immigrant who had been a partner in the Sublette and Campbell fur-trapping firm, was the only "westerner" in the group. 11  

Although the Board was active in Indian affairs until 1934, it had difficulty from the very beginning over its powers and responsibilities. Secretary Cox, Commissioner Parker and their successors often complimented the philanthropists

10 CIA, 1869, 44-45.

11 Marshall Dwight Moody, "A History of the Board of Indian Commissioners and Its Relationship to the Administration of Indian Affairs, 1869-1900," (unpublished master's thesis, American University, undated), 7-11. Campbell's fur company was active near Fort Laramie, and he was one of the commissioners who negotiated the Sioux treaty of 1851. See LeRoy R. Hafen, Fort Laramie and the Pageant of the West, 1834-1890 (Glendale, 1938).
for their advice and assistance, but always insisted upon keeping them in a subordinate position.\textsuperscript{12} William Welsh, first president of the Board, resigned when the Indian Bureau purchased some Indian goods without consulting his group.\textsuperscript{13} All of the original commissioners except Bishop unsuccessfully agitated for coordinate control of the Indian service. "The commission," they reported in November, 1869, "...considers itself clothed with full power to examine all matters appertaining to the conduct of Indian affairs."\textsuperscript{14} Secretary Cox maintained, however, that President Grant had not intended to create a "double-headed" administration.\textsuperscript{15}

This intra-departmental feud continued for many months because Congress failed to clarify the Board's powers. The commission interpreted the Indian appropriation act of July 15, 1870, as giving it supervision over "all expenditures;" Commissioner Parker said it could consider only annuities.\textsuperscript{16} In 1871 the organization's executive committee was authorized to revise, approve or disapprove all accounts, but the Secretary of the Interior retained the right to reject their

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\textsuperscript{12}SI, 1869, x-xi; White, \textit{op. cit.}, 189-191. \\
\textsuperscript{13}J. D. Cox to Wm. Welsh, June 2, 1869, D.I.L.S., Indian Misc., NA, RG 75. \\
\textsuperscript{14}CIA, 1869, 45. \\
\textsuperscript{15}Nathan Bishop to Cox, July 2, 1869, D.I.A.F. and Cox To Felix R. Brunot, July 5, 1869, D.I.L.S., Indian Misc., NA, RG 75. \\
\textsuperscript{16}Stat. L., 335; BIC, 1873, 8; N.P. Chipman, "Argument of N. P. Chipman on Behalf of Honorable E. S. Parker," (Washington, 1871), 105-108.
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recommendations. While struggling to gain official stature, the Board, in 1871, discovered that Commissioner Parker had approved some large beef and flour contracts without advertising them. Its subsequent investigation induced Parker to resign. 17

But this "victory" was short-lived. In January, 1872, Secretary Delano flaunted the opinions of Vincent Colyer, the Board secretary, so openly that the latter resigned. 18 Furthermore, in May, 1874, when Delano tried to bring the Board under closer restriction by moving its headquarters from New York to Washington, six members submitted resignations. The Secretary, they explained, overruled so many decisions and recommendations that their labor was rendered "as useless as it is arduous and vexatious." 19 After 1874 the Board consisted of persons more amenable to the rule of the politicians and acted in a strictly advisory capacity. 20

The Indian Commission also had other problems to contend with. Much criticized by westerners and military control

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18 Brunot to Delano, January 13, 1872, and Brunot to Vincent Colyer, January 19, 1872. B.C., Tray 2, NA, RG 75.

19 Brunot et al. to President Grant, May 27, 1874, Board of Indian Commissioners Miscellaneous Correspondence, Tray 117, NA, RG 75. Hereafter these records are cited B.C.M. Those resigning included Brunot, Campbell, Bishop, Dodge, Farwell and Stuart. Among the proposals Delano rejected was one to create an independent Indian Department.

20 Priest, op. cit., 48.
advocates in Congress, it had considerable difficulty getting funds for operational and travel expenses. "Congressional opposition to the commissioners," one author observes, "was abandoned only after the Board had been reduced to impotence about 1882 by lack of authority and funds." Still the Board made significant contributions to Indian administration through its publicity of the Indian problem, investigations and reform of contracting and accounting procedures.

Relations between the commission and the military were, as a rule, less than amicable. The Board at times accused the Army of wanting to slaughter the Indians. In its first annual report it commented:

Against the inhuman idea that the Indian is only fit to be exterminated, and the influence of the men who propagate it, the military arm of the government cannot be too strongly guarded. It is hardly to be wondered at that inexperienced officers, ambitious for distinction, when surrounded by such influences have been incited to attack Indian bands without adequate cause, and involve the nation in an unjust war.

Some western commanders, on the other hand, regarded the eastern Indian sympathizers as crackpots. General Sherman once shocked a group of New York philanthropists by declining to appear before them unless they retired to Forts Sully or Rice, where the "poor Indians" lived. Speaking for the military

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21 Ibid., 50.
23 CIA, 1869, 47-48.
profession, the Army and Navy Journal asserted that the "ignorant" humanitarians succeeded only in "harassing" General Sheridan and others who understood the Indian problem and wanted to take positive steps to solve it.  

A second aspect of the peace policy, one which gratified contemporary humanitarians and reformers, was the nomination of Indian officials by religious societies. Like the appointment of the Board of Indian Commissioners, this measure was designed to purify the Indian service. Actually, the government had informally consulted church groups in selecting agents for many years. Moreover, in February, 1867, transfer opponents discussed the possibility of a formal religious nomination system in both houses of Congress. But only the Society of Friends, or Quakers, had the initiative to request regular appointment responsibilities. In January, 1869, a delegation of Orthodox Friends visited President-elect Grant in Washington and offered to assist him in agency appointments by submitting a list of trustworthy persons. This group also memorialized Congress, citing their success with the red men since the days of William Penn. "...we are confident," they remarked, "that the faithful exercise of the principles of

26 CIA, 1869, x-xi; Peter J. Rahill, The Catholic Indian Missions and Grant's Peace Policy, 1870-1884 (Washington, 1953, 32.
28 Rahill, op. cit., 32-33.
our Lord Jesus Christ will be found sufficient to solve the Indian question without military aid."

Soon after Grant was inaugurated, the Quakers asked the Indian Bureau how many agents it could use. The Interior authorities, supposing that religious agents might provide honest and more economical administration, encouraged the President to appoint Friends for the agencies in Nebraska, Kansas and Indian Territory. Meanwhile, though, Grant appointed sixty-eight Army officers, rendered "surplus" by an act of Congress approved March 3, 1869, as superintendents and agents. Since about four times as many military men as Friends filled key agency positions, the President, at this point, was hardly following a "Quaker policy," as is sometimes suggested. On March 29, 1870, Commissioner Parker explained the basis for appointing a military agent for the Cherokees in this way:


30 John Butler to N. G. Taylor, March 14, 1869, I.O.L.R., Indian Affairs, Misc., NA, RG 75.

31 Sen. Misc. Doc. No. 53, 45th Cong., 3 sess. (Serial 1835), 1879, 396-397; CIA, 1869, 5. These states comprised the Northern and Central superintendencies which included, except for the Cheyennes, Arapahoes, Comanches and Kiowas, peaceful and sedentary tribes.


33 Schmeckebier, op. cit., for example, while mentioning the military appointments, states that Grant "...promptly adopted a new policy...by delegating...nomination to the several religious organizations interested in mission work among the Indians."
This has been done in conformity with the policy now in force, to appoint Officers of the Army to such positions, in preference to civilians, except the Indian Agencies embraced within the Northern and Central Superintendencies, which are in charge of members of the Society of Friends.34

In his annual message of December 6, 1869, Grant commented on the "most satisfactory" results of his "new policy" of appointing Friends to manage a few agencies. Their "strict integrity and fair dealings," he said, fitted them for such service. At the same time, for superintendents and agents "not on the reservations," Army officers worked best. They were needed in Indian country anyway, held positions for life, were most anxious to avoid war and could be court-martialed for fraud.35

Still, a few months later, Grant and his advisors expanded the "Quaker policy," giving the right to nominate all Indian officials to various religious denominations. Grant's reasons for making this change, however, were evidently more personal and political than humanitarian. Congress had taken exception to the appointment of military agents, because the Indian service was a favorite outlet for patronage. To preserve this power, the politicians passed the army appropriation act of July 15, 1870, which stipulated that officers accepting civil appointments had to relinquish their

34 Parker to John B. Lawley, March 29, 1870, I.O.R.R. No. 94, NA, RG 75.
commissions.  Sherman's memoirs give a secondhand account of the President's reaction to this move. When the sponsors of this act visited Grant and announced their design to prevent the use of Army officers as agents, he replied: "Gentlemen, you have defeated my plan of Indian management; but you shall not succeed in your purpose, for I will divide these appointments up among the religious churches, with which you dare not contend." Subsequently, the agencies were apportioned among the Quakers, Methodists, Catholics, Episcopalians, Presbyterians and other groups. "This may be good politics," General Sherman later complained, "but surely is bad statesmanship."  

From the viewpoint of westerners and military leaders, church-nominated officials were little better than those chosen under the old spoils system. General Sheridan insisted,
for example, that philanthropy and Christianization could not succeed until the savages had been licked and forced to live permanently on reservations by the Army. In fact, the religious agents did much excellent work, but the nomination system failed to renovate the Indian service to the extent that reformers hoped. In the first place, many appointees knew little of Indians and lacked the fortitude to control their charges and agency "hangers-on" and the integrity to resist the temptation to misappropriate Indian supplies and funds. Secondly, some churches participated in the program with little enthusiasm because of limited resources and government aid, disinterest among their parishioners and the difficulty of reforming untutored, non-English-speaking tribesmen. Thirdly, there was inter-denominational strife, including jealousy over assignments, Protestant disputes with the "Romanists" and vice versa and intra-church altercations.

39(continued) appointments, but later began to compromise with the patronage-managers. After Cox resigned in the fall of 1870, Charlie Cox, his brother, asked him to expose Grant's hypocritical stand on Indian policy. Of a conversation with a representative of Harper's Weekly, Charlie wrote: "I told Mr. Nordhoff that I had heard you say that you had to fight with Grant almost every week while you were in the Cabinet, to prevent him from abandoning the Indian Policy of which he now professes to have been the author and earnest supporter... I remarked to Mr. N. that of course it would now be the President's best policy to carry out carefully the Indian program on which you were at work." (Charlie Cox to J. D. Cox, November 12, 1870, Cox Papers).

40Athearn, op. cit., 248-250.

41Priest, op. cit., 30-36. An illustration of the intra-church problem was the complaint Grant received from a Quaker after the initial appointments to the effect that the President had been "wickedly imposed upon" by "seceders" from the London Yearly Meeting. (William F. Harvey to Grant, May 13, 1869, I.O.L.R., Misc., NA, RG 75).
Finally, several churches clashed with interior authorities over control of the agencies, trying to obtain the power to regulate and remove agents. After Secretary Carl Schurz took office, in 1877, church nominations were gradually and quietly discontinued, and, with closer restrictions, political appointments were resumed. Army criticism, to be discussed in connection with debate over civil or military control of the Indians in the late Seventies, played an important part in the eventual elimination of this church-state experiment.42  

A third phase of the peace policy was a multi-purpose program intended to placate and acculturate the tribes. Essentially, what may be termed the "acculturation process," entailed the fulfillment of peace treaties, not only to reimburse the Indians for losses of land, freedom and subsistence but also to pacify potentially hostile tribesmen and lead the red race upon "a new course of life."43 Secretary Cox described this as less a new policy than an enlargement and "enlightened application of the general principles of the old one."44 The government, by various means — locating the Indians permanently on limited reservations, temporarily subsisting and caring for them and teaching them the white man's language, tastes, customs, religion, views toward individual ownership and techniques of farming, herding and self

42 Priest, op. cit., 36-39.
43 CIA, 1869, 5.
support — hoped to achieve lasting benefits for both races. While the Indians were protected and "uplifted," frontier conflicts would be terminated and national expansion would be facilitated.45

The military was involved in this program in several ways. First, as already mentioned, Army officers, until July 1, 1869, supervised the settlement of tribes on new reservations, helped to build agencies and purchased and distributed Indian supplies. Secondly, until July, 1870, military appointees administered many agencies, experiencing the satisfactions and disappointments of trying to reform the red men. Although they noted many signs of progress, these agents often complained of inadequate funds, poor facilities, unhealthful locations, interference by recalcitrant Indians and white intruders, tribal relations, the Indians' vices and the intransigence of older tribesmen.46

A third way in which the Army participated was through its commissary department. Commissioner Parker argued that the military's subsistence branch was able to provide supplies with "greater economy and more satisfaction" than the Interior Department.47 Most of the two million approx-

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45 Ibid., 49-50; CIA, 1870, 9; SI (P), 1871, 478-479.

46 CIA, 1869, passim. The Whetstone Agent, Captain DeWitt C. Poole, was perplexed, for example, by his charges' alteration of twenty-five thousand dollars worth of pants, dress coats and overcoats to resemble their traditional attire. (DeWitt C. Poole, Among the Sioux of Dakota, [New York, 1881?], 64-68.)

47 CIA, 1869, 5.
appropriated in 1869 to fulfill new peace treaties went to the Army for furnishing provisions at Fort Sill, Camp Supply and the Missouri River agencies. The military continued to handle Indian requisitions until the fiscal year 1871, when, overtaxed by its own requirements and hampered by insufficient funds, the commissary department dropped this service.

Finally, in this same connection, Army officers were involved in the distribution of Indian rations and annuities. After 1869 Indian appropriation bills required department commanders to detail officers, not below the rank of captain, to witness all such issues. This responsibility was often criticized by Army spokesmen as an unnecessary burden and duplication of authority which might be eliminated by military control over the Indians. The system did, however, check many discrepancies and abuses in the Indian service. For example, General D. S. Stanley, commander of the Middle District, the Department of Dakota, reported that contractors accustomed to charging the government for beef at an average of thirteen hundred pounds a head were forced to settle for less than a thousand-pound average after military scales and weighing

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48 SW (P), 1871, 323.

49 Commissary General A. B. Eaton to Secretary Belknap, June 27, 1870, I.O.L.R., Misc. 1870, NA, RG 75. The Army continued to furnish supplies in case of emergency. Another factor in the 1871 change was the improvement of purchasing procedures under the supervision of the Board of Indian Commissioners.

50 The inspection rule is cited and discussed in Parker to Cox, May 22, 1869, I.O.R.B. No. 18, NA, RG 75.
procedures were introduced. 51

In general, both military and civil authorities supported the government's efforts to control and reform the Indians by subsisting, educating and civilizing them. A few Army officers, such as General Stanley, complained that the more the United States provided for the red men, the more insolent they become. 52 But others, including Stanley's superiors, General Hancock and General Sheridan, believed that the acculturation process, properly administered, offered the best possibility for eventually solving the Indian problem. 53 Likewise, Interior officials, in their periodic reports, indicated that a steadily growing proportion of the native population was being weaned of old habits and that the younger generation, in particular, showed "encouraging evidence of the practicability of their elevation to the dignity of citizenship..." 54

A fourth feature of the peace policy was the discontinuance of the traditional practice of recognizing Indian tribes as "domestic dependent nations" through treaties. The Indian appropriation act of March 3, 1871, included the statement, "...hereafter no Indian nation or tribe within the

51 D. S. Stanley to Gen. H. C. Clarke, June 20, 1869, I.O.L.R., NA, RG 75.
52 A&N Jnl, VI (May 8, 1869), 600.
53 W. S. Hancock to AAG, Division of the Missouri, June, 1870, I.O.L.R., Misc., NA, RG 75; SW (P), 1869, 38.
54 CIA, 1870, 9.
territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty. This provision, while leaving confirmed treaties intact, at least nominally abolished the basis for government-Indian relations which had for years caused complaint by many military officials, some Indian authorities and, especially, a majority of the lower house of Congress.

Generals Sherman, Sheridan and Pope were among the western commanders who contended that, with powerful tribes, it was a waste of time and money to bribe Indian leaders to sign documents they did not understand and could not or did not intend to enforce. In his first annual report, Commissioner Parker also reproved the "cruel farce" of treaty-making. "A treaty involves the idea of a compact between two or more sovereign powers," he contended, "each possessing sufficient authority and force to compel a compliance with the obligations incurred. The Indian tribes of the United States are not sovereign nations...as none of them have an organized government of such inherent strength as would secure a faithful obedience of its people in the observance of compacts of this character." Furthermore, the Board of Indian Commissioners, shortly after it was organized, recommended

55 16 Stat. L., 566.
56 See, for example, Pope to Grant, June 14, 1865, I.O.L.R., Misc., NA, RG 75.
57 CIA, 1869, 6.
abandonment of treaty relations "as soon as any just method can be devised." 58

But some of the most vigorous demands for abolition of the treaty system were made in the House of Representatives. The House, as mentioned, was envious of the Senate's ratification power and dissatisfied with its own legislative impotence regarding the "foreign" tribes and Indian land cessions. Its delay of Indian appropriations for 1869 was the opening round in the culminating battle over tribal treaties. During debate on March 12, 1869, Representative John F. Farnsworth of Illinois declared:

If we go on making treaties and recognizing the right of the President and Senate to make treaties with every little wandering tribe of naked savages in the country, treating with them as independent nations, treating away portions of the public domain and buying land from little wandering tribes of savages, and agreeing to give them annuities and clothing and agricultural implements and ministers and schoolmasters and everything else perpetually, why it is becoming a great whirlpool in which we shall sink. A stop has got to be put to this thing sooner or later. 59

But most members of the House were unwilling to risk an Indian war by withholding peace treaty funds. Instead, a section was included in the 1869 bill stating that appropriations did not constitute approval of agreements made since July, 1867. 60

A similar dispute arose over appropriations for the

58 Ibid., 50. The Peace Commission in October, 1868, made a similar proposal (CIA, 1868, 371.)
59 Cong. Globe, 41st Cong., 1 sess., 58.
60 16 Stat. L., 40.
fiscal year 1870. The Senate amended the Indian bill by adding itemized amounts called for in peace treaties, but the House rejected the amendment and again left the expenditures to the President's discretion. 61 The representatives' frustrations over the Senate's treaty power were palliated, though, in December, 1870, when the Supreme Court ruled that Congress might refuse to provide money to implement treaties or, in some cases, repeal Indian agreements. 62 Fortified by this decision, the House was virtually in a position to dictate the termination of the treaty system in 1871. "The consequences will be far-reaching," Representative Aaron A. Sargent of California predicted in supporting the change. "It will save millions of money to the Treasury. It breaks up a most improvident system, and admits the right of the House of Representatives to deal with these questions by legislation." 63

The prohibition of Indian treaties, however, did not immediately alter the relations between the government and its wards. For one thing, the United States continued to negotiate "agreements" with the heads of tribes and bands, promising them federal support and annuities for land cessions. In addition, because Congress did not clarify the legal status

61 Cong. Globe, 41st Cong., 2 sess., 5607ff; Priest, op. cit., 99. By an oversight, a provision repudiating the peace treaties was not included in the 1870 measure.

62 XI Wallace, 616.

of the red men, the courts held them to be neither citizens nor aliens, but anomalous subjects of the white man's government. 64

Paradoxical as it may seem, a final integral phase of the peace program involved the use of military force. The process of civilizing backward tribes depended, to a considerable extent, upon the government's ability to secure reservations and agencies against disrupting outside influences, such as hostile non-agency Indians and white intruders. The agency Indians also had to understand, Indian officials maintained, that there were negative as well as positive inducements for remaining at peace on the lands set aside for them. In a sense, the carrot and stick method was applied, with the Army performing a "legitimate and essential" police function. 65 This dual approach, evident from the outset of Grant's administration, was perhaps best explained by Commissioner Francis A. Walker, who took over the Indian Office in November, 1871. In defending the use of force to make the policy of peace "effective and universal," Walker asserted:

Such a use of the military constitutes no abandonment of the 'peace policy' and involves no disparagement of it. It was not to be expected...that the entire body of wild Indians should submit to be restrained in their Ishmaelitish proclivities without a struggle on the part of the more audacious to maintain their traditional freedom. In the first announcement of the reservation system, it was expressly declared that the Indians should be made as comfortable

64Schmeckebier, op. cit., 64-66; Priest, op. cit., 100-105.
65CIA, 1872, 6.
on, and as uncomfortable off, their reservations as it was in the power of the Government to make them; that such of them as went right should be protected and fed, and such as went wrong should be harassed and scourged without intermission. Such a use of the strong arm of the Government is not war, but discipline. Yet it would seem impossible for many persons to apprehend the distinction between a state of general Indian war, and the occasional use of the regular military force of the country in enforcing the reservation policy, or punishing the sporadic acts of outrage on the part of disaffected individuals and bands.

Since the Army continued to play a key role in federal Indian policy, the basic problem of civil-military relations persisted. When Grant took office, western commanders, through General Sherman, demanded a specific definition of their authority over the tribes. Grant referred the matter to Secretary Cox and his former military aide, Commissioner Parker. On May 26 Parker informed the prospective members of the Board of Indian Commissioners that one of their first duties would be to study inter-departmental relations. "Great mischief, evils, and frequently serious results follow from friendly Indians leaving the reservations, producing conflicts between the citizens, soldiers, and Indians," he stated. "At what time and point shall the civil rule cease and the military begin?"

This was probably one of the toughest questions in the administration of Indian affairs, and the Board had no ready

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66 Ibid., 5-6.
67 Cox to Secretary of War Rawlins, June 8, 1869, filed with AGO L.R., 1877-1878, NA, RG 94.
68 CIA, 1869, 43.
solution. For advice, the commissioners turned to an experienced staff officer, Inspector General Randolph B. Marcy. General Marcy expounded at length upon the history of Indian relations, praised the work of the philanthropists, noted the efficiency of military Indian control in the pre-1849 period and predicted eventual resolution of the Indian problem. But he failed to come to grips with the real issue and gave no formula for joint control. 69

Finally, on June 8, Parker set forth his own recommendations on civil and military jurisdiction in a letter to Secretary Cox. The most troublesome tribes, he concluded, were the Sioux, Cheyennes, Arapahoes, Kiowas, Comanches and Apaches. These Indians had been notified that the government wanted to locate them in permanent homes on large reservations where they could be fed and clothed and avoid conflict with white man. Some obediently settled in designated areas, but others continued to commit hostile acts. Hence, Parker proposed:

...I would respectfully recommend that for the present it be understood that such portions of the above-mentioned tribes as have or shall come in, and remain upon the reservations, be regarded as friendly and under the care of the Interior Department, and the Indians of the said tribes who remain out be regarded and treated as hostile while so remaining out, and be subject wholly to the supervision of the military branch of the Government. 70

69 Ibid., 110-119. Marcy's one proposal was to have civil and military authorities hold chiefs responsible for the acts of young hostiles -- hardly an original suggestion.

70 Parker to Cox, June 8, 1869, I.O.L.B. No. 18, NA, RG 75.
Meantime the Army should be cautious in dealing with individuals from friendly tribes who occasionally committed depredations. Tribal leaders, to keep their people eligible for annuities, would be required to turn criminals over to civil authorities. The military was to be called upon to intervene only as a "last resort."  

This basis for dividing War and Interior authority was promptly adopted by both departments. It was similar to the civil-military understanding of 1865, except that the disposition of tribes was to be determined primarily by their location. Parker, in a June 12th circular to all Indian superintendents and agents, slightly modified this arrangement. Military officers, he indicated, did not have to treat Indians off their reservations as hostile, but were free to use their discretion. At the same time, agents were to do everything possible to control their subjects without military assistance and were to withhold presents and provisions from all tribesmen whose friendship and inclination to become civilized were in doubt.  

General Sherman gave a broader interpretation to this understanding to his division commanders. Any Indians outside their reservations, he said, not just those mentioned by Parker, would be under original and exclusive military control. Department and post commanders were free to judge their

71 Ibid.
72 CIA, 1869, 452.
character and take any action deemed necessary. As a rule, though, it would be best to try to arrest and return first-offenders to their agents, notifying the wanderers that a second offense would definitely be punished. "This is the first time within my experience that this division of powers has been clearly made," Sherman told General Sheridan, "and I think it will much simplify your labors and duties."73

The western commanders, in turn, issued general orders stating the obligations of field commanders regarding reservation and non-reservation Indians.74 General Sheridan, for instance, ordered that, after proper warning, Indians away from their reservations were to be "regarded and treated as hostile, wherever they may be found, and particularly if they are near settlements or the great lines of communication."75 To avoid any misunderstanding, department commanders were to give "detailed instructions" to troops operating in the field. Commissioner Parker, upon reviewing these orders in November, 1869, confidently announced that a "perfect understanding" between his officers and those of the military was producing "harmony of action."76 But subsequent events disclosed that

73Sherman to Sheridan, June 11, 1869, filed with AGO L.R., 1877-1878, NA, RG 94.
74See, for example, General Order No. 20, Division of the Pacific, August 8, 1870, and General Order No. 28, Department of Dakota, September 29, 1870, filed with AGO L.R., 1877-1878, NA, RG 94.
75General Order No. 8, Division of the Missouri, June 28, 1869, filed with AGO L.R., 1877-1878, NA, RG 94.
76CIA, 1869, 5-6.
the entente was less than perfect and that opportunities for disharmony were plentiful.

MILITARY ACTIVITIES IN 1869

While some aspects of the peace policy were still in the planning stage, the military was busy with its assignment, the punishment of roaming, recalcitrant Indians. The year 1869, according to Commissioner Parker, witnessed widespread Indian hostilities, though not to the extent of war by tribes. Among the hostiles were: Cheyennes and Arapahoes, who murdered, pillaged and captured whites along the Republican, Smoky Hill and Saline rivers; Sioux, who committed occasional acts of violence in Dakota and Wyoming territories; Piegans, who took to the warpath in Montana; "wild and intractable" Apaches, who caused a "continual state of warfare and outrage" in Arizona; Kiowas and Comanches, who attacked and robbed citizens of Texas and Southern Apaches and Navajoes, who were declared outlaws by the governor of New Mexico. While General Sheridan considered conditions "very much better" than in 1868, General Sherman paid special tribute to the frontier army for its continuing sacrifices in the interest of national security. Over half of the United States troops were exposed, Sherman observed, "to labors, marches, fights, and dangers that amount to war." If they were withdrawn,

77 Ibid., 7-8.
78 SW, 1869, 17.
The regions in which the Indians were most troublesome were, as in previous years, the Southwest and Great Plains. In Arizona and New Mexico some efforts were made to establish a comprehensive reservation and feeding system, but few tribes, except the Navajoes, Hopis, Pimas and Puebloes, resided on reservations or belonged to agencies. Not all of the nonreservation tribesmen were hostile, but the Apaches, the largest group, were extremely warlike. These "Arabs of Arizona," wrote Brig. Gen. E.O.C. Ord, commander of the Department of California, "have heretofore neither given nor asked quarter; their hands have always been bloody; their favorite pursuits killing and plundering, their favorite ornaments the finger and toe nails, the teeth, hair, and small bones of their victims...." But to fight them was so expensive and difficult that General Sherman at one point proposed to withdraw settlements and military posts and "leave the country to the aboriginal inhabitants."

No such drastic step was taken, but efforts to subjugate or conciliate the Apaches of Arizona were particularly unsuccessful during the first year of the Grant administration. General Ord wavered between all-out war to "root out and hunt the Apaches as...wild animals," and an attempt to establish

79 Ibid., 24.
80 Dale, op. cit., 95.
81 SW, 1869, 121-122.
82 Ogle, op. cit., 73.
a large reservation where they might be supported and encouraged to plant crops. Meanwhile, the Yavapai took the offensive in Western Arizona, killing scores of whites, preying upon the Overland Route and interrupting the mail. In addition, the Tontos of the central part of the territory and Cochise's Chiricahuas in the southeast were so bold and belligerent that troops sometimes retreated to their outposts for cover. The general situation at the end of 1869 one analyst states, proved that no substantial progress had been made in Apache management.

In New Mexico, on August 2, after a series of outbreaks by Navajo and Gila Apache bands, Governor R. B. Mitchell proclaimed that any of these tribesmen found off their reservations without military escort were to be punished. Commissioner Parker protested this declaration and instructed Superintendent William Clinton to "disavow the pernicious tendency of the proclamation." The Army, not territorial officials, he argued, were to decide how to deal with wandering Indians. Eventually, the Indian Office had its way and sent a new agent, Lieutenant Charles E. Drew, to try to placate the Southern Apaches. After counseling with his charges, Drew informally agreed to request federal support for any Indians settling in peace at Canada Alamosa, a twenty by

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83 Ibid., 74-75. About one hundred whites were killed in a short time in 1869 in western Arizona.
84 Ibid., 75.
85 Parker to W. T. Otto, August 14, 1869, I.O.R.B. No. 18, NA, RG 75.
thirty mile tract between the San Mateo and Mimbres mountains. By winter, Indian relations in the territory were somewhat improved.

On the Plains, one of the most decisive military actions of 1869 was an expedition against hostile Cheyennes who had been threatening settlement and travel between the Platte and Arkansas rivers. On July 11, Maj. Gen. Eugene A. Carr led eight companies of the Fifth Cavalry and two companies of Major Frank North's Pawnee scouts in a surprise attack on a large Cheyenne village -- Tall Bull's Dog Soldiers and some Ogallala Sioux -- near Summit Springs, in Northeast Colorado. The Indians, caught by surprise, were severely beaten. Carr's command, which suffered only one injury, killed fifty-two Indians, captured seventeen women and children and confiscated or destroyed more than four hundred horses and mules, eighty-four lodges and large quantities of meat, arms, ammunition and other property.

The Battle of Summit Springs, according to one author, had "a marked effect upon the conduct of the whole Cheyenne tribe." These nomadic red men soon sued for peace and moved

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86 Ogle, op. cit., 83.
87 Carr's command included two hundred and forty-four troops, fifty Pawnees and, besides Major North, such noted frontier scouts as William "Buffalo Bill" Cody and North's brother, Luther. For a detailed discussion see James T. King, "The Republican River Expedition," Nebraska History, XLI, Part I (September, 1960), 165-199 and Part II (December, 1960), 281-297.
89 Rister, op. cit., 153.
to their reservation south of the Arkansas or joined relatives on the reservation in Dakota. Since the Indians' death toll was relatively small, the campaign drew little more than regional acclaim. But both peaceable and threatening tribes were rendered more receptive to the government's peace program, and travel and settlement in the Central Plains was made more secure.

Throughout the year, in spite of crises in Colorado, Arizona and other parts of the Indian country, there seemed to be a growing rapport between the War and Interior departments. "It is very clear," Commissioner Parker told Secretary Cox in November, "that where this Department receives the active cooperation of the military branch of the government comparative peace can always be maintained on the frontiers." A month later General Sherman furthered good relations with the Indian Bureau by ordering his western commanders to protect the Indians from outrages by whites and make full reports on all inter-racial conflicts. Within a matter of weeks, however, there was again strife between the two departments.

THE PIEGAN "MASSACRE" AND RENEWED DISPUTE

Early in 1870, an incident in northern Montana pre-

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90 King, "Republican River Expedition," II, 293-295.
91 Parker to Cox, November 1, 1869, I.O.R.B. No. 19, NA, RG 75.
92 Circular, Headquarters of the Army, December 2, 1869, I.O.L.R., Misc., NA, RG 75.
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cipitated another heated civil-military controversy over the
treatment of hostile Indians. On the morning of January 23,
in sub-zero weather, Colonel E. M. Baker struck a village of
Piegan (a Blackfoot tribe) on Marias River, killing one hun­
dred women and children, destroying forty-four lodges and
seizing provisions and three hundred horses.93 The attack,
heralded by General Sheridan as a "complete success," pro­
duced another "massacre" outcry by the Indians' friends and
opponents of military control over the tribes.

Since the summer of 1869, young renegade Piegan under
Mountain Chief, Bear Chief and Red Horn had been causing
trouble around Fort Benton.94 Intoxicated by cheap whiskey
and armed with the latest rifles -- both acquired from lawless
whites -- they stole stock, raided settlements and killed a
number of frontiersmen. On August 31, Superintendent Alfred
Sully, former commander of campaigns against the Sioux, called
for military re-enforcements, conceding that the Indians were
in a "state of war."95

But the Blackfoot agency officials and the District of
Montana commander, Brig. Gen. P. R. DeTrobiand, hesitated
to propose an expedition against the Piegan. Lieutenant

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93 HR Ex. Doc. No. 269, 41st Cong., 2 sess. (Serial 1426),
1870, 16-17.

94 In some cases the Indians had been agitated by unpro­
voked killings by whites. Mountain Chief was aggravated, for
example, by an attempt on his life just after he had signed a
peace treaty at Fort Benton in 1868.

95 HR Ex. Doc. No. 269, 41st Cong., 2 sess. (Serial
1426), 1870, 4.
William B. Pease, the acting agent, argued that the peaceable Bloods and other Blackfeet might be injured, and Alexander Culbertson, who lived with the Pieans, insisted that only a few, the "young rabble," were committing depredations. \[96\] De-Trobiand contended that most Montanans were going about their business as usual and had a known propensity for sounding false alarms. \[97\]

Commissioner Parker, however, solicited aid from the War Department, contending that his subordinates were "powerless" against the hostiles of the northern frontier. \[98\] The Bureau's appeal was relayed through military channels to General Sheridan, who proposed to use the same tactics which had been so effective against the Cheyennes in 1868. "About the 15th of January they (the hostiles) will be very helpless, and if where they live is not too far from Shaw or Ellis," he remarked, "we might be able to give them a good hard blow, which will make peace a desirable object." \[99\]

In December and early January, while the military laid its plans, Superintendent Sully made last-minute appeals to the Indians to turn over their criminals and make restitution for stolen stock. The chiefs' only response was the usual excuse that they could not restrain their young men. \[100\]

\[96\] \textit{Ibid.}, 5-6. \\
\[97\] \textit{Ibid.}, 57, 61. \\
\[98\] \textit{Ibid.}, 5. \\
\[99\] \textit{Ibid.}, 7. \\
\[100\] \textit{Ibid.}, 35-37.
Consequently, General DeTrobriand determined to make an "example" of the most conspicuous hostiles, Mountain Chief and his followers. He instructed Colonel Baker exactly where to strike to get the "chief culprit." Baker attacked as ordered, but Mountain Chief was elsewhere and most of the red men killed were members of Red Horn's band.\(^{101}\)

The controversy which followed the "Baker affair" centered upon two questions. First, there was a difference of opinion about the age and sex of the Indians killed, with Army and civil authorities giving contradictory versions of the Piegans' losses. Secondly, there was much discussion about whether the expedition had been necessary.

On February 1, Superintendent Sully informed General DeTrobriand of disturbing reports from citizens, half-breeds and Indians to the effect that the soldiers had killed mostly women and children.\(^{102}\) DeTrobriand promptly denied this and warned Sully against the "idle rumors and false reports" of whiskey smugglers and camp "croakers," who feared that Army operations would disrupt their nefarious business. No doubt these people wanted to make the Superintendent the "point d'appui" for their misrepresentations, he remarked.\(^{103}\)

But Sully continued to receive reports that the "Piegan war" was another Sand Creek. Agent Pease interviewed various

\(^{101}\)Ibid., 15, 17, 40.
\(^{102}\)Ibid., 11.
\(^{103}\)Ibid., 11-12.
tribesmen who were in Red Horn's camp when the cavalry invaded. They claimed that the dead Indians included only thirty-three men, eighteen over "fighting age," ninety women, mostly aged, and fifty children, including many papooses. The camp, moreover, had been suffering from smallpox for two months, they said, with about six persons succumbing to the disease every day. 104

DeTrobriand was so infuriated when Pease publicized the Indians' biased account, that he ordered the agent never to set foot inside Fort Shaw unless official business made it mandatory. 105 The district commander not only defended the attack on the village, but recommended Colonel Baker for a promotion "as a just acknowledgment of his excellent conduct in this circumstance." Baker, he explained, did his best to spare non-combatants, destroyed the village to rid it of smallpox and released the captives rather than taking them to Fort Shaw, where there was no food for them. 105

Colonel Baker made an investigation of his own. After questioning the men of his command, he announced that approximately one hundred and twenty warriors had been killed. The other casualties, he insisted, were purely accidental. Indian authorities circulating "maliciously false" stories

105 Ibid., 90.
106 HR Ex. Doc. No. 269, 41st Cong., 2 sess. (Serial 1426), 1870, 114.
about the Piegan fight were probably trying to divert attention from their own "manifest irregularities." It was inconceivable to him that the public would accept the assertions of ill-informed, interested parties rather than those who were on the scene and had nothing to "palliate." 107

Apparently both sides overstated their case. For census purposes, agency authorities normally figured two fighting men per lodge. The death-rate of nearly five per lodge for the thirty-seven lodges in Red Horn's camp, obviously included a high percentage of aged, young and female Indians. 108 Even Colonel Baker's estimate of fifty-three non-combatant deaths indicted the troops for indiscriminate killing.

On the question of whether the expedition had been justified, the War Department had more convincing arguments. In the first place, Superintendent Sully and Commissioner Parker had asked the Army to use force against the hostiles. Secondly, after careful investigation, Inspector General James A. Hardie of the Division of the Missouri held that the expedition had been warranted and "probably as efficacious as more extended operations." It was impracticable to surprise and capture hostiles without bloodshed, he concluded. Loss of life was "inevitable." 109

107 Ibid., 73.

108 One author concludes that the "fairest inference" was that sixty warriors and one hundred and thirteen others were killed. Seven of the lodges destroyed were some distance from the village and were unoccupied. (Dunn, op. cit., 451).

109 HR Ex. Doc. No. 269, 41st Cong., 2 sess. (Serial 1426), 1870, 19-34.
Still, Indian sympathizers such as Vincent Colyer of the Board of Indian Commissioners criticized the Baker expedition and circulated Agent Pease's version of the "massacre." General Sheridan was enraged by Colyer's attempt to "deceive" the "kind-hearted public," and charged that the philanthropist was mixed up with the old Indian ring. "So far as the wild Indians are concerned," he asserted, "the problem which the good people of the country must decide upon is, who shall be killed, the whites or the Indians; they can take their choice." 110

General Sherman knew exactly how Sheridan felt. After giving Colonel Baker a vote of confidence, he summarized the dilemma of the frontier army as follows:

The army cannot resist the tide of emigration that is following toward these Indian lands, nor is it our province to determine the question of boundaries. When called on, we must, to the extent of our power, protect the settlers, and, on proper demand, we have to protect the Indian lands against the intrusion of the settlers. Thus we are placed between two fires, a most unpleasant dilemma, from which we cannot escape, and we must sustain the officers on the spot who fulfill their orders. 111

By coincidence, the dispute over the Piegan affair occurred just at the time when congressional advocates of military control of Indian affairs were preparing to make another bid to transfer the Indian Office to the War Department. Reports of Army brutality to diseased women and children, however, cost them much potential support. The affair was

110 Ibid., 9-10.
111 Ibid., 72.
inconclusively debated in Committee on the whole, with Republicans alleging that the Democrats exaggerated the Army's severity to embarrass the administration and head off reform, and Democrats intimating that the Republicans wanted a whitewash. 112

The Board of Indian Commissioners was convinced that the Piegan affair saved the Indian service from the clutches of the military. The commission noted that, on March 10, Representative John A. Logan of Illinois, chairman of the House Committee on Military Affairs, was ready to present a bill for transfer when he heard of the Montana incident. Upon reading an account of the "massacre," his "blood ran cold in his veins and he went and asked the committee to strike out that section and let the Indian Bureau remain where it is," the Board reported, "and the committee agreed to that."113

Not until the bloody Sioux war of 1876 were the supporters of War Department management of the Indians able to muster another strong effort to achieve transfer.114 The Piegan incident also had at least two other significant effects. Both military and Indian authorities noted that it had "salutary effects" upon the wild Indians of Montana.115

112 Dunn, op. cit., 452-453.
114 Priest, op. cit., 19. The Modoc War of 1873 revived some interest in military control.
115 SW (P), 1870, 277; CIA, 1870, 191.
Furthermore, as one student of Indian affairs observed, "...as a probable result of the criticism...there has not occurred since that time any such indiscriminate attack." ¹¹⁶

THE STRUGGLE TO MAINTAIN COOPERATION

After the Piegan dispute, military and civil officials frequently clashed over procedures to use in managing the Indians. An exception was the Indian Bureau's consent to give the military a comparative free hand to establish and temporarily control new agencies in Arizona and New Mexico. ¹¹⁷ Under the supervision of Maj. Gen. George Stoneman, commander of the newly-created Department of Arizona, an extensive area was set apart for the Apaches in western Arizona. ¹¹⁸ Stoneman, who contended that it was easier to feed the hostiles than to prevent them from stealing, provided rations and supplies for the red men who moved to the vicinity of Camp Ord (later Fort Apache) and ordered a vigorous campaign against non-reservation bands. ¹¹⁹

¹¹⁶Dunn, op. cit., 455.
¹¹⁷Parker to Cox, March 22, 1870, I.O.L.B. No. 19, NA, RG 75. The new agencies were to be turned over to the Interior Department after peace was fully established. Apparently there was some dispute between civil and military officials over when this change-over was to take place. In April, Parker forwarded copies of his instructions of June 12, 1869, to Pima and Maricopa Reservation to "remedy existing evils." (Parker to Cox, April 26, 1870, I.O.R.B. No. 19, NA, RG 75).
¹¹⁸The Department of Arizona, which included southern California, was established on April 15, 1870.
¹¹⁹Ogle, op. cit., 77.
Meantime a similar policy was followed in New Mexico, where other groups were given presents and brought under the "feeding policy" at a southwestern reservation. Since the Indian Bureau was short of funds, this program depended largely upon borrowed Army supplies. 120

Elsewhere, Army and Indian authorities quibbled over many things. 121 The chief issue, however, was the question of dealing with Indians who spent much of their time away from the reservations or used them as a refuge or base of operations for hostile forays. Late in 1869 Maj. Gen. J. M. Schofield, commander of the Department of the Missouri, proposed that male Indians be required to report to nearby military posts for regular head-counts. Commissioner Parker opposed this scheme on the grounds that the Indians would regard it as an "act of oppression and designed to restrict or deprive them of their liberty." 122

In the spring of 1870, the military announced its determination to act vigorously against Indians off their reservations, particularly near the Union Pacific and Kansas Pacific railroads. 123 Many observers feared trouble from the Sioux, Southern Cheyennes, Arapahoes, Kiowas, Comanches and

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120 Ibid., 84-85.
121 See, for example, Parker to Gen. W. B. Hazen, January 10, 1870, I.O.L.B. No. 93, NA, RG 75, for discussion of Hazen's efforts to issue orders to civil agents.
122 Parker to Cox, March 1, 1870, I.O.R.B. No. 19, NA, RG 75.
123 Parker to Superintendent Burbank, May 20, 1870, I.O.R.B. No. 95, NA, RG 75.
Osages. The Sioux problem was most pressing, for about a third of the twenty-five thousand members of that tribe still spent much of the year hunting buffalo in the country west or south of their Dakota reservation. Commissioner Parker and others feared, especially, that the "lawless and ungovernable" Sioux would be provoked into a general uprising by a Wyoming association, the "Big Horn mining expedition," which was preparing to explore their northern hunting grounds. Serious trouble with these Indians was averted by a series of negotiations with the "notorious" chief, Red Cloud, and other non-agency leaders. In June, Red Cloud, with a delegation of Oglala head chiefs and squaws, and Spotted Tail, with a smaller delegation of Brule chiefs, were taken to Washington to council with President Grant and Interior officials. The Sioux leaders were feted and shown the wonders of the East.

124 The Osages were threatening because thousands of squatters were settling on lands which they claimed despite a treaty signed by some of their headmen in 1869. The treaty, which they called "fraudulent," ceded eight million acres to a railroad corporation for nineteen cents an acre. Trouble was finally averted when Congress increased the compensation and promised to assist the Osages to get re-established in Indian Territory. (Sen. Ex. Doc. No. 39, 41st Cong., 3 sess. (Serial 14407, 1871, 76-77).

125 CIA, 1869, 4.

126 The government frequently brought Indian leaders to Washington to impress them with the white man's strength and advancement. Sioux Chiefs, for example, also made such trips in 1872, 1875 and 1877. For a discussion of the 1870 visit see Sen. Ex. Doc. No. 39, 41st Cong., 3 sess. (Serial 1440), 1871, 38-49 and Hyde, op. cit., 175-181. A broader analysis of these activities is presented in Katharine Turner, Red Men Calling on the Great White Father (Norman, 1951).
including New York City. But they still demanded concessions —
closing of the California road on the north side of the Platte,
abandonment of Fort Fetterman, ammunition annuities and trade
at Fort Laramie — which the government refused to make. Maj.
Gen. W. S. Hancock, who followed these proceedings from St. Paul,
maintained that the Indians had already been given too much
latitude. "It...is not practical or wise to make these con-
cessions," he declared. "It is the cutting wedge which will
let [In] the horde...."

In early October, several weeks after the delegations
returned to the West, a special commission again conferred with
Oglala leaders at Fort Laramie. Another stalemate developed,
with the Indians renewing their earlier demands and rejecting
agency life. The commissioners finally dispensed several
wagon-loads of presents, admonished the Sioux to live in peace
and promised to resume talks in the spring. Although
these negotiations were inconclusive, Interior officials were
pleased that the Sioux had been kept from the warpath and
hoped that they would soon accept the peace policy in toto.

While these diversionary tactics were being used with

127 Hancock to Sherman, June 27, 1870, Sherman Papers, Vol. 28.
128 The commissioners, Felix Brunot and Robert Campbell
even proposed an agency off the Sioux Reservation, not far
from Fort Laramie. Later, in July, 1871, a temporary agency
was set up thirty-two miles east of the post.
129 Sen. Ex. Doc. No. 39, 41st Cong., 3 sess. (Serial
1440), 1871, 511 ff; Hyde, op. cit., 182-184.
130 Sen. Ex. Doc. No. 39, 41st Cong., 3 sess. (Serial
1440), 1871, 2-3; CIA, 1870, 4.
the Sioux, the Army employed more direct methods with other tribes. Late in May, Kiowa, Comanche and southern Cheyenne and Arapaho renegades, discontented with their reservations and anxious to avenge past defeats by the military, began to attack their agencies and commit depredations in Texas and Kansas. General John Pope, who resumed command of the Department of the Missouri in May, announced that he could not intervene on the southern reservation, but sent cavalry units under General Custer and Major Marcus Reno to punish the marauders causing trouble along the Kansas Pacific Railroad and Republican River.

On June 8 Pope criticized the existing civil-military division of authority in a letter to division headquarters. The current system, he said, left him with "much uneasiness for the future." In his opinion, the Army could undertake its duties of protecting railroad and overland transportation in two ways. It could station strong detachments on the reservations, empowered to supervise and watch the Indians to prevent them from leaving on hostile expedition. Or, as was the practice, it could assemble troops at the most exposed settlements and lines of travel and hope to reach trouble spots in time. The former was clearly "most effectual."

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131 CIA, 1870, 263-264; Colonel A. D. Nelson to Maj. Gen. John Pope, May 28, 1870, I.O.L.R., Misc., NA, RG 75. A principal source of complaint by the Cheyennes and Arapahoes was the removal of the agency from Camp Supply to the North Fork of the Canadian, along the road from Fort Harker to Fort Sill.

matters stood, the military could not repress disorder or properly protect reservation Indians from intruders or each other. Under this policy the Army was no more liable for Indian crimes than the police of a city, if prevented from acting upon burglars and murderers until after their evil deeds had been accomplished.133

General Sherman agreed. The reservation system put the Army at a great disadvantage, but, for the moment, the Army could do nothing but grin and bear it. When Indians left the confines of their reserves, though, the liberal use of force was in order. "I have long been convinced that no Indian should be allowed to remain at rest for an hour between the two Railroads," Sherman commented, "and I understand that such is the policy of the Government."134

The Army and Navy Journal also criticized the present system of Indian management. The mixed policy it stated, was characterized by "ignorance, timidity and vacillation." A conciliatory program impressed only "a few squaws and superannuated warriors."135 What was needed was more troops to conquer the red men so decisively that they would never again dare to venture forth from their reservations.136

In spite of such protests, the joint jurisdiction

133 Pope to Hartauff, June 8, 1870, I.O.L.R., Misc., NA, RG 75.

134 Sherman endorsement, June 9, 1870, on Nelson to Pope, May 28, 1870, I.O.L.R., Misc., NA, RG 75.

135 A&N Jnl, VII (May 28, 1870), 637.

136 Ibid., VII (July 2, 1870, 721.
agreement of 1869 remained in force. In his annual report for 1870, though, Commissioner Parker suggested that it might become necessary to make an exception to exclusive civil control of the reservations in the case of the "vicious and incorrigible" Kiowas and Comanches. If they did not change their ways, the Army might have to take charge of them and build a "cordon" of forts around their reservation.\textsuperscript{137}

General Sherman devoted most of his yearly report to administrative problems, principally the pending reduction of Army enlisted strength.\textsuperscript{138} But General Pope, as usual, had a good deal to say about Indian affairs. He approved of the policy of subsisting the Indians on limited reservations, yet felt it would be cheaper and more effective to move the agencies to the vicinity of navigable rivers and railroads. As for relations between the Army and Indian Bureau, literal observance of the present dual policy was agreeable except with the wilder tribes. Common sense dictated that the Army be given authority to dismount and arrest bands preparing to leave their reservations and pursue hostiles who retreated to reserves to escape punishment.\textsuperscript{139}

In these remarks Pope touched upon problems which were to complicate the administration of Indian affairs long after the government ceased to formally recognize the tribes as

\textsuperscript{137}\textit{CIA}, 1870, 6.

\textsuperscript{138}\textit{SW (P)}, 1870, 256-258. Effective July 1, 1871, enlisted strength was set at thirty thousand.

\textsuperscript{139}\textit{Ibid.}, 259-264.
"domestic dependent nations." During the winter of 1870-1871 there were no major Indian conflicts or inter-departmental disputes. But in the spring both branches planned to bring pressure upon non-agency bands to accept the peace policy and will of the Great Father. Whether this could be accomplished without further War-Interior discord remained to be seen.
CHAPTER SIX

QUEST FOR THE "DAY OF DELIVERANCE":

MARCH, 1871, TO MARCH, 1876

During the last seven years, under many difficulties of administration, there has been a set purpose to improve their (the Indians') condition, which has borne fruit, and has succeeded beyond any reasonable expectation...

(Board of Indian Commissioners, January 1, 1876)

The observation of many years... has left the impression that this system of civilizing the wild portion of our Indian inhabitants has not met with success which gives a fair equivalent for the expense, trouble and bloodshed which has attended it.

(Maj. Gen. P. H. Sheridan, November 2, 1875)

The half decade from March, 1871, to March, 1876, was an important, if not distinctive, period in the history of United States Indian relations. Earlier frustrations convinced the government that it was more economical, practical and just to isolate and conquer the Indians with rations, blankets, teachers and persuasion than with physical force. In practice, if it was any consolation to those who opposed the moral suasion approach, this was a mixed policy. Conciliatory measures had priority, but force was used when Indians refused to live at peace on the reservations. The peace policy was founded upon the civil-military division of authority over the red men and its results hinged upon
cooperation between the Interior and War departments. Continuing differences between the two branches, therefore, impeded the quest for what Commissioner Francis A. Walker called the "day of deliverance," or final solution of the Indian question.¹

March, 1876, has been chosen as the dividing point in this study for two reasons. First, in that month the House committees on military and Indian affairs published reports which recommended transfer of the Indian Bureau to the War Department and signalized a new drive by the advocates of military control. Second, at about the same time, the Army began active operations against the Sioux in a war which not only had a profound impact upon government-Sioux relations, but also increased interest in military administration of the Indians. The present discussion takes into account a number of significant developments in the early Seventies which tested the stability and effectiveness of the peace policy and posed serious problems for civil and military officials.

PEACE POLICY WITHOUT PEACE

The defenders of the "poor Indian" and the peace policy cry "peace! peace!" a Kansan complained to President Hayes as late as 1878, "but there is none."² Military authorities, westerners and proponents of a coercive Indian policy often expressed such sentiments in the early Seventies. Similarly,

¹CIA, 1872, 9.
²Thomas Hindman to President Hayes, October 13, 1878, I.O.L.R., NA, RG 75.
The Nation observed that while the government theorized about how to civilize and Christianize its wards, it continued to exterminate them, thus adding the "element of hypocrisy" to an already unenviable record of Indian administration.³

Wars, skirmishes and lesser conflicts pitting Indians against troops, frontiersmen and other Indians persisted in the period 1871 to 1876. Optimistic observers noted, however, that the number of hostile red men was diminishing. Speaking in relative terms, civil and military officials frequently stressed the peaceful conditions within their jurisdiction. Western commanders used such comments as "generally quiet," "trifling depredations," "no...marked features," "remarkably quiet," and "closing operations" to describe Indian affairs in various annual reports.⁴ Likewise, Interior spokesmen announced that efforts to convert the Indians into tranquil, civilized subjects were having results which were "encouraging," "most gratifying" and "beyond expectations."⁵

If the picture was becoming brighter, incidents involving the "irreconcilables" of a few tribes still received wide publicity and had a substantial effect upon the government's Indian program. Sioux, Kiowa, Comanche, Cheyenne, Modoc and Apache tribesmen frequently caused trouble on and off their reservations. A brief consideration of the most notorious episodes will spotlight civil-military problems in

³The Nation, XIII (August 17, 1871), 100.
⁴SW, 1871, 35; SW, 1872, 70; SW, 1874, 24, 60.
⁵BIC, 1872, 4; SI (P), 1874, 531; SI, 1875, V.
these years.

In the Southwest, the experiment of settling the wild Apaches on reservations was being continued with considerable difficulty and inter-departmental controversy. During the winter of 1870-1871 several bands were controlled through the "medium of their bellies" at designated areas near Army posts in Arizona and New Mexico. This arrangement was jeopardized, however, by the infamous "Camp Grant Massacre" of the following spring. On April 30, about one hundred and fifty citizens of Tucson, aroused by recent Indian depredations, killed and mutilated eighty-five peaceable Arivaipas, all but eight women and children, and carried off twenty-nine children. This attack, defended by most Arizonans and western newspapers, produced a loud outcry in the East. Consequently, President Grant threatened to put Arizona under martial law unless the guilty parties were brought to trial; Department of Arizona commander Maj. Gen. George Stoneman was replaced by Maj. Gen. George Crook and Secretary Vincent Colyer of the Board of Indian Commissioners was sent to

6 Ogle, op. cit., 79.

7 About five hundred and fifty Arivaipas and Pinals had come to Camp Grant for refuge at the invitation of Lieutenant Royal E. Whitman and were being fed and engaged to cut hay for the post. White and Mexican settlers who had supplied the troops apparently circulated rumors that these friendly Indians had been involved in raids near Tucson. The attack was led by prominent members of the "Committee of Safety," a group which advocated vigorous military action against the Indians. (BIC, 1871, 60-67; Ogle, op. cit., 79-81; Dale, op. cit., 96; James R. Hastings, "The Tragedy at Camp Grant in 1871," Arizona and the West, I (Summer, 1957, 146-160.)
investigate and reorganize the reservation system of the Southwest. 8

While Colyer was enroute to Arizona, General Crook, a veteran described by one author as "the greatest Indian fighter the United States Army ever produced," prepared to conduct a "sharp, active campaign" against the non-reservation Apaches. 9 Like many officers, Crook believed that Army men made the best Indian agents and that most Indian officials, like contractors, traders and whiskey peddlers, detracted from good relations with the red men. 10 But, upon learning of the mission of "Vincent the Good" Colyer, he reluctantly deferred active operations. 11

Colyer first negotiated with Apaches in New Mexico, arranging for the establishment of a reservation in Tulerosa Valley, near Fort Craig. By the time he reached Arizona, the commissioner realized that the peace policy, so popular in the East, was not well received in the remote territories. 12

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8 Governor A.K.P. Safford had one hundred and four men tried, but all were perfunctorily acquitted. (Ogle, op. cit., 81; Dale, op. cit., 96) Stoneman, long criticized for opposing an extermination policy, was blamed in this case for failing to prevent the incident. The Board had earlier decided to send Colyer to the Southwest to study the possibility of enlarging the reservation system.

9 Dale, op. cit., 97; SW, 1871, 78.


11 Crook to Rutherford B. Hayes, January 28, 1871, R. B. Hayes Papers, Hayes Library, Fremont, Ohio; SW, 1871, 78.

12 BIC, 1871, 48.
He was vilified for his conciliatory efforts in several territorial newspapers. One proposed:

"We ought, in justice to our murdered dead, to dump the old devil into the shaft of some mine, and pile rocks upon him until he is dead. A rascal who comes here to thwart the efforts of military and citizens to conquer a peace from our savage foe, deserves to be stoned to death like the treacherous, black-hearted dog that he is."

Undaunted, Colyer toured the territory and decided that there should be reservations at Camps Apache, Grant and Verde and three temporary locations.

That fall the military bided its time while Colyer, back in Washington, submitted his proposals to conciliate and subsist the Apaches at these sites. His views were no more popular in the War Department than in the West. Of an accidental meeting with Secretary Belknap, Colyer reported:

"I...was greatly troubled in speaking a word to him to see that he was intent on strengthening General Crook's hands for continuing the present expensive, utterly called for, and wicked wars, against the poor Apache Indians of Arizona. He spoke angrily, as if I was interfering, and said he only awaited the President's order to go on with that war more earnestly than ever."

But his recommendations, endorsed by the Interior Department, were approved by the President. Accordingly, the War Department ordered its southwestern commanders to organize and supervise the Apache reservations.

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13 Ibid., 57-58.
14 Ibid., 73-74.
15 Colyer to Delano, October 30, 1871, D.I.L.R., Misc., NA, RG 75.
16 BIC, 1871, 83-86.
General Crook was unhappy, for he had hoped to concentrate on the roving bands during the winter. Although some called him "the great North American Butcher," Crook did not hate all Apaches. In fact, he felt they were painted in "darker colors" than they deserved. But he had no faith in "the President's 'Pet Theory'" of bribing marauders to behave, noting that the wilder Indians interpreted Colyer's visit as a sign of fear. "...I think my policy is to hold on until the termination of the fight between 'Policy Men' and the citizens," he remarked to the Division of the Pacific commander, Maj. Gen. Schofield, "besides, I can accomplish nothing so long as Mr. Colyer is sitting on and controlling the valves."

In 1872 Crook experienced further frustrations. He planned to take vigorous measures against the renegades who collected rations at the reservations, yet continued to raid surrounding communities. But this action had to be suspended when he was informed that Maj. Gen. Oliver O. Howard, the "Christian Soldier" who formerly headed the Freedman's Bureau, was to bring another olive branch to Arizona. Patently, Crook cooperated with Howard, who counciled with territorial, military and Indian leaders, revised reservation boundaries,

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17Crook to Schofield, October 10, 1871, AGO L.R., NA, RG 94. Crook was attacked for requiring hostiles to bring in the heads of their leaders before being re-admitted to reservations.

18SW, 1871, 78.

19Crook to Schofield, October 10, 1871, AGO L.R., NA, RG 94.
took a delegation of Apaches to Washington, then set aside a refuge for Cochise's Chiracahua and ordered the concentration of small reserves.20

Finally, in mid-October, 1872, after Apache bands again took to the warpath, Crook was authorized to deal with the Indians in his own way.21 Using organized Apache scouts, he waged a relentless offensive, following the warriors to their mountain hide-outs and killing scores who refused to capitulate. By April, 1873, most of the hostiles had enough and came to Camp Verde to beg for peace.22 To avoid further intervention by the Indians' friends, Crook permitted them to settle on reservations, warning them to stay there or be killed. In spite of such harshness, he became known among the Indians as a man who kept his promises and rewarded those who lived at peace with fair treatment. As a result, until General Crook left the Department of Arizona, early in 1875, the Apaches, for the first time, were generally submissive.23

Meanwhile, the government became embroiled in a war with the heretofore peaceable Modocs of upper California and

20 Howard, vested with broad powers, enlarged Fort Apache (White Mountain) Reservation and created San Carlos Reservation, south of Fort Apache, for Indians formerly located at temporary sites. (O.0. Howard, My Life and Experiences Among the Hostile Indians /Hartford, 1907/, Chapters VII-XIV; CIA, 1872, 176; CIA, 1873, 289; Dale, op. cit., 99-100).

21 Ogle, op. cit., 113-114.

22 Ibid., 116-117; Dale, op. cit., 101.

and lower Oregon. A small tribe, which traditionally lived on lake plants, camas roots and small game and inhabited conical mud-covered huts, these people had signed a peace treaty with the government in October, 1864. Although the treaty, because of amendments, was not confirmed until February, 1870, most of the tribe tried to live quietly on their assigned reservation in Lake County, Oregon. But they were constantly harassed by their old enemies, the Klamaths, who claimed that region. After being moved to two objectionable agency sites, many Modocs, under Captain Jack, deserted the reservation and went to their old homes on Lost Lake. 24

Still the tribe caused no major trouble until late in 1872. Meantime, their friend, Brig. Gen. Edward R. S. Canby, commander of the Department of Columbia, ordered his subordinates to guard against Modoc-Klamath collisions and, together with Superintendent A. B. Meacham, proposed that they be given a more suitable separate reservation. 25 In the spring of 1872 Meacham was replaced by T. B. Odeneal, who had in-

24 For a detailed discussion of the Modocs and the Modoc War see Keith A. Murray, The Modocs and their War (Norman, 1959). Chapters I-III give background information. An illustration of the Modocs' friendship was their assistance to whites during the disastrous fire at Yreka, California, on July 4, 1871.

25 Canby to Acting Adjutant General, February 7, 1872, Military Division of the Pacific. Hereafter these records will be cited Div. Pac. HR Ex. Doc. No. 122, 43rd Cong. 1 sess. (Serial 1607), 1874, appendix, "Official Copies of Correspondence Relative to the War With the Modoc Indians in 1872-1873," 5-6. Hereafter this document is cited as "Modoc Correspondence."
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structions to determine whether or not the Modocs should be required to return to Klamath Reservation. Odeneal decided that these "desperadoes" should be forced to go to the reservation and asked the military to arrest them at their camp on Lost River. On November 29, in attempting to comply with the request, a detachment of troops met resistance and became involved in the opening battle of the Modoc War of 1872-1873.

After the fight on Lost River, the wily Modocs withdrew to an almost impregnable stronghold, the lava beds on the south side of Tule Lake. In mid-January, four hundred troops, with howitzers, struck fifty to seventy-five warriors, with outdated small arms, and were repulsed. This experience convinced military leaders that it would take seven hundred or more men to defeat the hostiles. Hence an effort was made to negotiate a settlement. On April 11, after a delay in selecting a delegation and meeting place acceptable to the Indians, six Modoc chiefs, led by Captain Jack, met six peace-makers, headed by General Canby. But the council ended in tragedy, for the Indians suddenly turned on the delegates, killing Canby and Dr. Eleasar Thomas and seriously wounding

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26 Walker to T. B. Odeneal, April 12, 1872, I.O.L.B. (Land and Civilization), No. 106, NA, RG 75.
27 Odeneal to Lt. Col. Frank Wheaton, November 25, 1872, "Modoc Correspondence," 34.
28 Capt. James Jackson to Major John Green, December 2, 1872, "Modoc Correspondence," 42-44.
29 "Modoc Correspondence" 49-63.
former superintendent A. B. Meacham. 30

Almost overnight the tragedy was in the headlines and Indian critics and sympathizers alike demanded revenge. 31 A few days later a company of infantry, two companies of artillery and a number of Warm Springs scouts set out to hunt down the renegades, but were ambushed and driven back with heavy losses. 32 Finally, Brig. Gen. Jefferson C. Davis took command of operations, and, by bivouacing troops in the lava beds, forced the Modocs into the open. Early in June the Modoc headmen were captured and the costly little war was over. 33

The Modocs paid heavily for their resistance. The principal hostiles were tried by a military commission and sentenced to hang. Two later had their sentences commuted to life imprisonment at Alcatraz, but Captain Jack and three others were executed in October at Fort Klamath. The tribe, except for a few who were confined at Fort Marion, Florida, was exiled to Quapaw Agency, Indian Territory. 34

To military officials, notably Generals Sherman and

30 Col. Alvan C. Gillem to Adjutant General, Hqs. Army, April 11, 1873, "Modoc Correspondence," 75-76. The other delegates were L. S. Dyar and interpreters Frank and Toby Riddle.

31 Athearn, op. cit., 300-301; Sherman to Sheridan, June 6, 1873, Sherman Papers, Vol. 35.

32 In one engagement thirty-six enlisted men were killed or wounded. (General Jefferson Davis to Acting Adjutant General, Div. Pac., May 4, 1873, "Modoc Correspondence," 33-34.) Hereafter Adjutant General will be cited A.G.

33 Sherman to Belknap, June 3, 1873, "Modoc Correspondence," 81-85; Ganoe, op. cit., 333.

34 "Modoc Correspondence," 95-113, 133-203.
Schofield, the Modoc War was a case of Interior Department bungling. It cost over a hundred and sixty white casualties and more than half a million dollars, whereas a few thousand dollars would have provided the Modocs with a decent reservation and agency. Schofield attacked the Indian Bureau for rejecting General Canby's alternative recommendations and allowing a superintendent to take steps which were bound to start a war. Upon receiving pungent complaints from General Sherman, Secretary Delano, in August, 1873, sent Acting Commissioner H. R. Clum these instructions:

I have determined that in all cases hereafter where it becomes necessary to require the aid of the War Department in removing Indians, that a communication requesting such aid be sent to the War Department by this Department, and that no efforts to obtain this interposition of the military be made in any other way.

The Modoc War was a brief, but dramatic, affair. A more enduring conflict, involving the Kiowas and Comanches and, to a lesser extent, the Cheyennes of the Southern Plains, reached a climax in the Red River War of 1874-1875. On numerous occasions warlike braves from these tribes went on horse-stealing, murdering sprees in the country bordering their reservation. The problem was most acute in Texas, and by 1870 Generals Sherman and Sheridan were besieged with

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35For a break-down of the casualties see "Modoc Correspondence," Dunn, op. cit., 492. See also Athearn, op. cit., 304, for Sherman's reactions.


37Delano to Clum, August 6, 1873, I.O.L.R., Ind. Affs., Misc., NA, RG 75.
complaints, petitions and proposals from residents and officials of that state. 38

To obtain first-hand information, General Sherman, together with Inspector General R. B. Marcy and other military leaders, toured northern and central Texas in the spring of 1871. Sherman found visible evidence of Indian raids and his party narrowly missed an attack by a band of Kiowas. 39 In May, he reached Fort Sill, where the Kiowa and Comanche agent, Lawrie Tatum, readily admitted his inability to control many of his charges. 40 Upon hearing Satanta and other Kiowa head-men boast of killing and robbing whites, Sherman ordered their arrest. 41 Satanta and Big Tree were later tried and sentenced to hang. But President Grant, Secretary Delano and others challenged the legality of this decision and the two were sent to the state penitentiary.

During the next two years, there were fewer Indian raids south of Indian Territory. This was attributed, in part, to the punishment of the Kiowa chiefs. 42 In addition,

38 Rister, op. cit., 172-173.
40 Athearn, op. cit., 291.
41 Sherman to Commanding Officer, Ft. Richardson, May 28, 1871, Semi-Official L.S., W. T. Sherman. See also Extract Marcy Journal included with above. Marcy stated that the peace policy had not had the “slightest effect” on these southern tribes.
42 Rister, op. cit., 182-185.
43 ibid., 186. Minor raids are mentioned in SW, 1872, 46-47.
the Army discouraged such activities through an active campaign against the Indians who left their reservations. In September, 1872, for example, Colonel R. S. Mackenzie attacked a Comanche village of two hundred and sixty lodges on a tributary of the Red River, killing more than twenty warriors, capturing a hundred and thirty Indians and three thousand horses and destroying a great deal of property. 44

In the summer of 1873, though, the Kiowas and Comanches began extensive depredations. Frontier observers insisted that these troubles were precipitated by the release of Sataanta and Big Tree. Already in 1872 Governor Edmond J. Davis of Texas had suggested the freeing of these warriors on condition that they bring the remnants of their tribe to Fort Sill Reservation. Interior authorities at first opposed this idea, but in April, 1873, Commissioner Edward P. Smith gave his consent. 45 General Sherman protested vociferously, but to no avail. "I have no more faith in their [the Indians'] sincerity than I have in the prairie [sic.] wolves," he remarked to General Sheridan, "and as I once risked my life to test their sincerity, I do not propose again to expose others to a like danger, and hope the Indian Bureau will manage them without the aid of the Army." 46

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44 Rupert N. Richardson, The Comanche Barrier to South Plains Settlement (Glendale, 1933), 361-362.
Commissioner Smith soon realized the error of trusting the Kiowa chiefs, but the damage was done. Within a year after they were released, the Southern Plains Indians killed about four times as many persons as in 1872. In the spring of 1874, Kiowas and Comanches, along with some Cheyennes and Arapahoes, began raids in Texas, Kansas, Colorado and New Mexico. In June, a Cheyenne and Comanche war party boldly attacked a settlement on the South Canadian River inhabited by white buffalo hunters who had intruded on the Indians' hunting grounds. The following month, hostilities were so widespread that, as General Sherman commented, "the Indian agents confessed their utter inability to manage their respective tribes by the usual humane and Christian treatment...." On July 21, the Interior Department gave the War Department a free hand to deal with the Indians in and around Indian Territory.

With this authority, the military launched the most comprehensive, and last, major Indian war on the Southern Plains. About three thousand troops from Forts Sill, Concho, Union and Griffin and Camp Supply, led by five commanders, converged on the Red River Valley. Within five months, after a series of hard-fought battles, most of the nomadic bands were

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48 SW, 1874, 4, 29-30.
49 Grinnell, op. cit., 319-327.
50 SW, 1874, 4.
51 Ibid., 26.
beaten and ready to go to their reservations. But Sherman and Sheridan insisted on doing a thorough job. The fighting continued until the following summer, when, in accordance with a "punishment-must-follow-crime policy," hostile leaders were court-martialed and sent to prison in St. Augustine, Florida. Thus, in the opinion of many Army officers, part of the Indian problem was solved in a practical, effective manner. 52

War Department spokesmen argued that the methods which ended difficulties with the southern tribes -- unrestricted warfare on hostiles on and off the reservations -- would work equally as well with the troublesome Sioux in the North. Despite the efforts of Indian reformers and peace policy supporters, various Sioux bands continued to roam the country beyond the boundaries of their reservation, endangering white settlements and, in general, disregarding the government's wishes. These tribesmen were probably no more guilty of violating treaty commitments than the white men who invaded their supposed sanctuary. But, by late 1875, the patience of civil and military officials had worn thin, and rumors of impending Sioux hostilities gave point to arguments for forcibly "educating" these Indians in the advantages of quiet, sedentary life.

The Sioux problem was exacerbated by several peculiar circumstances. First, some of the most "non-progressive" Sioux frequented agencies located outside their Dakota

52 Sw, 1875, 20-21; Rister, op. cit., 193-197; R. N. Richardson, Comanche Barrier, 388-397.
reservation. Second, until 1875, many of the Indians took advantage of a provision in their treaty of 1868 which permitted them to hunt along the Platte and Republican rivers. Third, the northern part of the Sioux Reservation was in the path of the projected Northern Pacific Railroad, and the presence of survey crews agitated some of the tribesmen. Fourth, some of the Sioux agencies were involved in much-publicized investigations which reaffirmed the Indians' suspicions that the Great Father was not keeping faith with them. Finally, the gold-laden Black Hills, the heart of Sioux country, were a magnet to white poachers. While the Army labored with partial success to stem the tide of gold-seekers, the government engaged in negotiations which finally, in September, 1876, legalized another Indian land-grab.

Hostile Sioux occasionally caused trouble during summer hunts and often disrupted agency affairs in the winter, but the Indian Bureau was slow to admit the seriousness of the situation. "...there has [sic] been more people killed by Indians during the last 12 months in my command than for any

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53 The Red Cloud Agency, established in the summer of 1871, was not located on the Sioux Reservation until late in 1877. The Spotted Tail Agency, established as Whetstone Agency in the fall of 1868, was moved outside the reservation late in 1871 and was not returned until 1878.

54 Kapler, op. cit., II, 998-1003. This subject is enlarged upon below.

55 The survey was made under military escort. Construction of the road was delayed by the Panic of 1873.

56 The Sioux investigations and the Black Hills problem are discussed further below. Kapler, op. cit., I, 168-171.
like period since 1867," General Sheridan declared in May, 1873. "Still the good old Peace Commissioners according to their report think Indian affairs lovely." 57

The following February, large war parties stole stock at the Red Cloud and Spotted Tail agencies, shot at agency buildings and, within a few days, killed five whites, including two soldiers and the chief clerk at Red Cloud Agency. Thereupon, the agents anxiously appealed for military assistance. 58 In response, General Sherman directed General Sheridan to send troops from Fort Laramie. This action was strenuously opposed, however, by Felix Brunot of the Board of Indian Commissioners. Just a few weeks earlier Sheridan had expressed a desire to compel the Sioux to be counted, and if they resisted, to "make it lively for the squaws, papooses, ponies and villages." 59 Sioux alarm, Brunot argued, was merely the "manipulation of the Telegraph," and if the Army took aggressive measures a general war would result. 60

General Sherman assured Brunot that his apprehensions were unfounded. He further observed:


58 Agent J. J. Saville to Commissioner, February 9, 1875, Red Cloud Agency L.R. NA, RG 75; O. B. Unthank, "Red Cloud Agency and Fort Laramie, 1867-1874," Nebraska History, VII (January-March, 1924), 28; Hyde, op. cit., 211.

59 Brunot to Delano, November 21, 1873, I.O.L.R., Misc., NA, RG 75.

60 Brunot to Grant, February 14, 1874, D.I.L.R., War Dept., Ind. Div., NA, RG 75.
At present the military commanders...know nothing of the orders and instructions of the Indian Bureau to their agents, and consequently don't know when their joint action is harmonious or otherwise; and...the first thing they know is some event like the killing of some soldiers or citizens such as recently occurred...when the Indian agents call for help, and help in general terms is ordered.61

After all, he added pointedly, there was no need for this "double authority."62

Secretary Delano, too, seemed concerned over the Army's intentions. He wrote Secretary of War Delano, reminding him that the troops were being called out to prevent, not cause, hostilities.63 To Sherman, such statements were typical of the two-faced approach of the Interior Department. He confided in General Sheridan:

That letter of the Secretary of the Interior was meant to throw on us the blame in case of an Indian war...Everybody, even Mr. Delano, would be made happy if the troops should kill a goodly portion of those Sioux, but they want to keep the record to prove they didn't do it. We can afford to be frank and honest, for sooner or later these Sioux have to be wiped out, or made to stay where they are put....64

After all this wrangling, the military expedition arrived at the agencies too late to deal with the hostiles, who had gone north to hunt buffalo. To prevent a recurrence of these difficulties, though, military camps were established

61Sherman to Brunot, February 17, 1874, Sherman Letter Book (February 11, 1866 to July 8, 1878).

62Ibid.


64Sherman to Sheridan, March 6, 1874, Sheridan Autograph Letters, Vol. I.
near Red Cloud and Spotted Tail agencies. The troops stationed at these posts occasionally intervened to discipline belligerent braves at the agencies and were generally kept active with patrol and escort duties. But a full-scale campaign against the roving warlike Sioux was deferred by negotiations for the Black Hills.

In November, 1875, Inspector E. G. Watkins reported that warriors under Sitting Bull and Crazy Horse were on the verge of an outbreak, and recommended decisive military action. This proposal was approved by the new Interior officials, Secretary Zachariah Chandler and Commissioner John Q. Smith. Subsequently, the Sioux agents were told to notify the Indians to be on Sioux reservation by January 31, 1876, or be considered hostile. Not all of the Sioux who were hunting in Wyoming and Montana received the government's instructions, but most of those who did either

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65 Camp Sheridan was established near Spotted Tail Agency and Camp, later Fort, Robinson near Red Cloud Agency. (Roger T. Grange, Jr., "Fort Robinson Outpost on the Plains," Nebraska History, XXXIX (September, 1958), 191-234.)

66 A minor crisis, requiring military intervention, occurred at Red Cloud Agency in October, 1874. See Report of the Special Commission Appointed to Investigate the Affairs of the Red Cloud Indian Agency, July, 1875 (Washington, 1875), 309-314. Hereafter this document is cited RSC. See also Saville to Commissioner, October 24, 1874, Red Cloud Agency, L. R., NA, RG 75.

67 CIA, 1875, 7-9; Smith to Delano, November 27, 1875, Sheridan Papers, File on Indian Affairs.

68 CIA, 1876, XIV-XV. General Sherman unsuccessfully tried to have this deadline advanced to allow for a longer and more effective winter campaign. (Rister, op. cit., 204).
disregarded them or decided not to move in bad weather. Hence, many were still off the reservation in early March, when General Crook, now commander of the Department of the Platte, and General A. H. Terry, commander of the Department of Dakota, began the first expeditions of the bloody Sioux War of 1876-1877.69

DUAL AUTHORITY AND PEACE POLICY PROBLEMS

Implicit in the "peace policy" was the idea that Indian wars, such as those just cited, were to be minimized. The government sought to place the Indians on reservations; to temporarily feed, clothe and equip them; to teach them to farm, raise livestock or engage in other industrial pursuits and to bring their social, cultural and religious life into conformity with that of white society. Under the supervision of the Secretary of Interior and Commissioner of Indian Affairs, advised and assisted to some extent by the Board of Indian Commissioners, there was an extensive system of superintendencies and agencies. In the Seventies, Indians were subsisted and managed at more than seventy agencies and sub-agencies.70

These establishments, generally located in remote areas, were like rude little towns. They usually included an office, one or more storehouses, a barn or stable, carpenter and blacksmith shops, traders' stores, a school, a church or mission

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69 Hyde, op. cit., 251-253. See Chapter Seven.
70 See CIA, 1871, 606-637.
house, residences for agency employees, corrals and various
other structures. 71

The responsibility for administering these Indian cen-
ters fell primarily upon the church-nominated agents or sub-
agents. The agent, or "little father," had a multitude of
duties. For $1,500 a year, more or less, he was expected to
keep the Indians quiet and content, supervise the distribution
of rations and annuities, represent the government, enforce
treaties and Indian service regulations, settle Indian dis-
putes, check the encroachment of outsiders, look after the
Indians' morals and promote his subjects' education and civili-
ization. 72 For assistance, most agents relied upon a sizeable
staff, consisting, in some cases, of interpreters, a chief
clerk, issue clerk, corral master, storekeeper, farmer, butcher,
blacksmith, physician, in addition to teachers, engineers,
carpenters, mill hands, herders and laborers. 73

Although conditions varied from place to place, most
agency administrators had to contend with numerous problems.
Many agents, in the first place, were ill-equipped by training
and temperament to manage uncivilized Indians. 74 Their

71 Everett Dick, The Vanguards of the Frontier (New
York, 1941), 104-105; I.O.L.R. Misc. 1871-1876, passim, NA,
RG 75.

72 SI, 1876, 382; CIA, 1878, 28-29; Dick, op. cit.,
105-117. See also Ruth H. Gallaher, "The Indian Agent," The
Iowa Journal of History and Politics, XIV (April, 1916),
173-236.

73 See, for example, quarterly payrolls, Red Cloud and
Spotted Tail agencies, 1871-1878, NA, RG 75.

74 CIA, 1876, IV; Poole, op. cit., 227-229.
position exposed them to physical hardships and "ever-ready suspicion, detraction and calumny." The agencies were often beset by "hangers-on" — traders, contractors, squawmen and half-breeds — as well as unruly young braves and intruders. The Indians, moreover, were generally unenthusiastic about the government's reforms. Finally, the agents grappled with such "hindrances" as the continuing recognition of tribal sovereignties, the absence of clearly-defined laws and inter-tribal feuds.

While the military branch was not directly concerned with most of these administrative questions, it had certain functions essential to the maintenance and operation of the peace program at the reservations and agencies. Indian Commissioner Francis A. Walker once stated that the government, to save its wards from extinction and degradation, should place them under a "rigid reformatory discipline." In a sense, this was attempted, with Indian officials depending upon the Army to keep their "inmates" at peace on the reservations and free from outside interference. But the analogy omits a vital point. The Indians owned the reservations, and

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75 SI, 1876, 382.
76 Ray H. Mattison, "The Indian Reservation System on the Upper Missouri, 1865-1890," Nebraska History, XXVI (September, 1955), 158.
77 CIA, 1871-1876, passim.
78 CIA, 1873, 3-9.
79 CIA, 1872, 5.
it was also the duty of the military to protect their land and property. The story of the Army’s efforts to carry out the dual assignment of controlling and protecting the reservation Indians is a revealing commentary on the question of civil or military control of Indian affairs.

According to Secretary Delano, the “first step” in promoting peace and civilization among the Indians was to keep them on the reservations. Similarly, Commissioner Walker suggested that the nation’s wards be made as comfortable on, and as uncomfortable off, their lands as possible. Under the civil-military agreement of 1869, troops policed the country around the reservations, chasing or escorting wayward tribesmen back to their agencies. In view of these services, civil authorities reported "cordial and earnest co-operation" by the soldiers and thanked them for "prompt and efficient aid." At times, however, there was friction between military commanders and agents, and the former were dilatory or uncooperative. This occurred, especially, when Indian administrators were indecisive or had a propensity for giving false alarms.

After 1870 western commanders became increasingly critical of the inter-departmental understanding which prevented

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80SI, 1872, VI.
81CIA, 1872, 6.
82SI, 1873, XI; SI, 1875, IX.
83CIA, 1875, 20, 33-34.
them from dealing independently with Indians on the reservations. Indian raiders took advantage of this arrangement, using the reserved areas as refuges, sources of supply, and rest and recuperation centers. This was such a problem along the southern boundary of Indian Territory that, in 1871, Army officers refused to act until Commissioner Parker revised the instructions he had sent to Indian superintendents and agents on June 12, 1869. Given little choice, Parker informed Secretary Belknap that it seemed "advisable and expedient" to allow troops to follow criminals into Indian Territory to arrest them and recover stolen property.

Still the military was not certain of its power to pursue Indians under all circumstances. "The general instructions to our troops involve the protection of Indians inside their reservation, by prompt and rapid pursuit of all marauders," General Sherman wrote in 1873, "even if their route leads inside a Reservation." Six months later, though, he complained that another Indian Bureau circular on interdepartmental jurisdiction was "merely advisory" and left many post commanders in doubt. A comprehensive, legal definition of the respective powers of the War and Interior departments was

84 See Chapter Five.
85 Parker to Belknap, June 21, 1871, I.O.R.B. No. 102, Land and Civilization, NA, RG 75.
86 End., Sherman, to letter of W.P. Carlin to Acting AG, Department of Dakota, May 17, 1873, NA, RG 108.
Now and then politicians proposed solutions to the jurisdictional question. Early in 1874 Representative DeWitt C. Giddings of Texas suggested that the War Department be given exclusive authority over the unruly bands living in Indian Territory. Commissioner E. P. Smith rejected this scheme. To commit the control of a portion of a tribe to military control would simply bring confusion, he argued. Governor S. F. Potts of Montana Territory offered an alternative plan. If Indians committed crimes and others in their tribe refused to surrender them, let the whole tribe be turned over to the Army. This proposal was opposed by Acting Commissioner Clum, who maintained that agency Indians could not, and should not be expected to, control the actions of relatives living elsewhere.

The Kiowa and Comanche troubles in the summer of 1874 forced the issue. Commissioner E. P. Smith finally approved unrestricted pursuit of evil Indians, insisting, however, upon military commanders cooperation to separate the friendly Indians from the hostiles. General Pope objected to this

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87 Sherman to Sec. War, November 2, 1873, I.O.L.R., Misc., NA, RG 75.
88 Smith to Delano, January 21, 1874, I.O.R.B. No. 24, NA, RG 75.
89 Clum to Delano, May 9, 1874, I.O.R.B. No. 24, NA, RG 75.
90 The friendly Indians were to be enrolled and required to answer daily roll-call. No Indian was to be allowed to join them except by special permission. (Smith to Delano, July 18, 1874, cited in Pope to Sheridan, July 22, 1874, Div. Mo. L.R., Special File, NA, RG 98.)
"carefully guarded" permission, particularly the requirement that the Army notify friendly Indians to go to the agencies before pursuing hostiles. By giving such notice, troops would practically disarm themselves and defeat their object. While old Indians went to the agencies to create a "semblance of peace," hostiles would scatter to the four winds and to find them would be as hard as "looking for needles in a hay-stack." It should be the agents responsibility to bring in the peaceable Indians and discover the identity of criminals. "What chance would the police of New York have," Pope asked, "if all the people of their vilest districts were to be notified when the police force was about to move upon them and [told that] all who wanted protection must assemble in certain buildings and localities where they would be unmolested, or disperse for the occasion?" But Interior authorities insisted that there were friendly Indians in every district and continued to demand precautions for their safety.

Another problem which stemmed from police action against undisciplined tribesmen was the disposition of Indian prisoners. In some military departments, when competent civil authorities were unavailable, troops were expected to "confine, hold and release" Indians upon application from the agents. 

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91 Pope to Sheridan, July 22, 1874, Div. Mo. L.R., Special File, NA, RG 98.
92 Ibid.
93 Instructions, Acting A.G. Fry, Dept. of Dakota, December 6, 1871, Sheridan Letter Book, General Correspondence. Sheridan recommended these instructions for army-wide issuance.
This created additional expense and extra duties which were not always appreciated by the War Department.\textsuperscript{94} Moreover, civil and military officials did not always agree on the proper treatment of prisoners. For example, in 1872, Commissioner Walker consented to the imprisonment of whole families at Fort Sill, but opposed military suggestions that parents and children be permanently separated.\textsuperscript{95} On the other hand, two years later Commissioner E. P. Smith rejected General Sheridan's plan to confine families on military-occupied islands.\textsuperscript{96}

The Army might have had fewer prisoners to worry about if the Indians had been more effectively supplied at the agencies. Officials of the Indian Bureau recognized the importance of feeding the Indians to keep them at the reservations during their "transition of life."\textsuperscript{97} "Should the feeding of these Indians be stopped," Commissioner Parker said of the Southern Plains tribes, "...they will again scatter to the plains...and the labor and expense of locating them where they now are will have been of no use or permanent benefit,

\textsuperscript{94} When funds were available, the Indian Bureau reimbursed the Army for subsisting prisoners. (Walker to Delano, November 4, 1872, I.O.R.B. No. 22, NA, RG 75.)

\textsuperscript{95} Ibid.

\textsuperscript{96} Smith to Delano, November 20, 1874, February 2, 1875, I.O.R.B. No. 25, NA, RG 75. Smith argued that this would be too expensive and that soldiers would debauch the Indian women.

\textsuperscript{97} The prescribed daily ration for the Sioux before 1876 was a pound and a half of fresh beef, a quarter pound of corn or meal, and half a pound of flour per person; four pounds of sugar per hundred persons and, four times a month, three-fourths of a pound of bacon per person. Other items, such as coffee and beans, were common.
either to the Government or the Indians...." Parker to Delano, March 13, 1871, I.O.R.B. No. 20, NA, RG 75.

Yet supply shortages were common, and, as Parker predicted, many tribesmen left the reservations in search of food.

Several factors contributed to the supply problem. First, Congress, more correctly the House of Representatives, often delayed and substantially reduced recommended appropriations for the Indian service. Second, many of the Indians contributed to their own needs by improvident eating habits. Third, agents did not always anticipate and properly assess the Indians' needs and tastes. Fourth, fraud, mismanagement and profiteering in supply, annuity and transportation contracts sometimes deprived the agency wards of the full benefits of federal support. Fifth, traders, and "hangers-on" pestered the Indians to exchange their food or supplies for non-essentials. Finally, the remoteness of the agencies and bad weather frequently caused delays in supply deliveries.

98 Parker to Delano, March 13, 1871, I.O.R.B. No. 20, NA, RG 75.
99 Priest, op. cit., 106-120.
100 Rations were normally issued every five to eight days, but the Indians often devoured them in a day or two. (Poole, op. cit., 45-46; RSC, 242; Priest, op. cit., 114-115).
101 See, for example, CIA, 1875, 192; SW, 1871, 73.
102 RSC, passim. Henry G. Waltmann, "The Subsistence Policy with Special Reference to the Red Cloud and Spotted Tail Agencies," M.A. Thesis (University of Nebraska, 1959), 120-164.
103 Walker to SI, November 20, 1871; M.C. Foot to Commissioner, September 9, 1876, Red Cloud Agency, L.R., NA, RG 75; RSC, 252.
104 See, for example, SW, 1872, 86.
In spite of these circumstances, though, the Indians were usually well supplied. 105

Throughout the Seventies, commanders of military posts near the agencies distributed emergency rations to needy Indians. 106 Under military regulations and orders, bulk or daily issues were forbidden. 107 Still, many officers considered the temporary distribution of military stores a "humane and economical mode of preventing war," and provided as much relief as possible, assisting, too, such wretched, weak bands as the Mission Indians of California and Tonkawas and Lipans of Texas. 108

Army officers were at times extremely critical of the Indian Bureau and its supply system. In 1875, Maj. Gen. Nelson A. Miles complained, for instance, that the Indians of the Central Superintendency, "half fed and half starved," were forced into annual outbreaks with "accompanying horrors." 109 Commenting on the same problem, General Pope declared that

105 Hyde, op. cit., 260, 229, note footnote 9. This view does not comprehend the Indians' wanderlust and traditional hunts.
106 In 1871-1872 about $300,000 worth of rations were dispensed by the Army. (Walker to Delano, January 3, 1872, I.O.R.B. No. 21, NA, RG 75).
107 General Order No. 54, War Dept., June 25, 1872 in "Brief on the Indians at Fort Griffin," I.O.L.R., War Dept., Misc., NA, RG 75. These rules were not always observed.
108 Ibid.; SW, 1872, 86; BIC, 1871, 9. The military frequently complained that the Indian Bureau gave more rations to potential hostiles than submissive tribes.
109 SW, 1875, 85.
it was "revolting" for troops to have to commit violence on hapless, hungry Indians. They were charged with "assassination" if these poor people were killed and "inefficiency" if they were not. 110 Summarizing this dilemma, Pope asserted:

It is the misfortune of the present administration of Indian affairs that Indians are driven by starvation at the agencies, where by treaty stipulations they are required to remain, to seek food in places where they are prohibited from going, and whilst the permits for this purpose given by the agents are wholly illegal and unauthorized, common humanity dictates that no forcible measures be taken against them under such circumstances. 111

The Sioux, who by their treaty of 1868 were entitled to hunt on the Platte and Republican "so long as the buffalo range thereon in sufficient numbers as to justify the chase," were a special problem. 112 By 1871 the War Department and residents of Nebraska and Kansas were agitating for the repeal of this privilege, because the Indians were deemed a threat to peace on the Central Plains. General Sherman, who signed the Sioux treaty against his better judgment, recommended that the buffalo be slaughtered and the meat transported to Dakota. 113 Indian friends, such as William Welsh of Philadelphia, also opposed the buffalo hunts, contending that they promoted vagrancy and postponed reform. 114 Interior authorities agreed,

110 Ibid., 76-77.
112 Kappler, op. cit., II, 998.
113 Belknap to Delano, March 27, 1871, D.I.L.R., War Dept., Ind. Div., NA, RG 75.
but insisted that the government keep faith with its subjects until they consented to forego their hunting rights.  

An incident which gave new point to arguments for ending the hunts was the "massacre," in early 1873, of fifty to a hundred and fifty Pawnees by Sioux hunters near the present town of Trenton, Nebraska. In the exchange of reports which followed, Secretary Delano referred to the hunting privilege as part of the treaty "made in 1868 by General Sherman." Sherman refuted this "offensive" remark, stating that he had steadfastly opposed concessions to the Sioux in 1868. "I am as strong an advocate for peace as he [Delano] is, or any of the attaches of the Indian Bureau," he asserted to Adjutant General E. D. Townsend, "but am not in favor of a cowardly peace, where savage Indians remain at war, leaving our troops to be their victims."  

A few months later, partly because of military and frontier pressure, interior officials began negotiations to rescind the Sioux hunting prerogative. Another consideration which led to this action was the rapid disappearance of buffalo and small game. Indian reformers recognized the extinction  

115SI, 1872, 7; SI, 1873, VII.  
118Several factors contributed to the extinction of the all-important buffalo. White hunters, aided by business-minded Indians, slaughtered millions in the region between
of the buffalo as a "blessing in disguise" for the Indians, whose inclination toward agency life increased as their hunting excursions yielded diminishing returns. In June, 1874, Congress appropriated twenty-five thousand dollars to liquidate the pertinent clause of the Sioux treaty. A year later, Red Cloud and other Sioux leaders, while in Washington, agreed to cease hunting south of Dakota.

Besides responsibilities directly involving the Indians, the Army had the onerous duty of protecting the reservations and agencies from trespassers. "The Government cannot enforce

118 (continued) Canada and Indian Territory in the early Seventies, just to procure merchantable hides or tongues. Sportsmen, participated in the wanton slaughter. Likewise, nature took a heavy toll, particularly during the blizzard of January, 1872. Finally, the Indians' biennial hunts helped to make the bison scarce. (Mari Sandoz, The Buffalo Hunters /New York, 1951/, 94-99; 128-130; Ashton Shallenberger, "The Last Pawnee-Sioux Battle and Buffalo Hunt," Nebraska History, XVI /July-September, 1935/, 138-149; Bayard H. Paine, Pioneers, Indians, and Buffaloes /Curtis, Nebraska, 1937/, 178-179.)

119 The extinction of the buffalo had a profound impact upon the domestic life of the Sioux and other plains tribes. Buffalo -- traditionally a symbol of prowess, longevity and worship -- were "nature's storehouse" for them. The red men relied upon these migratory beasts for many necessities of life. The meat, including the viscera, was eaten boiled, dried, roasted, raw or as an ingredient in soup. In addition, the buffalo provided hides for bedding, tentage and clothing; sinews for bowstrings; bones for tools and pipes; horns and hooves for vessels, spoons or glue; tallow for salve; brains for tanning hides and even "buffalo chips" for fuel or a smoking mixture. (Sandoz, op. cit., 94-95; Paine, op. cit., 137; Everett P. Wilson, "The Story of the Oglala and Brule Sioux in the Pine Ridge Country of Northwest Nebraska in the Middle Seventies," Nebraska History, XXII /January-March, 1941/, 16; Edgar I. Stewart, Custer's Luck /Norman, 1955/, 8.)

120 CIA, 1874, 87; Nebraska History, XVI (July-September, 1935), 168.

121 Nebraska History, XVI (July-September, 1935), 168-169.
this [Reservation] policy upon the Indians," Secretary Delano remarked in 1873, "unless it is equally determined in its policy of preventing white people from going upon Reservations that have been solemnly guaranteed to Indians by treaties or otherwise." The intruder problem was so persistent and complex, however, that military leaders sometimes despaired of their ability to cope with it. For example, in 1871, General Pope described the "most difficult and vexatious" assignment of protecting reservations along the Kansas Pacific as follows:

...the throng of laborers and employees of the roads, as well as the adventurers, prospectors and squatters, and the fine agricultural country occupied by these reservation tribes, bring about relations between the whites and Indians on thousands of points, which involve troublesome and complicated questions, and constant difficulties which cannot be adjudicated or settled by the military authorities, and which are altogether beyond the management, or even the comprehension, of the average Indian agent.123

Among the trespassers and agency parasites who created headaches for civil and military authorities were: traders, cattlemen, miners, hunters, freighters, speculators, railroad workers, squawmen and Indians from other reservations. Except at agencies with organized Indian police, agency officials were more or less powerless against these elements.124 The agents, who repeatedly solicited Army assistance to arrest or

122 Delano to George M. Robeson, April 24, 1873, D.I.L.S., Ind. Misc., NA, RG 75.
123 SW, 1871, 41.
124 Two of the agencies with Indian police in 1875 were Great Nemaha and Omaha. (BIC, 1875, 64-67.)
expel unscrupulous outsiders were, at the same time, insistent that such intervention be under their direction. Many accepted Commissioner E. P. Smith's view that the presence of soldiers on reservations brought "evils as well as benefits" and should be as brief as possible.125

Perhaps the most difficult intruders to eliminate were the whiskey and arms traders. The illegal sale of these two items, General W. S. Hancock affirmed in 1872, had long been a fruitful source of difficulty for the Army.126 The Indians had a notorious weakness for intoxicants, and regulations against the liquor traffic, despite the efforts of Indian reformers, were weak and hard to enforce.127 Attempts to control the sale of arms, prohibited to Indian traders in 1873, were complicated by the Indian Bureau's policy of arming friendly Indians for protection against hostile neighbors.128 In 1874 Secretary Delano indicated, for instance, that the Crows, enemies of the Sioux, had more modern guns than warriors.129

125 CIA, 1874, 13.


127 Priest, op. cit., 156-157; Schmeckbier, op. cit., 424-425; HR Ex. Doc. No. 177, 43rd Cong., 1 sess. (Serial 1610), 1874, 1; and BIC, 1872, 19.


129 Delano to CIA, March 20, 1874, D.I.L.S. No. 13, Indian Commissioner, NA, RG 75.
While Army officers attacked the Interior Department for indiscriminately distributing weapons and Indian inspectors blamed the military for failing to check the sale of arms at military posts, warlike Indians continued to acquire weapons without much difficulty. 130

Another persistent class of trespassers were the miners. "This wealth is hidden away in gorges and is doing the Red Man no good," an advocate of free exploitation of mineral lands asserted to Commissioner Parker in 1871. "Mining parties in those mines could...by mutual and friendly agreement...prove beneficent to...the Red and the White Man." 131 This argument appealed not only to prospectors, but most citizens, including federal authorities. But the government was pledged by treaties to defend the Indians' interests until they agreed to further cessions. Furthermore, the peace policy placed special emphasis upon keeping faith with the tribes in this respect.

The supreme test of the government's determination to prevent trespassing by prospectors began in 1874, when gold-seekers began to infiltrate the Black Hills. For years it had been rumored that the Sioux hill country contained gold, much to the dismay of Interior authorities. 132 In the summer of


131 J. W. Field to Parker, April 28, 1871, I.O.L.R., Misc., NA, RG 75.

132 See Walker to Delano, March 26, 1872, I.O.R.B. No. 21, NA, RG 75.
1874 Maj. Gen. George A. Custer led a "military reconnaissance"—twelve hundred troops and mining experts--into the Hills. Custer's report of "gold among the roots of the grass" confirmed earlier rumors and aroused the depression-ridden public. Were it not for military intervention, a full-scale invasion would be begun that fall.

The following year hundreds of miners slipped past Army patrols and panned for gold along creeks in the Black Hills. President Grant directed the War Department to redouble its efforts to intercept trespassers, but the rush continued.

Meanwhile, the Interior Department, bowing to the inevitable, negotiated with Sioux leaders and sent out a party of scientists and miners to determine the accuracy of Custer's report. When the Jenney mineralogical expedition substantiated the presence of gold in paying quantities, General Sheridan denounced the Indian Bureau. Overlooking the excitement Custer had created, Sheridan declared that now his most conscientious efforts would not suffice to hold back the miners.

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136 Delano to Belknap, January 22, 1875, Div. Mo. L.R., Special File, NA, RG 98; Hyde, op. cit., 23-4. The scientific expedition was headed by Professor V. P. Jenney of the New York School of Mines.
137 Sheridan to Sherman, July 2, 1875, C.G.L.S., NA, RG 108.
In September a commission headed by Senator William B. Allison of Iowa, held a "grand council" with some of the Sioux chiefs. The commission tried to lease or buy the gold fields, but found the Indians' demands too high. Subsequently, the Army looked aside while thousands of prospectors entered the Sioux reservation to stake their claims. The United States' failure to protect the Indians' lands or achieve an amicable settlement was to have disastrous consequences in the spring of 1876.

GROWING CRITICISM OF THE PEACE POLICY AND CIVIL ADMINISTRATION

Reforms introduced in the early part of President Grant's first term -- the Board of Indian Commissioners, church nomination of agents, discontinuance of the treaty system and enlargement of the reservation and feeding policies -- temporarily alleviated criticism against the Indian service. Congressional agitation for transfer abated. Military leaders, mindful that former general Grant was associated with the conciliatory Indian program, mollified their complaints. Humanitarians expressed satisfaction with the work of the churches and Indian Board. Even some westerners were optimistic about the Army-enforced reservation system.

Several additional reforms were adopted prior to 1876.

138 The commission offered to lease the Black Hills for $400,000 a year or buy the area for $6,000,000. (CIA, 1875, 183-191. Hyde, op. cit., 241-246.)
In 1871 the procedure for letting Indian contracts was placed under stricter regulations.\textsuperscript{139} Two years later the President was empowered to appoint five Indian inspectors to investigate Indian affairs at regular intervals.\textsuperscript{140} Moreover, in 1875, a version of the Homestead Act was adopted to allow qualified Indians to obtain title to one hundred and sixty acre farms,\textsuperscript{141} and most able-bodied male red men between the age of eighteen and forty-five were required to work in order to receive rations and annuities.\textsuperscript{142}

During Grant's second term, however, there was growing criticism of the federal Indian policy and civil administration. Critics contended that the Indians were not becoming civilized and self-sufficient rapidly enough and that recurrent wars and administrative problems at the agencies were an indictment of the existing system.\textsuperscript{143} To add to these complaints, the Indian service was disgraced by frequent reports of fraud and mismanagement.

"The best and almost the only safeguard against peculations and frauds in these remote stations," Acting Secretary

\textsuperscript{139}16 Stat. L., 544.
\textsuperscript{140}17 Stat. L., 437.
\textsuperscript{141}18 Stat. L., 420.
\textsuperscript{142}18 Stat. L., 449. Less civilized Indians were exempted by written order from the Secretary of the Interior.
\textsuperscript{143}A special source of complaint in connection with supply procedures was that red tape often delayed contract payments for many months. See RSC, 640 and G. N. Goodale to E. P. Smith, January 18, 1875, I.O.L.R., NA, RG 75.
of the Interior B. R. Cowen asserted in 1872, "must be in the honesty of the Agents themselves...." That agents, contractors and others involved in Indian affairs were not always honest was revealed by numerous congressional and special investigations. In 1871, for example, the House Appropriations Committee found Commissioner Parker guilty of "irregularities, neglect, and incompetency, and, in some instances, a departure from...law." Two years later, the House Committee on Indian Affairs conducted a hearing designed to "rid the Indians and the Indian service of...heartless scoundrels...." Its findings cited "great frauds and wrongs" by men acting as Indian attorneys and condemned the activities of claim-agents and middle-men. The Board of Indian Commissioners also found evidence of unscrupulous activities by Indian "rings." They insisted, however, that these groups were no more prevalent in the Indian service than other phases of government in the Grant era, observing, "Where there is a carcass, the vultures will gather." One of the most spectacular investigations of the Seventies was conducted at Red Cloud Agency in July, 1875.

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Cowen did make other suggestions. He recommended that Indian transactions be given maximum publicity and that funds be provided for the expenses of witnesses in Indian investigations. (Cowen to J. P. Shanks, December 31, 1872, D.I.L.S., Indian Misc., NA, RG 75).

Sen. Ex. Doc. No. 39, 41st Cong., 3 sess. (Serial 1440), 1871, 11. This criticism induced Parker to resign.

HR Rpt. No. 98, 42nd Cong., 3 sess. (Serial 1578), 1873, 1-3.

B.C.M. to "the Christian Public," July 29, 1875, Tray 3, NA, RG 75.

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A special commission examined charges by Professor Othniel C. Marsh, an eminent Yale College paleontologist, that agency officials and contractors were guilty of "gross frauds."\(^{148}\) Marsh alleged, among other things, that the Indians suffered for want of food and other supplies because they were cheated out of annuities and beef cattle and were issued inedible pork, inferior flour, poor sugar and coffee and rotten tobacco.\(^{149}\) Upon confirming many of these accusations, the commission reprimanded Commissioner E. P. Smith and recommended the removal of Agent J. J. Saville, the exclusion of various contractors and inspectors and the adoption of remedial administrative and supply procedures.\(^{150}\)

The shortcomings and abuses of the Indian service received widespread publicity and stimulated much discussion. Civil and military authorities, politicians, editors and self-appointed "experts" advanced all sorts of theories on how to improve Indian administration and hasten the solution of the Indian question. General W. B. Hazen, who believed the trouble with Indian affairs was simply "want of persistence," called for more diligent use of the combined "moral-force" and "physical-force" approach.\(^{151}\) Typical of the reaction of western

\(^{148}\) Marsh visited Red Cloud Agency in 1874 during a geological trip to the Badlands of Dakota. (O.C. Marsh, "A Statement of Affairs at Red Cloud Agency Made to the President of the United States by Professor O.C. Marsh," Washington, 1875?, 3.)

\(^{149}\) Ibid., 4-6.

\(^{150}\) RSC, lxxiv-lxxv. The Red Cloud investigation was a factor in the resignations of Commissioner Smith and Secretary Delano.

\(^{151}\) The Nation, XVIII. (January 15, 1874), 40.
extremists was a Texan's demand that the government either adopt the "Shovington [Chivington] process" or send the Indians to state prisons east of the Mississippi. 152 An easterner suggested the "agriculturalizing" /sic./ of the nation's wards by a four-thousand-man corps of farmers and mechanics (Nineteenth Century Peace Corpsmen) selected to live among the aborigines for five years. 153 Several persons petitioned the President and Interior Department to apportion the Indians among eastern states. 154 Finally, humanitarians, such as Bishop Henry Whipple of Minnesota, memorialized the Indian Office, suggesting that the Indians be given farms, be placed under state laws and be assisted to establish self-government. 155

After 1873 the scheme discussed most, largely because of renewed Indian hostilities, was again transfer of the

152 J. Miles to Secretary of Interior, March 11, 1875, I.O.L.R., Misc., NA, RG 75.

153 Thomas P. McManus to Commissioner, October 28, 1873, I.O.L.R., Misc., NA, RG 75.

154 See, for example, Gustavus Oborn to Z. Chandler, December 16, 1875, Chandler Papers; Duncan McPherson to Grant, March 1873; I.O.L.R., Misc., 1873. Obviously, the advocates of this and other schemes did not appreciate the complexity of the Indian problem. One of the most unrealistic arguments received by the Indian Bureau was from a student of tribal origins who proposed that, in view of the Indians' oriental extraction, they be sent "camels, alpacca Lamma and Yaks" to restore them to their "hereditary serenity." (Israel S. Diehl to Taylor, January 10, 1868, I.O.L.R., Misc., NA, RG 75).

155 Whipple to E. P. Smith, December 5, 1874, I.O.L.R., Misc., NA, RG 75.
At first, in 1874, the discussion centered upon a proposal to establish Army control over just the hostile and semi-hostile tribes. A bill introduced in the House Committee on Indian Affairs in February proposed military authority over Fort Sill Reservation. The only result of this measure, since it failed, was another disagreement between civil and military leaders. General Sheridan backed the proposal, arguing that the Army's power and "carefully systematized machinery" could prevent war and save money. Commissioner E. P. Smith acknowledged the ineffectiveness of divided control over turbulent tribes, but insisted that the discretion to designate certain Indians as "hostile" be retained by the Interior Department. Lastly, Secretary Delano maintained that partial transfer would be even more objectionable than complete military control.

The following year, the "much-mooted" question was debated in more general terms. In their annual reports for 1875, General Schofield presented a lengthy argument in favor of transfer while Commissioner Smith and the Board of Indian...
Commissioners opposed it. Schofield stated that he advocated military management with "much reluctance," because the duties of Indian agents were distasteful and burdensome. But the system of joint administration was nothing more than a "most efficient mode of producing war." The conflicts which "irresponsible" civil agents caused brought no glory or satisfaction to troops. By putting the military branch in charge of the Indian Office, the government would not be departing from the peace policy, but insuring its more "economical, just, uniform, and consistent execution." In short:

Military management means peace and security; giving even a greater opportunity for the labors of Christian missionaries to civilize and instruct the savage tribes. Let these worthy philanthropists be relieved from the responsibility and contamination of more worldly matters, and their influence for good cannot thereby be diminished.161

Commissioner Smith first reminded the proponents of military control that in 1868 the Peace Commission, including four top Army officers, had opposed transfer. At that time there was no definite plan for Indian civilization, civil management was in a "most unsatisfactory condition," and half the Indians of the country were at war. If civil government seemed proper then, it was hard to see why it was otherwise now. "So far...as eleven-twelfths of the Indian agencies are concerned," Smith remarked, "the question of putting them under the control of the War Department has no more pertinency than of putting the almshouse and city schools under the

161 SW, 1875, 122-123.
metropolitan police. A standing army and an ordinary Indian agency have no common end in view. On the other hand, temporary transfer of the wilder tribes was desirable, and rations and supplies might be handled with more "regularity and system" by the Army's quartermaster and commissary departments.

The Board of Indian Commissioners expressed respect for military officers, but generalized that peacetime enlistees were "among the most vicious of our population." Where enlisted men lived in close proximity with the Indians, the debauchery of the women and demoralization of the men was inevitable. Army administration would magnify these bad results. Moreover, military rule was by nature arbitrary and would goad the Indians into devastating wars. The Board emphasized:

It can hardly be a question with thoughtful men, whether it is not better to educate the Indians, to build houses and schools and churches for them, to teach them to cultivate the soil and acquire useful trade, to civilize and Christianize them, than to hand them over to a government that we do not choose for ourselves and our children....The Army is admirable in its place, but its function is not that of civil government in a republic like ours.

To support these views, the commission published the results of a recent survey on the role of military forces in Indian country. On August 1, 1875, a questionnaire was sent

162 CIA, 1875, 19.
163 Ibid., 20.
164 BIC, 1875, 15.
to all Indian agents to determine whether a change in the relation of the military to the Indian service would "promote the efficiency and purity of the service." After a preliminary query about the proximity of military installations, the circular asked: first, if troops served a useful purpose; second, what the Indians thought of soldiers and what influence the latter had "in respect to morality, good order and progress in civilization" and third, whether it was feasible to replace the military with organized and properly administered Indian police.  

Indian authorities from forty-six regular or special agencies west of Minnesota responded to the questionnaire. On the question of the utility of the Army, the agents had mixed views. Six reported that troops were needed to protect government employees and agency Indians; seven thought them occasionally useful in maintaining discipline at the agencies; eleven considered soldiers only a salutary restraining influence; sixteen believed them ineffectual and four had no opinion. Answers to the questions concerning the Indians' reactions and soldiers' influence varied, to a degree, according to the proximity of Army posts. Officials at sixteen agencies within thirty-five miles of a garrison were generally of the opinion that troops were tolerated by the Indians,

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165 BIC, 1875, 64.

166 There were seven other replies from eastern agencies having little contact with the military.
were a bad moral influence and did nothing to promote the work of Indian civilization, although they helped to preserve order. Authorities at the agencies farther from military establishments agreed that soldiers degraded, rather than reformed, the Indians. But they believed the Indians too fearful of troops to live near them and had divided opinions about whether the military was conducive to law and order. Finally, a majority of the agents favored the use of Indian troops, although many were hesitant to begin the experiment at once. 167

These reports were convincing to the Board and others who opposed military control over Indian affairs. If soldiers were essential in so few places and had bad effects upon the Indians; if the Indians were approaching the stage where they could enforce law and order themselves, it would be a great injustice to place the Indian service under the War Department. But transfer advocates were gathering strength in Congress. The next four years were to be decisive in the debate over civil or military control.

167Ibid., 64-103. The agents included various off-hand comments about the military. The Santee Agent, for example, termed soldiers "the lowest and worst class of white men." (Ibid., 67-68). The Yankton agent said Fort Randall troops were "constantly in the habit of visiting Indian women for no good or moral purpose, disturbing the good order by coming on the reservation intoxicated, inducing them to drink, so retarding progress in civilization." (Ibid., 76). On the other hand, George P. Litchfield, the Alea agent, was complimentary toward General O. O. Howard's troops; the Klamath agent reported that his subjects enjoyed having soldiers around to buy their crude products and the Uintah agent expressed gratification at having troops nearby for "moral support." (Ibid., 98, 80, 83).
CHAPTER SEVEN

THE GREAT DEBATE: MARCH, 1876, TO MARCH, 1879

The work of civilization of the Indians has been greatly hindered by the agitation of this question by Congress as to transfer. If you are going to consign them to the sword, do it...but if you are going to follow up this tedious life-long work of elevating these poor creatures...let it be a settled policy...

(E. M. Kingsley, December 4, 1878)

The recurring debate over civil or military control of Indian affairs reached a climax in the period March, 1876, to March, 1879. Inasmuch as the "spirit" and "methods of enforcement" of the Indian service depended upon which branch was in control, the welfare of about a third of a million Indians was affected by this vital discussion.\(^1\) Earlier, various transfer proposals, based upon the House of Representatives' opposition to Senate treaty power, had been defeated in the upper house. In 1871 the controversial treaty-making process was discontinued, and during the next few years, under the peace policy of the Grant administration, the control issue was suppressed.\(^2\) But early in 1876 transfer advocates launched a final energetic campaign. For many months the great debate over Indian management was in doubt. Although the drive for military rule failed and had immediate negative

\(^1\) Priest, op. cit., 15.
\(^2\) See Chapter Six.
effects upon Indian progress, it ultimately benefited Indian relations by drawing public attention to the Indian problem. The present discussion takes note of, first, developments affecting civil-military relations in the period under consideration and, second, congressional reactions to the transfer question.

WARS, POLITICS AND COMPETITION FOR CONTROL

In the late Seventies the era of the great Indian wars reached a climactic finale. The Army had conflicts with bands of Apaches until 1886 and a last battle with more than a hundred Teton Sioux in 1890, but after the Sioux War of 1876-1877, the Nez Perce War of 1877 and the Bannock Outbreak of 1878 the danger of a general Indian war was over. These campaigns of 1876-1879 placed a great strain on War-Interior relations. Coinciding with the final strong movement to transfer the Indian Bureau to the War Department, they had a considerable influence upon the government's choice between civil or military Indian control.

Many aspects of the much-publicized Sioux War are common knowledge. The fighting began in March, 1876, when Maj. Gen. Joseph J. Reynolds, in sub-zero weather, inflicted heavy damage upon the village of Crazy Horse near the Powder River, in southeastern Montana. In the spring, columns under Generals Gibbon, Crook and Custer set out in pursuit of the Sioux in the Big Horn region, farther west. On June 17 Crook had a perilous engagement with an overwhelming force of warriors, but retired with most of his command. Eight days later, on June 25, the impetuous Custer made his famous "last stand" in the Battle of the Little Big Horn. He and his entire command, along with fifty-two men under Major Marcus Reno, were among the two hundred and sixty-five troops who died in the Army's greatest defeat at the hands of the Indians.

After this sensational defeat, the military waged a relentless campaign against the scattered hostile bands. In hard-fought battles during the following fall and winter, Generals Nelson A. Miles and R. S. Mackenzie imposed heavy losses upon Sioux and Northern Cheyenne encampments.

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4 Mari Sandoz, Crazy Horse, the Strange Man of the Oglalas (New York, 1942), 306-308; SW (P), 1876, 405.
5 Crook, op. cit., 193-196; SW (P), 406; Grinnell, op. cit., 328-344; Oliver Knight, Following the Indian Wars (Norman, 1953), 1959-193.
6 Grinnell, op. cit., 345-358; Stewart, op. cit., 431-463; Knight, op. cit., 193-219; SW (P), 1876, 406-411.
By the spring of 1877 most of the hostiles were out of supplies and ammunition and surrendered at the Sioux agencies. The hold-outs were quickly subdued, and thus another bloody and costly collision of the peace policy period was ended.

The Sioux War affected relations between the War and Interior departments in various ways. Transfer proponents heralded the initial fighting, recommended by both branches, as an open admission that the Indian Bureau's conciliatory measures were ineffectual. Subsequent military setbacks reinforced their determination to put the Army in charge of Indian affairs, but, after June, they postponed legislative action for the duration of the war. Military leaders were especially vociferous in demands for unlimited war and general authority over the Indians. The only satisfaction they received from Congress, however, was a temporary increase of Army strength for what was expected to be the last Indian war.

The war also led to a change in administration at the Sioux agencies. Shortly after Custer's defeat, military

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8SW (P), 1877, 301-302; Sen. Ex. Doc. No. 33, 45th Cong., 2 sess. (Serial 1780), 1878, 3. The Sioux War cost an estimated $3,405,339 and four hundred and eight military casualties.

9Priest, op. cit., 20.

10The Army appropriation bill of August 15, 1876, limited the Army's strength to twenty-five thousand, but a joint resolution authorized the President to increase this figure by twenty-five hundred. (Cameron to President Pro Tempore, Senate, July 27, 1876; Sherman to Sheridan, July 31, 1876, Div. Mo. L.R., Special File, NA, RG 98; Sheridan to Sherman, July 18, 1876, I.O.L.R., NA, RG 75; Atbearn, op. cit., 311.)
officers were put in charge of the agencies and served in this capacity at least until March, 1877. General Sheridan regarded this as a welcome, if belated, change. And when the Army administrators were later withdrawn, he complained that all their fine work had "gone for nothing."

Another result, as in previous wars, was a dispute over who had been responsible for the hostilities. Military spokesmen argued that civilian mismanagement was to blame. "Had our Centennial Commissioners offered the highest premium to the person who would invent the most speedy and effective Indian agent exterminator," a contributor to the Army and Navy Journal wrote, "they might have rendered the country an unspeakable benefit..." In addition, there was a popular outburst against the red men who had "massacred" Custer. Many, but not all, of the Indians' friends echoed this sentiment. "We admire the gallantry of General Custer and his men," one Indian apologist remarked, "...but who shall blame the Sioux for defending themselves...?" Finally, when Wendell Phillips,
a prominent Boston reformer, characterized Sherman and his men as assassins, the General demanded that this "infamous and unwarranted" assault be retracted. 15

Shortly after peace was restored with the Sioux, a war broke out in western Montana with the Nez Perce under Chief (Young) Joseph. This was, General Sherman later reported, "one of the most extraordinary Indian wars of which there is any record." 16

From June to October, 1877, Joseph's well-disciplined band of three to four hundred warriors fought several pitched battles in which they were at least a match for heavily-armed forces of from two to ten companies. 17

The Nez Perces, like the Modocs, had lived at peace for many years. A treaty which they signed in 1855 granted them a large reservation along the Snake River, east of the Blue Mountains. The Nez Perce loved this country, especially the Wallowa Valley, in northeastern Oregon. In 1863, however, some of the headmen signed a treaty by which the tribe was assigned to the smaller Lapwai Reservation in Idaho. Young Joseph and others who did not sign the second treaty stayed in the Wallowa region, where they had large herds of livestock


16 SW (P), 1877, 300.

and other property. But whites demanded their removal, and late in 1876 a government commission unsuccessfully tried to persuade them to go to Lapwai. The following May they were given a month's notice to move. Just as the time expired, some of the young braves began a murdering spree which drew the whole non-treaty band into a well-fought, but ultimately disastrous, war.

In eight or more engagements with the Army, Joseph's followers demonstrated such bravery, strategy and skill, while observing the rules of civilized warfare, that they earned the respect of military leaders. General Miles, who finally forced the Nez Perce's surrender in the Bear Paw Mountains, recommended a liberal settlement but the Indian Bureau decided that the Indians had too many enemies to remain in Idaho. Hence, more than four hundred Nez Perces were sent to Indian Territory. There, they were reduced by malaria and other diseases to two hundred and sixty-eight persons before being returned to the Northwest in 1884. The parallel with the

18Nez Perce occupation of Wallowa had been confirmed by Executive Order in 1873, but was withdrawn in 1875. See John A Carpenter, "General Howard and the Nez Perce'War of 1877," Pacific Northwest Quarterly, XLIX (October, 1958), 129-145.

19BIC, 1876, 43-65; CIA, 1877, 9-14; SW (P), 1877, 293-294.

20CIA, 1877, 13; SW (P), 1877, 294-300; Miles to Sherman, October 28, 1877, W. T. Sherman Papers, Vol. 46.

Modoc War was striking, and critics of the Indian Bureau viewed the Nez Perce affair as another case of civil maladministration. Before the Nez Perce crisis was settled, the government had further difficulties with the Bannocks in southeast Idaho. The Bannocks, a small and normally quiet mountain tribe, shared Fort Hall Reservation with the more populous Shoshones. In the summer of 1877, when supplies were short at their agency, many Bannocks left the reservation to hunt camas roots. One of them became intoxicated and killed two teamsters. Consequently, the military drove them back to Fort Hall, burned many of their lodges, and, that winter, executed the murderer and another Bannock who had killed an agency employee. Later, in January, 1878, when the red men grew threatening, troops invaded their camp, arrested several braves and seized many of their weapons and ponies.

Agitated by these events, two large war-parties left the reservation in June. Their outbreak, however, was quickly crushed. On the 23rd a cavalry detachment subdued one of the hostile groups not far from Fort Hall. Three weeks later, another force surprised the second party near Umatilla Agency,

23 CIA, 1878, XII-XIII.
24 CIA, 1878, XV.

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Oregon, and, after a brief battle, the renegades were surrounded and taken prisoner. Eighty Indians, thirty-one settlers and nine soldiers were killed in this "little war." Yet only the worst hostiles were punished, and, unlike the Nez Perces, the Bannocks were allowed to remain at their reservation.

Those who favored military control of the Indians, attributed the Bannock War to dereliction of duty and mismanagement by the Indian Office. When asked what caused the uprising, General Crook asserted, "Hunger. Nothing but hunger....We will continue to have these outbreaks...as long as the present system prevails." Commissioner of Indian Affairs Ezra A. Hayt objected to this criticism. "I now desire to place the responsibility where it belongs," he told Secretary Schurz. "The Department has been powerless to afford...adequate relief, because of insufficient appropriations, and with the meager appropriations for the next fiscal year...no better results may be expected." But armed conflicts with the Sioux, Nez Perces, Bannocks and other tribes accounted for only part of the growing civil-military debate of the late Seventies. Political developments

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25 Ganoe, op. cit., 349; Downey, op. cit., 231-232; For a more complete discussion see George F. Brimlow, The Bannock Indian War of 1878 (Caldwell, Idaho, 1948).

26 Downey, op. cit., 232. The war cost the government about half a million dollars.

27 A&N Jnl., XVI (August 10, 1878), 5.

were also central to this discussion. From 1875 to 1879, while Grant and Hayes occupied the White House and Republicans controlled the Senate, the Democrats had a majority in the House of Representatives.\textsuperscript{29} The Democrats on several occasions sought to transfer the Indian Bureau to the War Department to embarrass their rivals, who generally defended the civil-administered peace policy. As late as October, 1879, a western paper reported "...Democrats have always held that the only good Indian is a dead one. They have never tolerated the hypocrisy that underlies the Quaker policy which came into vogue with the ascendancy of the Republican party."\textsuperscript{30} This was an exaggeration, but certain Democrats were so dispassionate toward Indian welfare as to urge transfer as a political "duty," or means of saving money for pork-barrel legislation.\textsuperscript{31}

Another political event which affected the transfer question was the Belknap scandal of 1876. Early in March a House investigating committee revealed that Secretary of War

\begin{center}
\begin{tabular}{|c|c|c|c|c|}
\hline
Year & House & Senate & House & Senate \\
\hline
1875-1877 & 169 & 109 & 29 & 45 \\
1877-1879 & 153 & 140 & 36 & 39 \\
1879-1881 & 149 & 130 & 42 & 33 \\
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\end{tabular}
\end{center}

\textsuperscript{29}Democratic and Republican representation in Congress for these years was as follows:

\textsuperscript{30}Denver Daily Rocky Mountain News (October 3, 1879). President Hayes proposed to carry on the Indian policy established during Grant's administration. (Richardson, Messages, VII, 475-476).

\textsuperscript{31}Congressional Record, 44th Cong., 1 sess., IV, 2617, 2630.
William W. Belknap and his deceased wife had accepted about twenty-five thousand dollars in bribes from Caleb P. Marsh, the nominal Indian trader at Fort Sill, Indian Territory. Belknap quickly resigned, but the House voted to impeach him. The trial was begun in April and lasted until late in May, when the Senate voted to acquit the former Secretary by a narrow (impeachment) vote of 37 to 23. Belknap escaped conviction primarily because he was not in office when the House passed the impeachment resolutions.\(^3\) 

As a result of the Belknap affair, the House Committee on Expenditures conducted a general investigation of the business transactions of the War Department. The three Democrats on the four-member committee attacked the "brokers of post-traderships" in the military branch. Among other things, they reported "mortifying" evidence that President Grant's brother, Orville, was part of a clique which monopolized trade at forts on the Upper Missouri. Representative Lorenzo Danford of Ohio, a Republican, submitted a minority report. He insisted that the War Department's business methods were not irregular and scolded the rest of the committee for trying to make "political capital" for the coming election.\(^3\) 

Still another important political event was the

\(^{32}\) HR Rpt. No. 186, 44th Cong., 1 sess. (Serial 1708), 1876; HR Rpt. No. 345, 44th Cong., 1 sess. (Serial 1709), 1876; HR Rpt. No. 791, 44th Cong., 1 sess. (Serial 1713), 1876; See also Chapter Two.

\(^{33}\) HR Rpt. No. 799, 44th Cong., 1 sess (Serial 1715), 1876, IV-IX, XX, XXIV, 5-276.
appointment, in 1877, of Carl Schurz as Secretary of the Interior. Schurz, assisted by Indian Commissioner E. A. Hayt, adopted many "sensational" reforms which in the long run dulled criticism of the methods and integrity of the Indian service. By November, 1878, Hayt was able to list twenty recent improvements in the Indian Bureau's business transactions. Efforts were also made to systematize the work of agency employees and encourage constructive labor by their wards. Lastly, Secretary Schurz took an active personal interest in Indian education and the use of Indian police.

Agitated by wars and political circumstances, the question of Indian administration was further complicated by a number of incidents and personal feuds. One affair which brought criticism upon Secretary Schurz and the Indian Bureau was the removal of the peaceable Poncas to Indian Territory in 1877. Both the Indians' friends and enemies complained that this action was an unwarranted concession to the warlike Sioux. Inadvertently, both the Poncas and the more numerous, powerful Sioux had been granted the same land in southeastern Dakota. The former had prior claim, but the latter threatened

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34 CIA, 1878, LXV-LXVI; Priest, op. cit., 22, 68-72. See also Chapter Two, above.

35 Indian Bureau Circular Book No. 1, NA, RG 75. A reform which was protested by some agents was a rule that only one member of a family could be on the agency payrolls. For one agent's defense of nepotism, see Benjamin Tatham to E. A. Hayt, March 5, 1878, I.O.L.R., NA, RG 75.

36 These subjects are discussed further in the next chapter.
to fight for the disputed region. To avoid war, the Indian authorities forced the Poncas to make a tragic exodus to the South. Schurz later admitted that the Poncas had been wronged, but, for months, he and his subordinates were reproached for their ill-considered action. 37

While the civil administrators were embarrassed by the Ponca affair, the Army was censured for another notorious incident involving a band of Northern Cheyennes. Early in January, 1879, sixty-four Cheyenne prisoners were killed trying to escape from Fort Robinson, Nebraska. The victims were followers of Dull Knife who had fought their way from Indian Territory to northern Nebraska in the fall of 1878, hoping to rejoin their old friends, the Sioux. 38 About one hundred and fifty men, women and children were captured near old Red Cloud Agency and held at Fort Robinson. At the time of the attempted escape, the Army was trying to force them to agree to return to Indian Territory by withholding food, water and fuel. During a later investigation, Indian officials condemned this mistreatment. "I think," said Secretary Schurz, "that freezing and starving them was not the way to reconcile them

37 A summary of the Ponca dispute is found in Priest, op. cit., 76-80; CIA, 1877, 21-23, 96-102. Newspaper comments appear in the August V. Kautz and Carl Schurz scrapbooks, Manuscripts Division, Library of Congress.

38 CIA, 1878, XXII-XXIV. The Northern Cheyennes had been moved from northern Nebraska to Cheyenne and Arapaho Agency in the fall of 1876. Disgruntled with this location and the treatment they received, Dull Knife's band began their northward dash in September, 1878. Before they were captured, in October, they killed many whites and committed other crimes. (Grinnell, op. cit., 414-416.)
Agreement about the comparative advantages of civil or military administration was also evident in a number of personal disputes. In February, 1878, for example, Commissioner Hayt supported the Governor of Arizona in a successful campaign to remove Maj. Gen. August V. Kautz from command of the Department of Arizona. Kautz had not endeared himself to the Indian Bureau through his attacks upon the peace policy and demands for military control of the Indians. Other heated arguments pitted Commissioner Hayt against Lt. Col. W. P. Carlin, commander of the garrison at Standing Rock, and Secretary Schurz against Maj. Gen. Nelson A. Miles, commander of the District of the Yellowstone.

Perhaps the liveliest controversy, however, was between Schurz and General Sheridan. The feud began in the fall of 1878, when General Pope told Agent P. B. Hunt of the Kiowa and

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39 Sen. Misc. Doc. No. 64, 45th Cong., 3 sess. (Serial 1833), 1879, 177. The military investigation was less critical. See Div. Mo. L.R., Special File, Proceedings of the Board of Officers convened under Special Orders No. 8, Headquarters of the Department of the Platte, January 21, 1879, NA, RG 98.

40 SW, 1877, 140-147; E. A. Hayt to the Secretary of Interior, February 15, 1878, I.O.R.R., NA, RG 75; August V. Kautz Papers, Scrapbook, 1875-1886.


42 Miles to Acting A.G., Dept. of Dakota, November 11, 1878, D.I.L.R., War Dept., Indian Division; Schurz to Miles, December 26, 1878, I.O.L.R., NA, RG 75. See also A&N Jnl., SVI (December 14, 1878), 305.
Comanche Agency that his men were too busy to help move the agent's subjects from Fort Sill to Wichita Agency. This relocation was undoubtedly calculated to "cheat and defraud the Indians by avoiding the presence of officers," Sheridan asserted in an endorsement. On October 7, Schurz retorted that the move was based on the bad water, poor land and delapidated facilities at Fort Sill. The Indian Bureau, he added, did not have to accommodate itself to the opinions of officers in an "adjunct" service. "It would furthermore be well for the Lt. Gen. to understand," the Secretary admonished, "that...to indulge in approbrious reflection upon...[the Indian officials'] motives, is an act of impropriety, so gross, that it cannot pass without a corresponding rebuke among gentlemen...."

Some time later Sheridan issued a blistering rebuttal. In recent years, he argued, such posts as Fort Randall, Camp Robinson, Fort Sully, Fort Berthold and the camps at Grand River and Lower Brule Agency had been built at great expense to convenience the Indian Bureau. In each case, the Indians were soon removed and then appeals were made for new garrisons. Now excuses were being offered to get the Indians away from Fort Sill. Anyone who had been there knew that pure water, rich soil and other natural advantages made Fort Sill a good agency site. The buildings were not much worse than at

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43 Quoted in Schurz to Secretary of War, October 7, 1878, D.I.L.S., Indian Miscellaneous, NA, RG 75.
44 Ibid., 91-92.
Wichita, where transportation costs were much higher. If Schurz would check into the administration of the Kiowa and Comanche agent, he would learn the truth about the removal scheme. The only explanation for the Secretary's criticism, Sheridan concluded, was "want of knowledge on the subject," and that did not excuse the "stilled tone and language used."^45

The dispute continued. On November 16 Secretary Schurz asked Secretary of War McCrary to have Sheridan spell out the "sweeping and somewhat vague" charges he made against the Indian Bureau in his annual report for 1878. "I do not deprecate criticism at all," Schurz remarked, "I rather invite it."^46

Sheridan reacted to this challenge by asking his subordinates for full reports relative to abuses or corruption on the part of Indian agents.^47 On December 22, he published a supplemental annual report containing briefs and extracts from civil and military reports for the past four years. These reports mentioned many irregularities, particularly in the delivery and distribution of supplies. Although Schurz had "disingenuously" exaggerated his original statements, Sheridan


^46 Schurz to Secretary of War, November 16, 1878, D.I.L.S., Indian Miscellaneous, NA, RG 75.

^47 See, for example, Sheridan to General Terry, November 25, 1878, Sheridan Letter Book General Correspondence.
asserted, the facts now spoke for themselves.\textsuperscript{48}

In the final analysis, though, Sheridan came out second best in this contest with Secretary Schurz. With the press giving wide coverage to the acrimonious comments on both sides, Sheridan presented arguments based largely upon hearsay and circumstantial evidence.\textsuperscript{49} Moreover, he and many other military leaders admitted that the Indian Office was making diligent efforts to correct the abuses which came to its attention.\textsuperscript{50}

Inter-departmental differences on the question of which department was best suited to manage the Indians were likewise evident at the lower echelons. One of the more spirited arguments in behalf of civil Indian control, for example, was made by Agent James McLaughlin of Devil's Lake Agency, Dakota. McLaughlin was so opposed to "mixed military interference" that he advocated abolition of the "humiliating" policy of having military officers witness the distribution of Indian supplies.\textsuperscript{51} At the same time, a contrary view was freely expressed by junior Army officers.\textsuperscript{52} When one young lieutenant sent the Secretary of War recommendations on Indian reform


\footnotesize{\textsuperscript{49}Ibid.; Priest, op. cit., 22.}

\footnotesize{\textsuperscript{50}"Supplemental Report," D.I.L.S., Indian Division, passim.; Schurz and Kautz Scrapbooks.}

\footnotesize{\textsuperscript{51}CIA, 1878, 28-30.}

which sounded too much like Indian Bureau talk, though, his superiors hastened to correct him.\textsuperscript{53}

Finally, before turning to congressional debate over proposals to put the Army in charge of Indian affairs, a comment is in order concerning public opinion on Indian administration. An article on transfer in \textit{The Nation} included the following observation:

If there can be said to be any public opinion in the civilized portions of the country on the Indian question (there is, of course, plenty of opinion of a certain sort on the frontier), it may be described on the one hand as regarding the Indian with a spirit of philanthropic benevolence, on the other as looking upon the system of government applied to him with profound distrust.\textsuperscript{54}

In general, westerners supported military rule, while a majority of easterners opposed it. But, as one scholar states, public opinion was "far from steady."\textsuperscript{55} Some of the leading Indian friends, for example, vacillated in their objection to Army control as hostilities recurred. Moreover, political and religious affiliations caused some variation in popular sentiment in different parts of the country.

Public pressure for and against military control was brought to bear upon Congress through informal lobbying, petitions, private correspondence, editorials and publications such as the pro-transfer \textit{Army and Navy Journal} and anti-

\textsuperscript{53} Lt. William Gerlach to Secretary of War, September 8, 1878, with endorsements, AGO L.R., NA, RG 95.

\textsuperscript{54} \textit{The Nation}, XXVIII (December 28, 1878), 7-8.

\textsuperscript{55} Priest, op. cit., 23.
transfer Council Fire. The legislators' decisions were too partisan to warrant the conclusion that public opinion per se decided which department was to manage the Indians. But for militant opposition to transfer by religious and philanthropic groups, though, western proponents of the administrative change might have won enough support in the East to achieve their objective.

THE TRANSFER ISSUE IN CONGRESS

The events of the period from the outbreak of the Sioux War until early 1879 excited widespread discussion of the problem of Indian administration. Vying for authority over the tribes, civil and military officials frequently engaged in bitter arguments. The main event in this debate, however, took place in the congressional arena. In 1876 and 1878-1879, after extensive investigations and hearings, legislators introduced various measures to establish Army control. The outcome of the accompanying debates was of vital importance to federal Indian relations.

Early in 1876, the House Committee on Military Affairs, in conjunction with a study of military pay and reorganization, investigated the propriety of transferring the Indian Office to the War Department. The Committee, headed by Representa-

56 Efforts of a church group to "educate" Congress against transfer are discussed in E. A. Hayt to Reverend S. S. Cutting, June 11, 1878, I.O.L.B. No. 148, Misc. See also Priest, op. cit., 26-26.

57 Priest, op. cit., 24.
tive Henry B. Banning of Ohio, consulted seventy high-ranking Army officers through a circular-letter and personal interviews. Of this group, said to have greater knowledge of Indian affairs than any class of men, all but two advocated military control.\(^5^8\)

General-in-Chief Sherman key-noted the arguments of these military leaders. Transfer, he contended, would produce greater economy and efficiency in the Indian service. The Army, already dispersed throughout the Indian country, could manage the Indians through its existing machinery and chain of command. Quartermaster and commissary facilities were available to handle supplies and annuities, and post commanders were in a position to serve as agents. This would not interrupt the civilization program, but allow the government to "execute any line of policy it may deem wise and proper..." For instance, officers could compel non-progressive tribes to raise stock or engage in other pursuits, whereas civil agents yielded to their obstinace. At the same time, military administrators would not provoke hostilities, as some feared, because they, more than civilians, realized that war brought hazards, hardships and no glory.\(^5^9\)

An even more comprehensive and forceful case was presented by General Sheridan. The proposed change, he asserted,

\(^{5^8}\)HR Rpt. No. 354, 41st Cong., 1 sess. (Serial 1709), 1876, 4-5. The committee's report erroneously states that sixty officers expressed opinions.

\(^{5^9}\)Ibid., 8-9.
would relieve the Army of "great expense and much annoyance." Fewer posts would be required; Indian wars and conflicts between military commanders and agents would cease; the Indians would be better supplied and gratified to deal with persons who did not break promises; the civilization process would be accelerated; the government would receive full measure for funds disbursed by men liable to court-martial and in other ways the nation and its wards would benefit. Of special advantage would be the discontinuance of agency removals which increased transportation costs and required the Army to construct expensive new garrisons. The one objection to transfer was the criticism which the military was apt to incur through the false reports of rings and disappointed profiteers. To minimize this problem, it might be advisable to eliminate the Indian Bureau entirely and give the War Department discretion to delegate responsibilities to regional commanders. 60

Among the officers questioned were four who had served on important peace commissions, including Maj. Gen. C. C. Augur, Maj. Gen. A. H. Terry and former general John B. Sanborn of the Peace Commission of 1867-1868, and Maj. Gen. O. C. Howard, who had negotiated with the Apaches in 1872 and Nez Perce in 1876. The first three advocated transfer. 61

60 Ibid., 10-17. General Sheridan estimated that posts established for the protection of agencies cost from twenty to forty thousand dollars each and that about three and a half million could be saved annually by the Quartermaster Department if the transfer was made.

61 Ibid., 37, 48, 211-212.
Sanborn, for example, stressed that Army administration would end the "constant change and vacillation" which now bewildered the Indians and deterred their advancement. In addition, the military would be in a position to prevent wars, thus saving the government up to eleven or twelve million a year in supplies and other expenses connected with field operations. But General Howard opposed military control for two reasons. First, it would divert the Army from its "legitimate work," and second, it would bring public denunciation which would injure the reputation and morale of troops.

Another officer who supported Army rule was Maj. Gen. E.O.C. Ord, commander of the Department of Texas and veteran of several Indian campaigns. Nearly all Indian conflicts, Ord maintained, could be traced to civil mismanagement. The Modoc War, for instance, was begun by greedy frontiersmen and authorities who misjudged the needs and disposition of their wards. The red men had good reason to distrust civilian agents. Red Cloud once declared, "Here these [agency] men tell us this, that, and the other, that we don't get our rations because the roads are bad. But the soldiers get their rations." Moreover, Indians respected force "first, last, and all the time." There were citizens who feared, however, that military rule would increase immoral relations between

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62 Ibid., 212, 214.
63 Ibid., 40.
64 Ibid., 41.

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troops and Indian women. This was nothing but speculation which failed to take into account the Indians' diverse character and standards. "There is as much difference in the morality and good conduct of Indians," Ord affirmed, "...as there is among the different nations of Europe."65

Finally, some of the most censorious remarks about civil control were made by Maj. Gen. D. S. Stanley, commander of Middle District of Dakota. The Indian Bureau not only failed to civilize many Indians, said Stanley, but condoned appalling corruption at the agencies. It was clear to him, after observing tribes throughout the West for twenty years, that each group had at least a few who would not progress unless they underwent compulsory training. The Sioux, except the Santees and Yanktons, were particularly backward. "They have not advanced one inch," he insisted. Of the cheating which pervaded the Indian service, Stanley testified:

...I have seen agents and contractors get rich very fast, and I knew exactly how it was done. There is very little strict accountability on the part of the Indian agent....He receives a certain amount of goods and provisions himself; he has no commanding officer, he has no board of survey as the Army regulations require; he simply receipts for those goods; he is not always responsible for the quality, but he is strictly for the quantity. The issues are made, throughout the whole Indian-agent system, at random. The only thing the agent has to look to is to keep his papers clear...66

65Ibid., 113. General Ord argued that the Pimas, Maricopas and Pueblos were very strict and wholesome in their morals, while the Pi-Utes, for example, were "pretty degraded" and sold their women like Tahitians or Sandwich Islanders.

66Ibid., 206. Stanley cited the case of cattle receipts based on fall weights and numbers despite the fact that deliveries were made over a period of months and many animals died or lost weight.
Upon the basis of these and other arguments, the House Military Committee, in its report of March 9, urged transfer of the Indian Bureau to the military department. Even civil authorities, the Committee contended, were becoming aware of the ineffectuality of the present system. Past wars, expenses, frauds and maladministration attested to the need for a change. With the War Department in command, this important branch of the public service would again be "honestly, economically, and firmly administered and executed."67

While the Military Committee was occupied with its investigation, the House Committee on Indian Affairs was likewise considering the transfer proposition. The eleven-member committee announced its findings five days after the other legislative group. Six members signed a report recommending military control; the others submitted a negative statement in which they raised several objections to the proposed administrative change.68

The majority report stated that attention had been given to the relative merits of the War and Interior departments respecting cost of management, promptness and efficiency, maintenance of peace, protection of life and property, ability to fulfill the reservation and feeding programs and, lastly, conduciveness to Christianization, civilization and education. The decision for Army control was based on the testimony and

67 Ibid., 6.
68 HR Rpt. No. 240, 44th Cong., 1 sess. (Serial 1708), 1876, 47.
statements of "distinguished, well-informed, and experienced gentlemen" -- mostly western congressmen and territorial delegates. Nineteen of the twenty-six persons questioned supported transfer.

Most of the testimony for, as against, military rule was based upon Indian conditions within the witnesses' political districts. Representative John K. Luttrell of California asserted that church-nominated agents, talented as teachers and preachers, lacked the business sense properly to administer the thousands of dollars entrusted to them. In fact, such men abused the Shasta Indians and misrepresented the progress of the Klamaths and Modocs. To make matters worse, many of the appointees were Protestants, whereas their subjects espoused the Catholic faith.

Representative James W. Throckmorton of Texas complained that wild Indians had been raiding settlements in his state since annexation. Transfer would enable the Army to prevent the Comanches and Arapahoes from using the Fort Sill Reservation as a base of operations. Of course, these savages, used to butchering teamsters, ravishing women and stealing

69 Ibid., 1.
70 Ibid., 2-40. Three of these people also presented views to the Military Committee.
71 Luttrell offered in evidence a letter from an informant at Round Valley Agency who alleged that the agent, a Methodist minister, was incompetent and devoted much of his time to alienating the affections of a parishioner's wife. (Ibid., 204).
property almost at will, would not appreciate the change. "They think they can manage the preachers pretty well," Throckmorton stated sarcastically, "and their lying and deception succeeds better with them than with the military."  

A third transfer proponent was Delegate Thomas M. Patterson of Colorado Territory who pronounced the Interior Department's efforts to reform the Utes a "great failure." This tribe was constantly making war on other tribes. Those at Los Pinos Agency worked diligently on powder-horns and guns, but refused to spend three hours a day as apprentices to the agency blacksmith. On the other hand, the Indians had reason to be uncooperative. When they were promised "American cows...for domestic use," the Indian Bureau furnished wild Texas cows which could not be milked unless they were tied down. At least "ninety-nine out of a hundred" people in Colorado, Patterson contended, wanted military rule and subjection of the Indians.  

Two of the more outspoken transfer opponents were Major J. W. Powell, who had conducted an extensive study of Indian tribes for the Smithsonian Institution, and Anson Dart, former Superintendent of Indian Affairs for four northwest territories. Powell objected to military supervision primarily because enlisted men were a bad influence upon the red men and unsuitable teachers. It was shocking, but true, he

\[72\text{Ibid.}, 5-6.\]
\[73\text{Ibid.}, 16-17.\]
asserted, that recruits from New York, New Orleans and other cities created a "pandemonium of prostitution" when they got near the reservations. Dart argued that military administrators would precipitate more hostilities than they would prevent. He was convinced that Army "indiscretion" had led to wars in Oregon in 1854 and 1855 in which over two hundred "innocent" Indians had been killed.

Such sentiments were also reflected in the Indian Committee's minority report. The dissenters' reasons for rejecting War Department authority over Indian affairs included: the divergence between military training and educational, religious and agricultural work; prior recommendations by the Doolittle Committee of 1865-1867 and Peace Commission of 1867-1868; a law against employment of retired military officers as agents; the increased expense of supplies purchased according to Army requirements for "superior grade" goods; a large, growing number of peaceable and progressive red men; the Indians' tendency to resist force; and the principle that military government was justified only in case of emergency.

Closing on an emotional note, the Army's critics admonished:

74. Ibid., 7-8. Powell said he had personally treated "hundreds and hundreds" of cases of venereal disease among various tribes. For a discussion of Powell's role in western exploration, see Wallace E. Stegner, Beyond the Hundredth Meridian: John Wesley Powell and the Second Opening of the West (Boston, 1954).

75. Ibid., 32-33.

76. Ibid., 41-46. Refusing to concede that civil officials caused Indian wars, the minority charged that the notorious Modoc War stemmed from the mismanagement of Captain O.C. Knapp, who served as temporary Modoc agent in 1869-1870.
Divorce the Bureau from the Interior Department, if you choose; but don't in the name of humanity, turn it over again to the War Department. Don't do this cruel and terrible thing, but elevate the Bureau to a Department. Emancipate it. Lift it up and place its occupant on a level with the President's counselors, and you will exalt the service.\(^7\)

Despite this plea, both the military and Indian committees were on record as advocating transfer. As might be expected, the lower house, on April 21, passed a bill to implement the committee's recommendations. But the vote, 130 to 94, did not really indicate that most legislators were concerned about the well-being of the Indians.\(^8\) In 1867 and 1868 the House approved similar bills to contest the Senate's treaty power over Indian affairs.\(^9\) Once more the issue was decided other than on its merits, as partisan politics was decisive. Most of the congressmen who supported the measure were Democrats; most who opposed it were Republicans. For that matter, the committees had shown political bias. The military Committee, apart from its orientation and the military background of most of its members, was composed entirely of Democrats.\(^8\) The split in the larger Indian Committee was strictly along party lines: six Democrats favored transfer.

\(^7\)Ibid., 47.
\(^8\)Cong. Record, 44th Cong., 1 sess., IV, 2868.
\(^9\)See Chapter Three.

*All but two of the committee men had served as Union volunteer or Confederate officers. Significantly, none of these transfer proponents were westerners.* (Biographical Directory of the American Congress, 1774-1949 (Washington, 1950), passim).
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Judging from the debate, however, transfer was anything but a straw issue. This question, basic to the controversial Indian problem and relevant to current operations against the Sioux and the impeachment trial of Secretary of War Belknap, inspired one of the most heated, polemical arguments in the history of Congress. Many speeches, pro and con, were histrionic, spiced with bitter sarcasm, personal ridicule and brilliant oratory; others were simply long-winded, extended by citations from the works of noted poets and philosophers or detailed, contradictory reports.

The disputed bill was introduced on March 11 by Representative William A. Sparks of the Committee on Indian Affairs, but was not discussed at length until April, when it dominated the legislative scene for several days. On April 5, after Sparks extolled the merits of his proposal, the opposition called upon one of its few Democratic supporters, the eloquent Samuel S. Cox of New York. Prefacing his remarks with portions of Hiawatha and Paradise Lost, Cox exclaimed, “If the present system is hell and the Indian himself is hell and the lowest deep is in the Interior Department, where is the lower deep, lower even than the lowest, threatening to devour him, unless

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81 Neither Army experience nor state origins were decisive in the Indian Committee's vote, for former officers voted both ways and the two westerners were divided. (Ibid.).

82 Cong. Globe, 41st Cong., 1 sess., IV, 1701, There was a vigorous dispute over whether the Military or Indian committee should have “precedence” in introducing the bill. (Ibid., 1701-1705).
it be found in the War Department? A It was time to stop treating the red man with "whisky and trinkets, geegaws and cards," to accept him as other than a "sort of chimpanzee or dropped stitch in the garment of humanity," as represented by selfish frontiersmen. A The Indian Bureau must not be "captured" by the War Department, "honeycombed with fraud," and the military arm, tainted by the Sand Creek, Washita and Piegan affairs. Concluding that enlightened civil control was the only hope for the aborigines, Cox asserted:

...if mankind is destined to make this world better for living in it -- then let the very forests and plains of our land, where the Indian roams, echo the glad tidings of great joy which ushered into our fallen star with angelic anthems the Prince of Peace himself, by whom the beatitudes were so gloriously promised to the peace-makers!

One of the first speakers to deprecate Cox's roseate view of the Indians and Indian affairs was Representative Philip Cook of Georgia. Cook cited voluminous reports showing that the Indian service was impregnated with fraud and that various tribes were not making appreciable progress toward civilized life. The Sioux, for instance, did "absolutely nothing but eat, drink, smoke, and sleep, except indulging each day in the healthful exercise of horseback riding...."
Interior control was not only corrupt and inefficient, but expensive, costing several times as much as it did earlier under the War Department. Any legislator with a realistic view of government-Indian relations would have to support the proposed change. 88

On April 18 transfer was championed by Representative Charles E. Hooker of Mississippi, who demonstrated that Cox had no monopoly on prosaic oratory. Maintaining that military control would preserve both the red race and the American heritage, Hooker won the applause of the House for these remarks:

"Everywhere all over our land, from the ice-ribbed region of the north to where the fabled murmurings of our own Biloxi break in perpetual ripple upon the shelving and sloping coast of Mississippi; everywhere over the broad land...we hear the euphonious names which the Indian language has given...from where the spray of Niagara catches the first beam of the morning sun to where his last parting ray glosses itself upon the broad bosom of the Pacific, breaking in eternal tidal flow against the golden gates of California...his name and character...is indissolubly mingled with the history of our own Caucasian race, and will remain so while the Indian-named rivers shall flow to the ocean, and while the Indian-named mountains shall lift their granite peaks to the skies." 89

In striking contrast to Hooker's soothing eulogy were the scathing comments made by the next transfer advocate, Representative Banning of Ohio. Banning focused his attack upon Cox. Let the man who recently "brandished his tomahawk

88 Ibid., 2464-2466. To counter the thesis that the Army was bent on exterminating the Indians, Cook also observed that in 1875 red men killed more whites and more fellow tribesmen than the Army killed Indians.

89 Ibid., 2574.
in our faces...put this in his pipe and smoke it," he declared. It cost over six million dollars more to manage the Indian Bureau in 1875 than in 1848. Also, there was evidence to show that nine-tenths of the half-breed Indians' children were the offspring of civilian agents and traders. "And if Tammany is not satisfied with this unprovoked and unjust attack of her scalping-chief upon our Army and defense of the Interior management of the Indians," continued Banning, "... then let Tammany send for Red Cloud, Black Kettle, or Sitting Bull, to come and take the honorable gentleman's place."  

The stormy debate continued in much the same polemic vein until the bill was passed on the 21st.  

Four days later the measure was referred to the Senate. There, as on previous occasions, the transfer proposal was pigeon-holed by the Republican-controlled Committee on Indian Affairs. On June 21, when the Indian appropriation bill was under consideration in the Senate, transfer opponents shrewdly introduced the transfer bill as an amendment. Legislation by amendment was not popular in the Senate. But this stratagem nearly backfired, for the vote to table the amendment carried by a margin of only 25 to 22. That same day the proposal was reported

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90Ibid., 2574.
91Ibid., 2618, 2661.
92Ibid., 2728.
93Cong. Record, 41st Cong., 1 sess., IV, 3963-3964.

Three western Republicans voted with the Democrats who favored the amendment.
back to the House and further consideration was postponed. 94

This in effect ended the first legislative surge for transfer in the period 1876-1879. As much as they hoped for the change in Indian administration, at least some Army leaders foresaw this result. General Sherman, for example, expected no effective action until after the presidential election of 1876. "...our interest is to simply offer to undertake the work," he told General Sheridan in May, "but if the Christians want the patronage let them have it."95

Democratic spokesmen sought to make an issue of the bill's defeat. In August, when the overdue Indian appropriation bill was up before the House, Representative William M. Springer of Illinois complained of the Senate's persistent opposition to Army control. "For the failure of this important measure the Senate is alone responsible," he contended, "and the Republican majority of that body have assumed this responsibility....The people will understand this fact and will not fail to hold their public servants to a strict accountability...."96 Indian administration, however, was not a major issue in the ensuing election. Moreover, the results were of little or no advantage to the Democrats: a slight gain was made in the Senate, but the Republicans gained ground in the House and retained control of the executive branch.

94 Ibid., 394.

95 Sherman to Sheridan, May 22, 1876, Sheridan Autograph Letters, Vol. I.

96 Cong. Rec. 44th Cong., 1 sess., IV, 5602.
The next phase of the transfer movement came after the Sioux and Nez Perce had been defeated. On February 25, 1878, nine members of the House Committee on Indian Affairs, including two Republicans, published a report advocating Army administration of the Indians. This group, headed by Chairman Alfred M. Scales of North Carolina, argued that the expenditure of millions and the diligent efforts by many conscientious missionaries, teachers and church-appointed agents had not achieved expected results. "The savages of thirty years ago," they reported, "are savages still." The government seemed to be faced with the choice of transferring the War Department to the Indian Bureau or the reverse, and no one proposed the former. Military control should purify the Indian service, save up to a million dollars a year and end the recurrent Indian wars.

A minority report was submitted by Representatives N. H. Van Vorhes of Ohio and J. H. Stewart of Minnesota. This proposition had been defeated several times in the past, they noted, and there was no reason why the government should change its mind now. To prove their point about the constancy of the transfer question, they published the minority report of

98Ibid., 3.
99The majority anticipated savings in agents' salaries, advertising, transportation, purchases and so forth. They also contrasted the government's Indian expenses before and after 1849, showing that costs had more than doubled in the latter period. (Ibid., 4-9).
Taking its cue from the Indian Committee, the House Military Committee on May 28 introduced a transfer amendment to the Army appropriations bill for 1879. The amendment, which provided for Army rule over the Indians after January 1, 1879, was agreed upon by a vote of 130 to 115. But in the Senate even those who favored the change questioned the amendment. Senator Thomas F. Bayard of Rhode Island termed it a "crude, hasty, ill-examined proposition," suggesting the need for careful study by a joint commission. Eventually this plan was adopted, but not until after the supporters and opponents of civil control had engaged in another vigorous, protracted argument.

Most vociferous in defense of the present system was Senator William Windom of Minnesota. The House measure, Windom asserted, practically put the Secretary of War in charge of the Interior Department. Besides, transfer could not possibly improve the Indian service. Contractors and agents were now bonded, whereas such security would not be required if some "young and inexperienced" lieutenant were appointed as an Indian agent. In fact, rumors now had it that the Indian "rings" hoped for military administration so that they could evade new, stringent Indian Bureau regulations. Furthermore,

100 Ibid., 13-20.
101 Cong. Record, 45th Cong., 2 sess., VII, 3876.
102 Ibid., 4193.
the vital work of civilizing and Christianizing the red men would be set back years by military officials, who were inclined to return to the "old war system." 103

A contrary view was presented by Senator Richard Coke of Texas. The experiment of appointing church-nominated agents, Coke insisted, was a fiasco. Instead of elevating the Indians, it dragged the agents down to the Indians' level. Civil management was a "grotesque compound of sentimental and religious enthusiasm intensified by soft places, fat salaries, and rich perquisites, with a villainous amount of fraud and peculation." 104 According to the latest figures, more than thirty-eight hundred persons were employed by the Indian Bureau. These parasites defended the peace policy for selfish reasons, while perpetuating romantic notions about the red man. Disparagingly, Coke remarked:

Speeches full of lofty eloquence, which the Indian, so far from making, cannot in the smallest degree comprehend, are ascribed to him and published through the country. Novelists and poets, captivated with the theme, have made him the hero of thrilling romance and inspiring song. Religious societies, Young Men's Christian Associations, and humanitarian theorists have bewailed the wrongs of the poor Indian, and with the best intentions, have brought their influences to the dissemination of morbidly sentimental ideas of Indian character. The public mind has been impressed and national legislation molded through these agencies until the interests of the white man have been lost sight of in an extreme solicitude to care tenderly for the Indians. 105

103 Ibid., 4195-4196.
104 Cong. Record, 45th Cong., 2 sess., VII, 4237.
105 Ibid.
Too few people realized, he continued, that, considering the Indians' extensive land holdings, trust funds and federal support, they were among the richest people in the world and paid no taxes!  

Further arguments were deferred by Congress' decision to appoint a joint commission, consisting of five Representatives and three Senators, to examine the transfer issue. The commission, headed by Senator Alvin Saunders of Nebraska, spent two months in the West in the fall of 1878. They studied conditions at various agencies and interviewed military officers, Indian officials, Indians and frontiersmen, gathering more than four hundred printed pages of testimony.

A number of key witnesses recommended transfer. General Sherman was again in the forefront of this group. Secretary Schurz and his subordinates had "labored hard" for honest administration, Sherman acknowledged. There was nothing personal in this civil-military dispute, but one of the two "antagonistic systems" must yield. Recent Indian difficulties had shown that civil government was ineffectual.

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106 Ibid. Senator Coke calculated that, at five persons per family, the Indians had about twenty-seven hundred and forty acres per household. Further, the interest on Indian trust funds alone amounted to almost seven hundred thousand dollars a year.


Military administration promised to prevent a repetition of these troubles and expedite Indian reform at a lower cost to taxpayers.¹⁰⁹ A particular benefit would be the elimination of "circumlocution" in regulating the Indians. If a red man sold whiskey, for example, it would not be necessary for the agent to send a letter to Washington to get inter-departmental approval for military intervention.¹⁰⁰

To Inspector General R. B. Marcy, the "ponderating advantage" of military control would be the unity of purpose achieved in management of the Indians. With dual administration, the government received confusing and conflicting reports. Before 1849, when the War Department managed the Indians, there was not only unified action, but such forthright and honest management that fraud was non-existent.¹¹¹

Brig. Gen. George Crook told the commission that the present divided responsibility over the Indians was "like having two captains on the same ship." By resolving this dilemma in favor of Army rule, the government could observe the cardinal principles of successful Indian management: absolute honesty, good faith and consistent, decisive regulation. Under the present system, many blunders were being made. One mistake was the Indian Bureau's attempt to break up tribal relations through directives instead of patents to farms, stock

¹⁰⁹Ibid., Appendix, 219-220.
¹¹⁰Ibid., Appendix, 221-222.
¹¹¹Ibid., 14-16.
and other property. Another was its effort to Christianize the Indians before their physical needs were met.  

The commission was also impressed by the views of two lieutenants. Lieutenant S. R. Whitall of Fort Sill described his success in the compulsory training of Indian prisoners. Within a few months they had been taught to farm, raise stock, build fences and houses and carry on other industrial activities. Lieutenant J. M. Lee, agent at Spotted Tail Agency during the Sioux War, revealed that the former civil agent had requisitioned rations for ninety-two hundred Indians whereas a later Army head-count showed only forty-eight hundred were present. He, too, advocated practical industrial training, maintaining that to offer academic studies to the Sioux was like "pouring water on a duck's back."

A number of civilians also recommended transfer. One influential witness was Robert Campbell of St. Louis, noted fur trader and former member of the Board of Indian Commissioners. The only member of the original Board who preferred military administrators, Campbell contended that the Indian Bureau's improved purchasing procedures did not prevent

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112 Ibid., Appendix, 113-114. Although Crook argued for military control, he said he would not want the job of Indian agent himself.

113 Ibid., 42-43.

114 The civil agent based his requisition on the number of Indians on hand to receive annuities. When the military census was made, many of the Sioux were away hunting.

115 Ibid., Appendix, 101-102, 108.
cheating at the agencies. Commissioned officers, however, could be relied upon. Another transfer proponent was Samuel F. Tappan, former member of the Peace Commission and die-hard opponent of military rule. While emphasizing the basic need for civil law for the nation's wards, he admitted that Army officers were preferable because of their power, efficiency and honor.

Heading the list of important witnesses who defended the status quo was the Liberal Republican reformer, Secretary Carl Schurz. The government's choice, Schurz reasoned, was between "corraling" the Indians under Army or civilizing them under the Interior Department. But the former seemed "entirely inconsistent" with American political institutions. Many were concerned about the present system because of "myths" which had been circulated.

One false assumption was that "red tape" prevented decisive action by the Indian Bureau. Actually, it could communicate with the agencies very rapidly by telegraph. Another misconception was that Indian officials were generally corrupt, while Army officers were honest. There was, however, little dishonesty among the present agents. Moreover, the record of military officers' relations with the Indians in the

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116 Ibid., Appendix, 55-56.
117 Ibid., Appendix, 204-209.
118 Ibid., Appendix, 258.
119 Ibid., Appendix, 259.
pre-1849 period were not as "angelic and clean" as repre-
sented. Again, it was alleged that civil authorities caused
Indian wars. While civil management was far from perfect, this
assumption was "historically unfounded." On the point of
economy, some compared recent Indian service expenses with that
of the 1840's. "You might as well," Schurz declared, "compare
the cost of the administration of the general government under
President Jefferson with what it costs now...."

Schurz systematically debunked the arguments for trans­
fer, insisting that the change would have more disadvantages
than advantages. This whole dispute, he stressed, had nothing
to do with the situation which was at the root of the Indian
problem; namely, unbridled white expansion. Finally, to
illustrate the illogic of military precedence, he stated:

You might just as well say, here is the city of
New York full of turbulent elements, and the police are
called upon to repress trouble, as the military are some-
times to repress trouble on or near some Indian reserva­
tions; from which others might, but I would not draw
the conclusion, that it would be well to intrust the
general affairs of the city of New York to the police
force.

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120 Ibid., Appendix, 260, 263, 266. Schurz cited several
congressional investigations which condemned Army officers for
cheating different tribes. For instance, two officers mis-
appropriated almost seventy-seven thousand dollars during the
removal of the Creeks in 1835.

121 Ibid., Appendix, 260-261. The Secretary mentioned
the Sioux War of 1852-1854, the Chivington Massacre and other
cases in which military miscalculations stimulated hostilities.

122 Ibid., Appendix, 269.

123 Ibid., Appendix, 262.

124 Ibid., Appendix, 279.

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The Secretary's views were seconded by Commissioner Hayt. A change in administration, he affirmed, was now more inappropriate than ever. In the past few months the business methods of the Indian service had been improved and were probably superior to those of the military service. 125 In addition the "preacher-agents" were being replaced by more effective, practical-minded officials. 126 Lastly, a recent survey showed that ninety-six percent of the Indians at various reservations opposed military agents. 127

Several agents also testified against Army control. One who was questioned at length by the commission was "Father" James H. Wilbur of Yakima Agency. Wilbur, a Methodist minister, had an impressive record. The thirty-seven hundred Indians under his supervision had six thousand acres under cultivation, raised thousands of head of livestock, produced their own lumber and shingles, lived in comfortable, well-furnished houses, dressed like white men, sent their children to school, and to a large extent, attended church. These people had a sad experience with military rule from 1869.

125 See above.
126 Ibid., Appendix, 313.
127 In a circular sent to the agencies in July, 1878, the agents were instructed to present the question of transfer to their charges in general council. "Free and frank" views were supposed to be solicited. The Indians reportedly said they feared that military control would interfere with their progress, demoralize their women, agitate the young men and otherwise disrupt agency life. (I.0. Circular, July 18, 1878, Book No. 2, NA, RG 75; Sen. Misc. Doc. 53, 45th Cong., 3 sess. (Serial 1835), 1879, 105-107. Military Officers thought that to consult the Indians in this matter was a joke. See Ibid., 46.
to 1870, said Wilbur, and to again turn them over to the Army would be a gross injustice. 128

In addition, a number of philanthropists advised the investigators to sustain the present Indian system. Members of the Board of Indian Commissioners and spokesmen of organizations such as the Universal Peace Union of Philadelphia and Pennsylvania Peace Society warned against military despotism. 129 One of the most ardent transfer opponents was Alfred B. Meacham, former superintendent of Indian Affairs for Oregon. As chairman of the Modoc commission of April, 1873, he had been shot several times and narrowly escaped death at the hands of Captain Jack's followers. 130 Now an invalid, he was editor of the pro-Indian monthly, Council Fire, and was devoting his life to the cause of Indian civilization. Military rule was wrong, Meacham argued, because it would antagonize the Indians and detract from their advancement. 131

On January 31, 1879, after analyzing voluminous, conflicting testimony, the joint commission published a divided report. The four southern Democrats -- three representatives and a senator -- submitted a report favoring transfer. Army officers, they concluded, were men of "high honor and strict

128 Ibid., 21-28, 43-45.
129 Ibid., 48-50, Appendix, 238,251.
130 See Chapter Six, Seymour, op. cit., 212-233.
131 Ibid., 304. Council Fire was first published in 1878 and featured many articles opposing transfer and demanding abolition of the Army. See, for example, Council Fire (July, 1878) and (April, 1879).
integrity" and would give the Indians justice at minimum expense to the government. A failure to establish military jurisdiction would leave the red men at the mercy of white thieves and drive them out into the "pitiless storm of ... injustice and inhumanity which has well-nigh extinguished a once proud and powerful people..." 132

The other four commissioners, two from each house and all northern Republicans, issued a negative report. There was no doubt that the Indian could be "Anglo-Saxonized," they argued, and civilians were best suited to carry on this work. To improve Indian administration, Congress should empower the President to order temporary Army control in time of emergency and take steps to consolidate small reservations, assign the Indians' land in severalty and establish a separate Indian department. A permanent transfer of the Indian Office, though, would result in no possible advantage to the red man or the government. 133

By February, 1879, although the latest congressional investigation was indecisive, the high-water mark of the transfer movement had been passed. The return of peace and the Interior Department's program of self-improvement silenced many of the complaints of the opponents of civil administration. On February 8 the House, by a vote of 92 to 67, defeated an

132 HR Rpt. No. 92, 45th Cong., 3 sess. (Serial 1866), 1879, 20.

133 HR Rpt. No. 93, 45th Cong., 3 sess. (Serial 1866), 1879, 19-20. Chairman Saunders of Nebraska, the only westerner on the joint committee, voted with the transfer opponents. He had been an outspoken friend of the Indians for some time.

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Army appropriation bill amendment to authorize the President to proclaim temporary military rule over hostile tribes.\textsuperscript{134}

Four days later, with Senator Saunders quoting scripture as grounds for maintaining the "quiet example and peaceful influence of civil authority," the upper house rejected a similar measure.\textsuperscript{135} "The failure of the transfer movement in this congress is probably final," Secretary Schurz remarked gratefully, "at least...as long as I am at the head of the department."\textsuperscript{136}

During the next five years, various transfer amendments were proposed but received little support. In the House, legislators were ruled out of order for trying to bring up transfer in connection with the Indian appropriation bills of 1880 and 1881.\textsuperscript{137} In the second instance, the chairman ruled that a transfer amendment was not germane because the change from one department to another would not reduce expenditures.\textsuperscript{138} Finally, in 1884, even a proposal to appoint military inspectors for the Indian Bureau was defeated because it threatened the separate jurisdiction of the civil branch.\textsuperscript{139}

\begin{thebibliography}{139}
\bibitem{134} Cong. Record, 45th Cong., 3 sess., VIII, 1141-1142.
\bibitem{135} Ibid., 1221-1226.
\bibitem{136} Schurz to A. C. Barstow, February 15, 1879, Schurz Papers, Private Letters Sent, Vol. IX.
\bibitem{137} Cong. Record, 46th Cong., 2 sess., X, 2491-2493, 2497-2498; 46th Cong., 3 sess. XI, 538-541; Priest, \textit{op. cit.}, 21.
\bibitem{138} Cong. Record, 46th Cong., 3 sess., XI, 541.
\bibitem{139} Priest, \textit{op. cit.}, 21.
\end{thebibliography}
Authors have disagreed as to whether it was "inertia" or a "sincere conviction on the part of the public that the Army was not fitted to direct Indian affairs" which brought about the final defeat of transfer.\textsuperscript{140} For years this subject had been debated in Congress and in public reports, the press and private circles. Representative Hooker of Mississippi found the political impact of this question most curious. "It...is so utterly foreign to all...differences between existing parties," he asserted, "that it would seem it ought to...command the calm judgment of the Representatives of the people...."\textsuperscript{141} Yet prejudices were so strong that, as General Sherman observed, the same facts were interpreted from opposite directions.\textsuperscript{142} On each side, selfish and emotional factors affected contradictory economic, moral, cultural, religious, military, educational and legal arguments. Unfortunately, while the struggle for control of the Indian service was in progress, Indian reform was detained. Thus the decision for civil control was advantageous to both the nation and its wards, although subsequent Indian relations involved other inter-departmental problems.

\textsuperscript{140}Frederic L. Paxson, The Last American Frontier (New York, 1918), 344; Priest, \textit{op. cit.}, 25.

\textsuperscript{141}HR Rpt. No. 1393, 46th Cong., 2 sess. (Serial 1937), 1880, 1.

CHAPTER EIGHT

A NEW PHASE IN AN OLD STRUGGLE: 1879-1887

The general topic of the relations of the nation to the aborigines is one of the hopeless things which constantly attract and as constantly baffle attempts at solution. All struggles between different races are guided by prejudice and passion more than by reason. (Jacob D. Cox, April 5, 1880)

...the Indian race has reached a crisis in its history. Surrounded on all sides by the forces of civilization...the only alternative presented...is absolute extinction or a quick entrance into the pale of American civilization. (Secretary J.Q.C. Lamar, November 1, 1887)

The eight-year period from the defeat of the last concerted transfer movement, in early 1879, to the passage of the celebrated Dawes Severalty Act, in February, 1887, was, in certain respects, a new phase in government-Indian relations.¹ The Indian Bureau formerly spent much time and energy defending its policies and very existence; now it could give more attention to constructive activities. Reforms which had been postponed or retarded were adopted or promoted. In addition, the military, although not fully reconciled to civil management of the Indians, found more

¹The Dawes Act, which authorized the President to divide up the Indian lands, assigning one hundred and sixty acre plots to families and lesser amounts to single Indians and children, is discussed in the next chapter.
opportunity to assist in the important work of civilizing the government's wards. Through the joint efforts of the civil and military branches, substantial progress was made toward an effective solution of the Indian problem.

Yet inter-departmental disputes persisted, for the Interior Department's official control of the red men was not always practicable. Exigencies still required prompt and decisive action by the military. The circumstances of such action, however, were generally subject to differences of opinion. These latest difficulties, coinciding with the disappearance of the "Indian frontier," also had a material effect upon the future of Indian affairs. The following discussion takes note of both the accomplishments and failures of this new phase of the old struggle over Indian policy.

THE TREND TOWARD REFORM

After Congress decided against military control of the tribes in February, 1879, the government made many significant changes in its Indian policy. Whether the public "suddenly" realized the need for justice toward the Indians and whether 1880 was the "turning point in the history of American Indian relations" may be debated. But there is evidence that

2 President Cleveland announced the closing of the Indian frontier in December, 1886. (Richardson, Messages VIII, 518).

3 The importance of the year 1880 is stressed by Loring B. Priest, the leading scholar on post-Civil War Indian relations. In illustrating the "turn of the tide" of public opinion, however, Priest cites the passive reactions to the White River Ute outbreak in Colorado, erroneously dating that affair in
concern for Indian welfare was more widespread in the early Eighties than in previous decades.

A number of circumstances contributed to this "revolution." Clearly, Commissioner Hayt's complicity in an unethical bargain for an Arizona silver mine, a scandal revealed in January, 1880, aroused demands for administrative reform.\(^4\) Public interest was spurred, too, by a continuing discussion of the Ponca removal of 1877, a topic enlivened by an 1879 federal court ruling that the government could not force a band of fugitive Poncas to return to Indian Territory.\(^5\) Another stimulus was the problem of encroachment upon Indian reservations, dramatized by proclamations by Presidents Hayes and Cleveland against invasions of Indian Territory by "Oklahoma Boomers."\(^6\) These and other developments, notably Congress' unwillingness to seriously reconsider military control of the Indians, encouraged various Indian reforms after 1879.

Much of the impetus of the reform movement came from new national organizations. One, the Women's National Indian Association, was founded in Philadelphia in 1879 and had

\(^3\)(continued) in 1880 instead of 1879. (Priest, op. cit., XVIII-XXXVI. See CIA, 1879, XVIII-XXXVI.)

\(^4\)Big, 1879, 68-71; Priest, op. cit., 69-71. Hayt was dismissed on January 31, 1880. See Chapter Two.

\(^5\)CIA, 1877, 417-419. For a discussion of the Standing Bear case see 5 Dill, 453; Priest, op. cit., 76-80.

\(^6\)Schmeckebier, op. cit., 122; Priest, op. cit., 72-75. See also Roy Gittinger, The Formation of the State of Oklahoma (Berkeley, 1917) and Carl C. Rister, Land Hunger: David L. Payne and the Oklahoma Boomers (Norman, 1942).
chapters in twenty-seven states by 1886. These local groups circulated petitions, published pamphlets and corresponded with congressmen, calling for protection of the Indians' lands and rights. Another agency, the Indian Rights Association, was established by Herbert Welsh of Philadelphia in 1882. Members of the I.R.A. visited Indian reservations and published constructive criticisms and recommendations which affected Indian legislation. Also influential were the conferences held each fall after 1883 at Lake Mohonk, New York. Many noted public officials, politicians, educators, religious leaders, humanitarians and publicists attended these conferences and passed resolutions for practical reforms, such as increased salaries for Indian service personnel. Still another organization, the National Indian Defense Association, was founded in Washington in 1885 by Dr. Theodore A. Bland of the Council Fire journal. Members of this association, including S. F. Tappan, George Manypenny and other long-time Indian friends, endeavored, especially, to check federal action which might interfere with the personal liberties of the red men.

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7 Priest, op. cit., 81-83.
8 Ibid., 83-84. Welsh was the nephew of William Welsh, the well-known Indian reformer and former member of the Board of Indian Commissioners.
9 Ibid., 84-85. Proceedings of the Lake Mohonk conferences may be followed in BIC reports.
10 Priest, op. cit., 86.
In addition to the work of these Indian organizations, there were persistent efforts by the Board of Indian Commissioners and missionary boards to better the condition of the nation's wards. Each year the Board closed its annual report with a list of legislative recommendations pertaining to land ownership, education, citizenship, appropriations, criminal laws or other subjects.  

Meantime, the missionary boards, after conferring with their constituents, held a joint conference in Washington in each January to draft memorials to executive officers and Congress. "For Indians," the conference demanded in 1882, "we want American education! We want American homes! We want American rights! The result of which is American citizenship!"  

While the vigorous activities of such groups indicated a growth of organized support for Indian advancement, public opinion was still divided along sectional lines. Easterners, particularly New Englanders, expressed strong sympathy for the tribesmen. Often, however, there was justification for the charge that they based their sentimental views upon concepts of the Indian derived from the works of James Fenimore Cooper. On the other hand, westerners were inclined to condemn the Indians. The length to which Indian hatred could be carried was demonstrated by a bill introduced in the

11 See, for example, BIC, 1879, 15; BIC, 1884, 11.
12 Ibid., 1882, 79.
13 Priest, op. cit., 86-88.
Colorado legislature in 1881 for the "Destruction of Indians and Skunks." Nor was it necessary to go far west to find enemies of the red men. "Sympathy for the Indians," an Iowan declared in 1880, "is like milk spilled on the ground."  

Among the initial manifestations of the growing, although not unanimous, regard for Indian reformation were efforts to further changes begun in earlier years. An inconsistent attempt was made, first, to end tribal autonomy. Under a provision of the Indian appropriation act of 1871, the government was officially prohibited from recognizing the tribes as domestic dependent nations. In practice, though officials acquiesced in the old system through agreements such as the Sioux Agreement of 1876 and Ute Agreement of 1880 and various transactions with tribal leaders. Thus the Indians still occupied the anomalous position of "aliens" who were wards of the United States. This situation was criticized by many reformers. Some demanded immediate abolition of the Indians' political systems and others requested a gradual change. To confuse matters, Indian authorities disagreed.

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14 House Bill 178 included in D. W. Wood to Shurz (sic.), February 4, 1881, Schurz Papers.

15 E. W. Eastman, Eldora, Iowa, to Carl Schurz, November 18, 1880, Schurz Papers.

16 16 Stat. L., 566.

17 The basic distinction between the agreements and previous treaties was that the former were approved by Congress as a whole rather than the Senate. (CIA, 1876, 349-351; CIA, 1880, 193-198).

18 Priest, op. cit., 102-103.
about whether the tribal arrangement was harmful. In 1881 Secretary Samuel J. Kirkwood categorically described it as a "hindrance" (sic.) to Indian advancement. As late as 1885, however, Secretary L.Q.C. Lamar opposed a general policy of breaking up tribal relations because it might be "destructive" to some tribes. The rule of the chiefs extended beyond 1887, but by that date the policy-makers paid less attention to the traditional Indian governments.

Revisions were made, too, in the longstanding annuity system. Treaties since the founding of the government promised the Indians yearly gifts of food, clothing and other items. So long as there was a real danger of Indian war, few questioned the maxim "it is cheaper to feed the Indians than to fight them." Interested contractors and freighters were especially vocal in support of this policy. But by the mid-Eighties the argument for annuities had been weakened by: frauds and improper distribution of Indian goods, the Indians' improvidence and misuse of various items, criticism of the practice of dispensing more gifts to potentially-hostile than to peaceable tribes, congressional demands for economy and, above all, the general belief that the era of the Indian wars was over. Hence, adjustments were made to allot more of the government's "charity" for educational and industrial

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19SI, 1881, VII.
20SI, 1885, 26-27.
In conjunction with efforts to de-emphasize tribal relations and revise the annuity system, Indian authorities re-examined the reservation system. This was another well-established federal policy based upon expediency. Segregated, the Indians were less apt to interfere with white expansion and travel and were more easily managed. At the same time, the Indians' friends observed, they were safer from exploiters and evil influences.

But in the Eighties reservations were criticized for various reasons. Westerners, anxious to acquire more land, argued that it was contrary to common sense and the principles of Christian society to allow millions of acres to lay idle. Reformers, on the other hand, began to advocate inter-racial contact as an essential aspect of Indian progress. Instead of abandoning the reservations, the Interior Department gradually reduced them through closely-regulated land sales, subject to Indian approval. Between 1879 and 1887 tribal land holdings were decreased by about nineteen percent.

The critics were only partially satisfied by smaller reservations. On most reservations the Indians still followed their ancient practice of communal ownership. Until the red

22 Ibid., 112-113; BIC, 1879-1887.
23 Priest, op. cit., 121-122.
24 Ibid., 124-129.
25 CIA, 1879, 227; CIA, 1887, 312.
men enjoyed the right of private property, reformers maintained, they could not acquire the habits of modern civilization. Legislation was needed, therefore, to allot the Indian lands in severalty. Certain laws already provided for individual ownership, but were unsatisfactory. The Indian Homestead Act of 1875 was so complex and restrictive that few Indians benefited from it.26 Some tribes, under special acts or treaties, were authorized to make allotments, and by 1885 over eleven thousand patents had been issued. Yet these laws were also difficult to administer, and many of the owners were soon relieved of their property by greedy whites.27

The search for a general severalty act which would overcome these problems, already in progress in 1879, continued until the passage of the Dawes Act in 1887.

Another important phase of the policy adopted in the 1880's was an increased emphasis upon education. Officials had long recognized, as Secretary J. D. Cox stated in 1870, that the training of Indian youth should be a "controlling and permanent feature" of Indian relations.28 Much of the dispute over transfer concerned the hypothetical question of whether civilians or soldiers made the best teachers. Yet as of 1879, the House Indian Committee announced, less than ten

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27 CIA, 1885, 320; Schmeckibier, op. cit., 79; Priest, op. cit., 178-179.
28 SI, 1870, IX. Most Indian treaties provided for educational assistance by the government.
percent of the Indian children were being properly educated.\textsuperscript{29} This unfortunate situation was attributable, to a large extent, to the Indians' intransigence. But the government was not blameless, for, acceding to popular skepticism toward the Indians' improvability and demands for economy, it failed to provide adequate means for this work.\textsuperscript{30}

Eventually, however, the policy-makers began to recognize education as a practical and economical means of minimizing the Indian problem. This change in attitude was encouraged by the growing success of experiments with Indian police, soldiers and freighters; the economic progress of many tribes and self-governments of groups in Indian Territory.\textsuperscript{31}

In addition, many were impressed by the advancement of Indian students at Hampton Institute, Carlisle and other non-reservation boarding schools. The boarding school program, initiated in the late Seventies by two Army officers, Captain Richard H. Pratt and General Samuel C. Armstrong, provided training in industrial arts and homemaking for scores of youngsters.\textsuperscript{32}

\begin{itemize}
\item \textsuperscript{29}HR Rpt. No. 29, 46th Cong., 1 sess. (Serial 1934), 1880. The Indian Bureau reported an average school attendance of about twelve percent of school-age children. (CIA, 1879, 245).
\item \textsuperscript{30}Priest, op. cit., 132-137.
\item \textsuperscript{31}Ibid., 137-141.
\item \textsuperscript{32}Captain Pratt began to train Cheyenne and Kiowa prisoners at Fort Marion, Florida, in 1875. Three years later some of these Indians were sent to Hampton Institute, a Negro school headed by General S. C. Armstrong. Armstrong proceeded to expand the project. Meantime, in 1879, Pratt opened a school for more than eighty Sioux at the deserted Army barracks at Carlisle. The government soon recognized the value of this work, adding schools at Forest Grove (later Salem), Oregon;
\end{itemize}
Such promising results inspired Congress to appropriate about six times as much for reservation and non-reservation schools in 1887 as in 1879. Meanwhile, sixty-eight new schools were established and school attendance more than doubled. 33

Gradual progress in Indian education, together with the government's tendency to discount tribal relations, spotlighted the need for a clearer definition of the legal status of the Indians. For years Indian administrators had lamented the absence of criminal laws affecting their wards. "No good reason can be given for not placing [the Indians] under the same government as other people," the Board of Indian Commissioners reasoned in 1881. 34 Yet westerners, in particular, opposed legal equality, and many citizens contended that the tribesmen could not understand, much less obey, criminal codes. 35

Between 1883 and 1885, though, measures were taken to combat the inequity of a legal system which imposed penalties upon Indians for offenses against whites, but failed to punish

32 (continued) Chilocco, Indian Territory; Lawrence, Kansas and Genoa, Nebraska. By 1900 twelve hundred children from seventy-nine tribes were being educated at these places. (Ibid., 141-143; Schmeckebier, op. cit., 71. For a further discussion see Elaine Goodale Eastman, Pratt: Red Man's Moses (Norman, 1935) and I.R.A., Captain Pratt and His Work for Indian Education (Philadelphia, 1912).)

33 CIA, 1879, 245. In 1887 the government appropriated $1,226,415 for two hundred and twenty-seven schools with an average attendance of over ten thousand five hundred students. (CIA, 1887, XVI-XVII, 313-322). For a discussion of the problems of instruction at these schools, see Schmeckebier, op. cit., 71-76.

34BIC, 1881, 8.

35 Priest, op. cit., 199-200.
crimes by whites or other Indians against Indians. Early in 1883, the Indian Office established extra-legal Courts of Indian Offenses at the agencies. These courts, presided over by Indian "judges," tried cases involving misdemeanors such as immoral dances, polygamy or other violations of rules set down by the Bureau. Later in the year, the lack of laws to check major crimes was brought out in the Supreme Court ruling that Crow Dog, slayer of the well-known Brule Sioux chief Spotted Tail, was not subject to United States statues. As a consequence, a section of the Indian appropriation act approved March 3, 1885, made Indians living on reservations liable to federal laws covering murder and several other serious crimes.

Closely related to the problem of criminal law was the question of constitutional rights for the Indians. "All who have studied the Indian question," wrote Secretary Kirkwood in 1881, "unite in the opinion that the end to be attained is the civilization of the Indians and their final absorption into the mass of our citizens, clothed with all the duties of citizenship. The difficulty lies in devising and executing the

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36 Indian Bureau rules prohibited such "barbaric practices" as the burying of the dead in trees, the torturous "sun dance" or "highly immoral" ritual known as the "kiss dance" and the destruction of property to revenge minor quarrels. (I.O.L.B., Misc., 1879-1887.) One agent unsuccessfully tried to have the playing of ball on Sundays added to this list! (R. E. Trowbridge to Agent D. B. Dyer, Quapaw Agency, June 2, 1880, I.O.L.B. No. 159, Misc., NA, RG 75.)

37 109 U.S. Reports, 556.

38 23 Stat. L., 385; Priest, op. cit., 201-203; Schmeckebier, op. cit., 77.
means by which this end shall be accomplished." Some looked to the courts for an interpretation which would end this predicament. But in 1884, in denying the appeal of a nonreservation Indian who had been turned away from the polls at Omaha, the Supreme Court ruled:

Indians born within the territorial limits of the United States...although in a geographical sense born in the United States, are no more "born in the United States and subject to the jurisdiction thereof," within the meaning of the...Fourteenth Amendment, than the children of subjects of any foreign government.\textsuperscript{40}

Following this decision, reformers redoubled their agitation for Indian citizenship. Their goal was at last partially achieved in the Dawes Act.\textsuperscript{41}

A drawback to the campaign for citizenship and other reform movements of the Eighties was the absence of a well-defined, comprehensive Indian policy. "The so-called 'peace policy,'" one modern scholar complains, "was more a product of confusion regarding the proper course to pursue than of an intelligent effort to solve Indian problems. Instead of setting a goal, administrators drifted aimlessly, meeting difficulties as they arose without thought of the future."\textsuperscript{42} Such criticism was also made by contemporary observers. Secretary Schurz, for instance, was irritated by charges that his administration lacked a stable, identifiable policy. "It is

\textsuperscript{39}SI, 1881, III.
\textsuperscript{40}Elk vs. Wilkins, 112 U.S. Reports, 102.
\textsuperscript{41}24 Stat. L., 338; Priest, \textit{op. cit.}, 209-213.
\textsuperscript{42}Priest, \textit{op. cit.}, 183.
frequently said that we have no policy," he noted. "This is
a mistake, at least as far as this department is concerned." Still, the following year he reported that he had reversed his
earlier program of altering, removing and consolidating reserv-
vations. A good deal of this inconsistency in Indian policy
could be traced to the frequent change of Indian officials. New leaders tended to be indecisive, and many acted upon their
personal theories about the Indians. These deviations were
corrected, to some extent, by more precise and inclusive laws
in the latter part of the Nineteenth Century.

Finally, another general problem pervading the reform
movements concerned the method to be used in dealing with non-
progressive tribesmen. Civil and military spokesmen fre-
quently differed on this point. Most Army officers, together
with a number of agents, a few Interior officials, notably
Secretary Teller, and humanitarians, such as Bishop Henry
Whipple, advocated compulsory Indian reformation. Taking a
paternalistic and practical position, they argued that forcible
conversion was for the Indians' own good. On the other
hand, other Indian sympathizers and most Indian administrators

\[\text{43 SI, 1879, 5.}\]
\[\text{44 SI, 1880, 4.}\]
\[\text{45 See Chapter Two.}\]
\[\text{46 Compare, for example, Secretaries Teller and Lamar on allotments in SI, 1882, VI-VII and SI, 1885, 26.}\]
\[\text{47 Priest, op. cit., 241-246.}\]
preferred to regenerate the nation's wards by persuasion. In their opinion, President Cleveland was correct in maintaining that it was more important to give the Indians justice than to rapidly convert them to the white man's ways. By 1887, though, the government decided that at least one vital reform, land allotments, could not wait upon voluntary action.

**MILITARY ASSISTANCE**

The collapse of the transfer movement in the late Seventies had no immediate effect upon the Army's responsibilities in connection with Indian affairs. Military histories usually refer to the last more or less minor Indian campaigns, notably the suppression of the White River Utes in 1879, engagements leading to the capitulation of Sitting Bull's followers in 1881, and the operations against the Apaches which culminated in the surrender of Geronimo in 1886. Little attention has been given, however, to the Army's important, if unglamorous, civil functions on the frontier.49

In 1880 General Sheridan described the duties of his "little army" in the West as follows:

To keep in advance of our settlers, to give protection to the surveying and construction parties of

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48 _BIC_, 1885, 114.

the railways, to open new paths through the mountains and across the plains, to open up the country and guard the feeble settlements and mining camps from the Indians, and to secure the Indian in his just rights against the encroachment of white men, to keep unauthorized parties from established Indian reservations, and generally to give a place of refuge to the weak along our exposed frontier.

Thus, in one way or another, Indian relations were closely related to military activities. Indeed, frontier commands continued to have a wider range of Indian-oriented functions than Sheridan indicated. First, troops worked to deter and curb disturbances on or around the reservations. Second, they acted to enforce regulations against illegal trade with the tribes. Third, as a posse comitatus, soldiers protected the Indians' lands from invasion by cattlemen, settlers, thieves and white exploiters. Fourth, at times, Army officers served as Indian agents. Fifth, in certain respects, the military helped to train red men in the white man's ways. Sixth, when the agencies ran out of supplies, post commanders, without authority, took measures to relieve the Indians' needs. Lastly, Army officers formally or informally advised the government on Indian policy.

Although most agencies developed a useful Indian police system in the 1880's, troops were summoned whenever serious difficulty seemed imminent. Military intervention was necessary most frequently, of course, at reservations inhabited by tribes just beginning the slow transition from the life of the nomadic hunter to that of the sedentary farmer or herder. For

50SW, 1880, 56.
example, Maj. Gen. O. B. Willcox, commander of the Department of Arizona, reported in 1880 that his men had "nipped in the bud" several revolts at the Apache reservations. This duty was complicated by recurrent rumors of outbreaks, spread by nervous settlers, contractors and traders who hoped to prevent the withdrawal of outposts, publicists intent upon discrediting the Indian Bureau and land-seekers who were eager for new agreements to further delimit the reservations. Still, General Sheridan regarded the need for maintaining troops to "be prepared for emergencies" as very real. As late as 1886 he unsuccessfully requested Congress to increase the strength of frontier forces on these grounds.

The Army's police duties would have been less burdensome were it not for the disrupting influence of unscrupulous traders. Those engaged in the illicit liquor traffic were, as always, an annoying and persistent problem. The Indian's demands for "ardent spirits" were almost insatiable, and laws against the sale of intoxicants remained, as one officer expressed it, a "farce." There was no minimum

51 Ibid., 205-206.
52 In 1882 alone, the New York Herald published false reports of the burning of Galeyville, Arizona; a Snake and Bannock outbreak in Montana; a massacre in Foulk County, Dakota Territory and a mass uprising of the Umatillas of Oregon. (Priest, op. cit., 91).
54 S. S. Lawson to Price, June 27, 1882, I.O.L.R., Civilization, File 120t, NA RG 75. The resourcefulness of the liquor peddlers was almost unlimited. The physician who took over at Blackfeet Agency in 1882 was astounded to learn

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penalty, and frontier courts were notoriously lax on this matter. Nevertheless, military officials assisted the agents in attempting to keep whiskey from the red men, realizing that inebriated braves were apt to disturb the peace. Meanwhile, Indian authorities carried on a disappointing campaign for stricter regulations against the liquor traffic.

Still a problem, too, were the arms merchants. A law approved in 1873 prohibited the sale of weapons and ammunition on the reservations, but prescribed only mild punishment for violators and failed to cover trade in other locations. Army authorities believed that the best way to check Indian outbreaks was to disarm undisciplined bands and prevent their re-armament. This scheme, Maj. Gen. John M. Schofield admitted was more plausible than practicable. But military watchfulness, together with the disappearance of game and

(continued) that his predecessor specialized in remedies consisting of a mixture of alcohol and peppermint or ginger. The Indians were so anxious to obtain any beverage with alcoholic content that the agency traders had a lucrative business in lemon and vanilla extracts. (Dr. Harry Stites to Price, January 1, 1883, I.O.L.R., Civilization, File 1695, NA, RG 75).

55 Priest, op. cit., 157.

56 Commissioner Price, an ardent prohibitionist, was particularly active in the movement for stricter liquor laws in the period 1880-1885. (See, for example, Price to Secretary of the Interior, February 23, 1882, I.O.R.B. No. 41, NA, RG 75). Yet it was 1897 until Congress established a minimum fine of one hundred dollars and a sentence of sixty days in jail for selling alcohol to an Indian. (Schmeckebier, op. cit., 424-426.).


58 Sw, 1879, 86.
and reforms at the agencies, gradually limited the dangers of the arms trade.\textsuperscript{59}

Lawless traders, who transacted their nefarious business on or near the reservations, were not the only disquieting influences military and civil officials had to contend with. As the Eighties progressed, the Indians' lands were invaded by a growing number of outsiders. "The Indians," said General Pope in 1881, "are...now sandwiched between the emigration from the East and that from the West...The waves of emigration, enormously hastened by the railroads, are now beating from both sides along this thin line of Indians, and...must soon break through..."\textsuperscript{60} Pope's estimate of the situation agreed with that of Commissioner E. A. Hayt, who earlier surmised that hardly a reservation in the country was not subject to encroachment.\textsuperscript{61}

The intruder problem was extremely serious in a number of places. In 1882 the Flathead Agent requested a military force to protect his charges from more than seven thousand "camp followers, gamblers, ex-convicts, lewd women...merchants and traders of all descriptions" accompanying the construction

\textsuperscript{59}SW '85, 132. Priest, \textit{op. cit.}, 156. A practice which increased the difficulty of regulating the possession of arms and ammunition at certain Sioux and Apache agencies was the policy of allowing the Indians to stage simulated "hunts" when beef cattle were issued. (Secretary Teller to Commissioner, March 23, 1883, D.I.L.S. and Indian Bureau Circular No. 106, Finance, Circular Book No. 3, NA, RG 75).

\textsuperscript{60}SW, 1881, 122.

\textsuperscript{61}CIA, 1879, XLIV.
crew of the Northern Pacific Railroad. Three years later another minor crisis developed near Hoopa Valley, California, where whites were crowding Klamaths out of their homes. But the biggest test since the mass invasion of the Black Hills in 1875 came in Indian Territory, which was literally overrun by would-be settlers and ranchers from 1879 until Oklahoma Territory was opened in April, 1889.

Organized groups of "Oklahoma Boomers" made their initial entry into Indian Territory in the spring of 1879 in spite of President Hayes' proclamation against trespassing upon Indian lands. The following spring, in defiance of another proclamation, Captain David L. Payne led more emigrants into the Territory. Soldiers were detailed to expel the intruders, but Congress' failure to enact effective restrictions invited the colonists to return time after time.

To add to the confusion, the Cherokees in the spring of 1880 agreed to lease some of their grazing lands west of the ninety-sixth parallel to cattlemen from the surrounding

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62 Acting Commissioner E. L. Stevens to Secretary of the Interior, November 17, 1882, I.O.R.B. No. 43, NA, RG 75.

63 The Klamaths were not on the reservation assigned to their tribe, but, like the Nez Perce in 1887, resided in an area which they had improved and occupied for many years. (Stevens to Secretary of the Interior, May 19, 1885, I.O.R.B. No. 52, NA, RG 75).

64 Priest, op. cit., 74-75, 160-162. The intruders maintained that lands purchased from the Five Civilized Tribes for the settlement of hostile bands but not used for that purpose were public domain. (SW, 1881, 84.)
vicinity. The military somewhat reluctantly suspended efforts to exclude the lessees. "This arrangement will prove the Trojan Horse by which the Indian Territory will become invaded by settlers," General Sherman predicted, "and it will be next to impossible for the Army to distinguish between the licensed grazers and employees and the unlawful intruders." The Indian Bureau believed, however, that the leasing system would provide the Indians with additional income and an opportunity to learn how to raise cattle without losing title to their land. The shortsightedness of this position was brought out by an 1883 investigation which indicated that about a hundred thousand untaxed cattle were in the "Cherokee Strip" and that many cattlemen were building ranches, fencing and rapidly depleting the timber supply. Moreover, cattle raisers were beginning to rent pasture lands from tribes such as the Cheyennes and Arapahoes for as little as a cent and a half an acre.

During the next two years the Army's task of protecting the reservations of the Territory grew more onerous. Soldiers were expected not only to expel disgruntled settlers and unlicensed cattlemen, but protect the herds from white and Indian raiders and restrain the tribesmen who become dissatisfied

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65 End., Sherman, April 15, 1880, E&M, Vol. I.
66 Priest, op. cit., 160-161.
67 Price to Secretary of the Interior, March 14, 1883, I.O.R.B. No. 44, NA, RG 75.
68 Teller to E. Fenlon Esq., April 25, 1883, D.I.L.S., NA, RG 75; SI, 1883, XV-XVI.
because of lease violations. Circumstances became quite critical in the summer of 1885, when the Cheyennes threatened to go on the warpath against white trespassers. At the eleventh hour General Sheridan made a special investigation and recommended that all cattle be removed from Cheyenne and Arapaho Reservation and that the region be temporarily placed under martial law. These recommendations were adopted by the order of President Arthur, and the impending uprising was averted. Subsequently, troops acquired the "unprofessional" duty of overseeing the cattle-raising activities of the Indians.

Occasionally, as in the case just mentioned, the situation at an agency was such that an Army officer was put in charge. Fewer regulars acted in this capacity than in former years — only five in 1879 and three in 1887 — but their service was of special significance. They were chosen, as a rule, for their wide experience in Indian affairs and/or the exigencies involved. San Carlos Agency, Arizona, for instance, was administered by military men because of the un-

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69 Sheridan to Secretary Endicott, July 17, 1885, and Sheridan to President July 18 and 26, 1885, C.G.L.S., NA, RG 108.
70 24 Stat. L., 1023.
71 See Sheridan's comment on the military removal of cattle from Uintah Agency, End., Sheridan, December 12, 1887, to Secretary of War to General of the Army, H.A.L.R., File 2808, NA, RG 108.
72 CIA, 1879, 267-269; CIA, 1887, 411-413.
settled state of affairs with the Apaches. Similarly, during the trouble at Cheyenne and Arapaho Agency in 1885, the government turned to Captain Jesse M. Lee, who had experience as an agent in Nevada and at the Spotted Tail Sioux Agency.

Some Army personnel also acted in what they believed to be the Indians' best interest by training them as scouts or soldiers or, in a few cases, by helping to educate their youth. Such work, though, was not a general policy, for military leaders were not unanimous about the value of Indian troops and usually believed that academic instruction should be left to civilians. Incidentally, the latter position did not represent a change in attitude since the debate over Indian control; only transfer opponents contended that soldiers wished to teach the Indians in person.

After 1879, many reformers showed an interest in the establishment of an Indian army to complement the agency police system and relieve detachments of regulars. This

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73 A special situation existed at Hoopa Valley, California. Most of the property of this agency was removed to Round Valley in the late Seventies, but several hundred Hoopas and Klamaths chose to remain at Hoopa and requested military supervision. (CIA, 1887, 8).

74 Sheridan to President, July 18, 1885, C.G.L.S., NA, RG 108. Lee helped to restore order and promptly moved the Indians from the vicinity of the agency to other parts of their reservation where they might raise stock and farm. (J.D.C. Atkins to Capt. J. M. Lee, September 19, 1885, I.O.L.B. No. 70, Land Division, NA RG 75).

75 See, for example, Charles Otis to R. B. Hayes, June 12, 1880, I.O.L.R., NA, RG 75.
movement was encouraged by General Crook's enthusiastic reports of yeoman service by organized scouts in operations against the Apaches. 76 In 1884 the Senate Committee on Indian Affairs unsuccessfully proposed the creation of a trans-Mississippi military academy for Indian youths. 77 General Sheridan was among the Army spokesmen who attacked this scheme, arguing that the Indians had not yet reached "that plane in their evolution" where they could be relied upon for full-time service. 78 Nevertheless, Indian auxiliaries were trained and used in the Division of the Pacific. General Schofield, the division commander, advocated an expansion of that program as a means of strengthening the Army with the "best natural soldiers in the world" and encouraging tribes to regard themselves as allies of the government. 79

The outstanding example of academic training by Army officers, the work of Captain Pratt and General Armstrong, has already been mentioned. Pratt's labors, in particular, were not appreciated by some of his superiors. He was on temporary duty away from his unit, the 10th Cavalry, and, upon requesting assistance from an officer of the 11th Infantry, he received the following caustic reply from General Sherman:

77 Secretary Lincoln to General of the Army, February 8, 1884, H.A.L.R., NA, RG 108.
78 Ibid., End., Sheridan, February 16, 1884.
79 SW, 1885, 131-132.
You who are absent flatter yourselves that you are doing work of more importance etc., whereas the work a man should do, is that for which he is commissioned and paid... I am really sorry to find that you, an army officer, are already so far weaned of your profession, as to believe the teaching of Indian children, under a civil bureau of the Government is a more important and honorable office than to command men in battle, for the 10th cavalry and 11th infantry are today fighting the enemies of civilization. 80

Still another way in which the Army indirectly, but somewhat begrudgingly, assisted Indian education was through the transfer of military facilities to the Indian Bureau. In 1882 Congress authorized the Secretary of War to set aside vacant posts or barracks for Indian schools and to detail one or more officers to supervise the educational work at these locations. 81 The War Department took its time about turning buildings over to the civil branch, chiefly because many commanders were leery about renewed Indian troubles and reluctant to part with accommodations which had been built at considerable cost and effort. General Sheridan even warned against plots by Indian inspectors to embarrass the administration of post commanders and speed the removal of troops. 82 Furthermore, few officers were detailed to administer Indian education at vacated posts for any length of time. 83

60 Sherman to Capt. R.H. Pratt, March 5, 1880, Official Letters Sent, W.T. Sherman, V. II. For Pratt's defense of his educational activities, see Eastman, Red Man's Moses, 88.


82 Sheridan to Sherman, January 17, 1882, I.O.L.R., Education, File 1888, NA, RG 75.

83 Consult the list of school personnel for 1887 in CIA, 1887, 322-346.
Although certain officers were opposed to Army involvement in Indian education, the military was not, as a whole, disinterested in Indian welfare. This was clearly indicated in expressions of concern for, especially, the physical well-being of the tribes. For several reasons, notably Congress' practice of cutting appropriations and fluctuations in the price of staples, the agency wards were sometimes without sufficient food. Western commanders protested vigorously about starvation or near starvation at reservations in Indian Territory and Arizona in 1882 and in Wyoming and Arizona in 1884. The bitterest complaints, as in earlier years, were made by Maj. Gen. John Pope, commander of the Department of the Missouri. In April, 1882, when the Cheyennes and Arapahoes were in need of food, Pope denounced the "inhuman service" of forcing them to starve in peace and acted upon his own authority to borrow beef from neighboring herds. A month later he visited Mescalero Agency in New Mexico and found conditions "worse than...with the Cheyennes." To evade regulations against the transfer of supplies from one department to another, he put troops in "nominal control" of the Mescaleros as prisoners of war. Although criticized for

84 SW, 1882, 97-98; Pope to Sheridan, May 18, 1882, I.O.L.R., Education, File 9882, NA, RG 75; SW, 1884, 117, 169.
86 Pope to Sheridan, May 18, 1882, I.O.L.R., Education, File 9882, NA, RG 75.
breaking regulations and making deficit expenditures, Pope steadfastly defended these measures.  

Finally a discussion of the role of the military in connection with Indian relations in period 1879 to 1887 should take note of the influence of Army leaders upon Indian policy. By virtue of their long acquaintance with frontier problems and contacts with numerous tribes, Generals Sherman, Sheridan, Crook, Miles Pope, Schofield and others were widely recognized as authorities on the Indian problem. Civil officials often consulted them in person or by correspondence. They were also selected to serve on various special commissions. For example, Crook and Miles were members of the commission President Hayes appointed in 1880 to study the condition of the Poncas. Furthermore, the frontier commanders' annual reports usually included comments and recommendations on Indian affairs which were considered, although not always favorably, by legislators and policy-makers.

While the opinions of Army spokesmen differed, many supported the same changes in Indian policy advocated by civilian reform groups. For instance, General Crook discussed the need for criminal laws for the Indians and noted the "happy results" of trial by Indian juries.  

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87 Pope to Acting AG Williams, June 28, 1882, I.O.L.R., Education, File 12502 and Pope to Teller, April 27, 1882, I.O.L.R., Education, File 8873, NA, RG 75.
89 SW, 1879-1887, passim.
90 SW, 1883, 166-167; SW, 1884, 132-133.
Miles and Schofield pointed out the benefits of practical, industrial education for young tribesmen. On questions concerning Indian lands, military views ranged from General Pope's argument for abandoning the frontier reservations and removing the Indians to the East to the contention of several officers that the reservations should be retained, but reduced and allotted to the Indians in severalty. General Sheridan was one of the leading exponents of allotments, and his scheme for half-section holdings by each family was one of the alternatives considered by Congress in the debate which led to the adoption of the Dawes Act.

LINGERING PROBLEMS

The Army's participation in the government's program of reforming the Indians, together with the passing of the major Indian wars and decline of the transfer issue, contributed toward a gradual improvement in civil-military relations. Inter-departmental disagreements became less common. Fewer agents complained of Army interference, while a growing number expressed gratitude for the "courtesy and assistance"
of post commanders and their "gentlemanly subordinates." Some even paid special tribute to troops for helping to elevate their wards. "No one of practical experience on the frontier," the Pine Ridge agent asserted, "can deny the fact that the military have exercised and are exercising an important part in civilizing these people." 95

Unfortunately, though, the old problem of divided authority continued to encumber Indian affairs in the 1880's. Somewhat reluctantly, military leaders acceded to the government's decision to leave the general supervision of the tribes in the hands of the Interior Department. "It may be that the Army can better manage these [Montana] Indians," General Sherman remarked to General Sheridan in 1879, "but that is not our province to decide. The law places them under the custody and management of Civil Agents, and it is our duty to submit." 96 But it was easier to advocate harmony and cooperation than to practice it. There were still two sets of officials acting upon some of the same Indians, with resultant differences of opinion about the procedures to follow with especially, the less advanced red men.

Rivalry between War and Interior authorities was evidenced, first, by bickering over sundry matters. One

94 CIA, 1881; 99, 103; CIA, 1882, 69, 105, 112, 125; CIA, 1885, 152; CIA, 1886, 262.

95 CIA, 1879, 38.

96 End., Sherman, Schurz to Secretary of War, January 11, 1879, AGO L.R., File 74:33, NA, RG 95.
source of irritation was the question of how to dispose of Indian prisoners. The Indian Bureau declared that it lacked the facilities to handle tribesmen arrested for criminal activities. The military, on the other hand, complained of having to transport, guard and care for such Indians, particularly because the Bureau so often ordered their release in a comparatively short time. In 1879, when Commissioner Hayt requested the Army to send some prisoners from Oregon to a military prison in Florida, Sherman called the proposal "worse than a farce." Hayt finally agreed to confine them in Oregon.

Spokesmen of the two branches sparred verbally, too, over the Indians' moral status. Agents continued to condemn nearby detachments for debasing Indian women. Meantime, Army leaders found fault with the religious and moral training carried on at the agencies. Sherman, a Catholic, was dismayed by the policy of barring the Catholic or other faiths from certain places. But, he lamented, the Indian Bureau was so "jealous" of the Army that it would do no good to make suggestions on this score.

General O. B. Willcox, moreover, denounced the Indian

97 End., Sherman, March 5, 1879, E&M, Vol. I.
98 Hayt to Secretary of the Interior, April 3, 1879, I.O.R.B. No. 32, NA, RG 75.
99 CIA, 1883, 104.
system for failing to inspire virtue and sobriety among the Arizona red men. "As the French railroads push down into Algeria," he reflected, "the wandering natives of the desert settle around the wells and plant date trees. Here they come to squat and drink whisky."101

At times ostensibly trivial matters became the cause of great contention. Such was the case with a heated dispute over the use of reservation timber by garrisons stationed near the agencies to protect and discipline the tribes. In 1881, after numerous complaints by the agents, Commissioner Price submitted a "serious protest" against the Army's "reckless consumption" of wood.102 The following year, he alleged that the Indians' timber was being wasted at ten posts and camps.103 At first, War Department officials tried to belittle these charges, inferring that they represented the height of ingratitude for military assistance. Eventually, though, orders were issued for the conservation of woodlands in various districts.104

Still other misunderstandings arose over the problem of determining who was to give orders in a given circumstance and what responsibilities subordinates of one branch had toward

101SW, 1879, 165.
102CIA, 1881, XXX.
104Miscellaneous correspondence, AGO L.R., File 2292, NA, RG 94.
the officers of the other. Military authorities were sometimes rankled, for instance, by the Indian administrators' failure to keep them informed on the condition and temperament of the Indians. General Pope reiterated his familiar censure of the "anomalous" position in which soldiers were placed. Troops were held accountable for the behavior of reservation residents, he grumbled, but could not act without invitation from an agent. Conversely, some agents were uncertain of their relationship to high-ranking Army officers, who at times attempted to give them directions. "No officer of the Army," Commissioner J.D.C. Atkins assured the Colville agent in 1885, "no matter what his rank may be, has any authority to give you orders...except they are received by you through this Office and Department."  

Competition between the civil and military departments was indicated, further, by prolonged and stormy feuds between certain military commanders and Indian officials. Such a quarrel developed between Lt. Col. W.P. Carlin, commander of Fort Yates, Dakota Territory, and J.A. Stephan, agent at Standing Rock. Carlin began a private campaign against the Indian Bureau in 1878 by violating current inter-departmental agreements in various ways. He held ex parte councils with the

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107 Atkins to S.F. Moore, November 24, 1885, I.O.L.B. No. 118, Finance, NA, RG 75.
Sioux and Crows, gave them hunting passes and invited them to "dances" at the post against the advice of their agents.108 Early in 1880, despite strenuous objections by Stephan and the Indian Bureau, Carlin again pre-empted control over the Indians by removing a number of families to the east side of the Missouri, opposite Standing Rock Agency.109

Commissioner R. E. Trowbridge asked the Secretary of War to stop Carlin's meddling. But the Post commander disregarded admonitions to respect the authority of Agent Stephens and his subordinates. In the fall of 1880, the acting agent reported still further "subversive" activities by Carlin.110 Finally, after Carlin published an unsubstantiated attack against several Indian Office employees, General Sherman directed General Sheridan to take decisive measures. "The Indian Bureau cannot possibly execute its office," Sherman declared, "if our Commanding Officers thus cavil at their authority. Fort Yates must be abandoned, or some other officer sent to command...."111 Hiram Price, the new Commissioner, was anxious to speed Carlin's removal, observing:

108 Hayt to Secretary of the Interior, December 31, 1879, I.O.R.B. No. 35; Carlin to Acting AG, Dept. of Dakots, February 19, 1878 and March 23, 1878, I.O.L.R.; W. T. Hughes to Secretary Schurz, November 22, 1878, I.O.L.R., NA, RG 75.

109 R. E. Trowbridge to Secretary of the Interior, March 17, 1880, I.O.R.B. No. 36, NA, RG 75. Carlin maintained that there were evil influences at the agency.

110 E. M. Marble to Secretary of the Interior, October 30, 1880, I.O.R.B. No. 37, NA, RG 75.

111 Instructions to Sheridan, signed by AG R. C. Drum, December 8, 1880, I.O.L.R., Education, File 1051, NA, RG 75.
Another instance of conflicting authority occurred at Malheur Reservation in Oregon in the early Eighties. The military first experienced difficulty with the Malheur Indians in June, 1878, when some of the Piutes joined the Bannocks then raiding nearby settlements. At that time troops occupied the reservation, partly dismantled the agency and arrested the Malheur residents as "hostiles." Subsequently, the Indians were removed, at considerable expense, to Father Wilbur's model agency at Yakama Reserve in Washington Territory. Brig. Gen. O. O. Howard, the department commander, was reportedly quite eager to "break up" the Piutes' old reservation, while their agent, W. V. Rinehart, agreed that this step might be in the "best interests of the service." But among the red men sent to Yakama were about a hundred followers of Chief Leggins who had not participated in the outbreak. As a result, military and civil leaders became

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113 CIA, 1878, 119-120. See also preceding chapter.
114 CIA, 1878, 120; CIA, 1879, 129. Wilbur, too, is mentioned in the foregoing chapter.
115 CIA, 1879, 130.
116 Ibid.; CIA, 1880, 1140. Leggins and his people, in fact saved several whites during the outbreak.
involved in a lengthy argument over what to do with Leggins and non-reservation remnants of the Piute tribe.

In 1880 the elderly Piute chief, Winnemucca, and his daughter, "Princess" Sarah, led a "self-constituted" delegation on a much publicized visit to Washington, D.C. to ask for justice for the prisoners and their relatives. Secretary Schurz reluctantly agreed that Leggins' people could return to Malheur if the non-reservation bands settled there, too. Agent Rinehart pressed for an early end to the Piutes' "unjust banishment," but was disappointed. The scattered bands refused to move to the reservation; Agent Wilbur contended that the Indians were better off at Yakama; citizens of Oregon and some military officers opposed the removal and, finally, Secretary Schurz changed his mind. Later, "Princess" Sarah, the wife of an Army sergeant, enlisted the support of a few military officers in a bold and almost successful scheme to send a special "agent" to lead the Piutes back to their old homes. Before this affair was settled (Malheur Reserve was returned to the public domain by executive order in May, 1883), many derogatory comments had been exchanged between Army and civilian authorities.

Even more overt than the War-Interior differences in

117 CIA, 1880, XLVI.
118 Ibid., XLVI, 140-141.
119 Price to Dolph, November 28, 1883, I.O.L.B. No. 181, Misc., NA, RG 75.
120 CIA, 1883, 224.
Dakota and Oregon, however, were those which occurred in Arizona in the period 1882 to 1886. In the latter territory, dual control was a recognized policy because of intermittent warfare with the Apaches. This situation led to numerous controversies, the most notorious of which involved, on one hand, General George Crook and his subordinates and, on the other, the Indian administrators at San Carlos Agency. Crook had headed the Department of Arizona and conducted successful campaigns against the Apaches from 1871 to 1875 and afterwards commanded the Department of the Platte, where he led troops in crucial battles with the Sioux. Then, in September, 1882, he resumed command in Arizona. After conferences with various Apache bands, he issued a general order setting forth the principles to be followed toward them: "justice to all," "strictest fidelity," "no division of responsibility" and "strict accountability by each officer." Next, the veteran commander undertook active operations against the wandering hostiles, and, within a few months, most were defeated and located at the large White Mountain reservation in eastern Arizona.

At first, General Crook and his assistants got along quite well with Agent P. P. Wilcox, who headed San Carlos, the

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121 See Chapter Six.
122 Ogle, op. cit., 216.
124 Ibid., 4; SW, 1883, 163-165.
White Mountain Agency. Although Wilcox opposed a daily Indian roll-call, he agreed to exclusive military control of camps not in the immediate vicinity of agency headquarters. But in the spring of 1883, when Crook proposed to bring Geronimo and his unruly followers to San Carlos, the agent protested to Secretary Teller. Thereupon, the department commander was called to Washington to give account of his activities. He defended his policy so well that, on July 7, officials of the War and Interior departments signed an agreement giving the military complete police control over the Apaches, including those at San Carlos.

Agent Wilcox soon took exception to the Army's sweeping authority. He wrangled with Captain Emmet Crawford, the officer detailed to keep an eye on the agency, over the management of farming operations and distribution of supplies. He also criticized Crook for his use of Indian juries. "The policy of the Interior Department," the agent complained in February, 1884, "...is not in harmony with the practice of the military officer to whom police control of the Reservation has been entrusted...his acts and...his utterances...would deprive the agent of all voice in the management of Indian affairs...." In the fall, following

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127Ogle, op. cit., 226-227. Wilcox alleged that an Indian jury had sentenced a murderer to be clubbed and stoned to death. (Wilcox to Price, February 9, 1884, I.O.L.R., File 3395, NA, RG 75).  
further clashes over the sale of Indian property and hunting permits, Wilcox resigned.129

The new agent, C. D. Ford, tried to reestablish civil control, but was not supported by Secretary L.Q.C. Lamar.130 Ford, too, bemoaned his powerless position, contending that he was outranked by any second lieutenant who was backed by the Army "calaboose."131 Meantime, Crook waged relentless war on the Apaches who refused to live at peace on the reservations and persisted in his demand for undivided authority. Army officers should manage ration issues and discipline the tribesmen, he argued, for it was said, "the hand that feeds should punish."132 Upon leaving Arizona, in 1886, he published a defense of his administration, noting the obstacles and "adverse elements" which had to be overcome. One of the major hindrances, Crook concluded, was the "more or less open and always covert opposition from the Indian Department."133

Thus, more than two decades after the civil War, a veteran of many years of service in the West testified to the lingering difficulty of dual authority over the Indians. As

129Ogle, op. cit., 227-229.
130Lamar to Secretary of War, January 31, 1885, D.I.L.S., Indian Division, NA, RG 75.
131Cited in Acting Commissioner A. B. Upshaw to Secretary of the Interior, August 6, 1885, D.I.L.R., Misc., NA, RG 75.
132Crook to AG, Div. Pacific, June 5, 1885, Crook Papers. Crook discusses the problems of dual control at length in SW, 1885, 170-178.
133Crook, "Operations," 5.
long as the red men were not amenable to civil laws and were acted upon by both the War and Interior departments, their administration was confused and obstructed by jurisdictional disputes. But these circumstances were being changed. The Indian frontier and the day of tribal resistance to the government were drawing to a close; the Army was beginning to withdraw from some of its outposts and the Indians' way of life was being reformed. Once the Indian race was "out of reach of civilization," President Cleveland commented in his annual message for 1886, but now "barbarism," long fostered by a "defective system of control," was yielding to the march of progress. As the President spoke, Congress was in the process of devising legislation which would revolutionize the reservation system and the Indians' legal status.

Richardson, Messages, VII, 518.
CHAPTER NINE

1887: THE DOOR HAS BEEN OPENED

...the door has been opened through which every individual Indian by proper effort may pass from the savage life to the enjoyment of the fruits and privileges of civilization....The way thus opened, however, will not be without its difficulties, its tedious progress, its slow success, its sufferings, disappointments, and failures. It will be wholly unknown to many of them, and few will be able to pursue the journey alone and unaided.

(Secretary L.Q.C. Lamar, November 1, 1887)

Probably many Americans would be unimpressed by the announcement that 1962 is the seventy-fifth anniversary of the Dawes Severalty Act, which has been called "America's first systematic effort to provide for Indian welfare."\(^1\) While some were also indifferent toward this measure in 1887, others, notably those involved in Indian administration, were convinced that, for better or worse, it marked the beginning of a new era in Indian affairs. Eventually the Dawes Act, too, was to give way to legislation charting a different course in Indian policy. Yet, its adoption coincided with the decline of inter-departmental control of the tribes and, therefore, serves as an appropriate concluding point for the present study. A brief comment on the origin and effects of the severalty policy will be followed by a summarization and

\(^1\) Priest, op. cit., 252.
evaluation of the significance of War-Interior supervision of the Indians in the period 1865-1887.

THE DAWES ACT AND ITS EFFECTS

The Dawes Act, approved February 8, 1887, was a milestone in government-Indian relations. It empowered the President, at his discretion, to order the division of the lands of most tribes, allotting one hundred and sixty acres to the heads of families, eighty acres to orphans and single persons over eighteen and forty acres to single persons under eighteen, with double these amounts if the land was suitable only for grazing. To prevent the recipients from rapidly disposing of their plots, titles were to be placed in trust for at least twenty-five years. Surplus lands were to be sold, and the proceeds held by the Treasury for the education and civilization of the tribe concerned. Finally, as the tribesmen accepted allotments or voluntarily established a separate residence and lived in a civilized manner, they were to obtain the rights of citizenship. 2

These provisions had a marked effect upon the status of the Indian and the government's role in Indian affairs. For many red men, private ownership was substituted for their

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24 Stat. L., 388-391. The Dawes Act did not affect various tribes living in Indian Territory, New York or in Nebraska along the southern boundary of the Sioux Reservation. In case a tribe's lands did not suffice for such allotments, lesser amounts were pro-rated to members of the tribe.
time-honored system of communal land-holding, a basic aspect of tribal relations. For the first time, too, a large proportion of the Indians were eligible to enjoy constitutional privileges formerly extended to but a small fraction of their race. At the same time, the problematic reservation system was subject to revision, with corresponding changes in the administrative duties of the civil and military departments. Although all reserved areas were not to be eliminated, those which remained were to be smaller and easier to manage.

Yet, the provision for allotment in severality was an innovation only in scope, for, as was noted in the last chapter, tribes had individual land ownership long before 1887. Likewise, the notion that a general allotment program might solve the Indian problem was not new, although it was not seriously considered in Congress until the Eighties. The first, and perhaps most comprehensive, congressional debate on the subject came in 1880, when a bill proposing severality for the Utes of Colorado was submitted for approval.³

In a discussion which followed, neither party nor sectional lines, a variety of arguments were offered for and against the Ute proposal. Critics spoke of the Indians'

³Priest, op. cit., 188-189. This bill was proposed to implement an agreement made with the Utes after their outbreak in the fall of 1879. (CIA, 1879, XVIII-XXXVII; CIA, 1880, XXIV-XXV, 193-198). Among the earlier advocates of severality were Bishop Henry Whipple, Senator William M. Stewart of Nevada, Representative Sidney Clarke of Kansas, Commissioner J. Q. Smith, members of the Board of Indian Commissioners and Society of Friends and, notably, Secretary of the Interior Carl Schurz.
unpreparedness for private ownership, the probability that white neighbors would deprive them of their holdings, the social disruption which might result from such inter-racial economic equality and the ultimate danger of Indian extinction. Proponents described the bill as an alternative to war, a permanent solution to the Ute problem, a means of protecting the Indians, a formal recognition of an inevitable change in native customs and a basis for promoting white expansion in Colorado. After the pros and cons were considered, Congress approved the measure, mainly because many legislators felt that it was a panacea or necessity.

Oddly enough, Senator Henry L. Dawes of Massachusetts, chairman of the Senate Indian Committee and author of the severalty act of 1887, was among those who took exception to the Ute bill. Dawes had expressed an interest in allotments almost a decade earlier while serving in the House, but believed that the Utes were not sufficiently educated to benefit from private property. During the next few years, he gradually shifted his position, but only after careful study of the Indians' conditions and needs.

Meanwhile, Representative Alfred M. Scales of North

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4 Cong. Record, 46th Cong., 2 sess., X, 2027ff; Priest, op. cit., 189-193.
5 Priest, op. cit., 191.

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Carolina, Senator Richard Coke of Texas and others sponsored general severalty bills which received committee approval but failed to reach a final vote. Characteristic of the views presented in debates on these proposals were those set forth in a divided report by the House Indian Committee in 1880.

The majority, in supporting a bill introduced by the chairman, Scales, maintained that severalty was "imperative," because it would stimulate the Indians to work, become self-reliant and obtain a practical knowledge of the laws of property.

But the minority condemned the bill as the hobby of "speculative philanthropists," declaring that the Indian would remain a "communist" whether he had a quarter-section or not. They also stressed the contradiction of assuming that the Indian was a competent citizen with respect to property but a "ward in chancery" in other respects. In conclusion, the dissenters warned:

The sting of this animal is in its tail. When the Indian has got his allotments, the rest of his land is to be put up to the highest bidder, and he is to be surrounded in his allotments with a wall of fire, a cordon of white settlements, which will gradually but surely hem him in, circumscribe him, and eventually crowd him out.

Cognizant of these criticisms, Senator Dawes worked on a bill which would be practical and just for both the Indians and frontiersmen. His measure first passed the Senate in

7 Priest, op. cit., 185-186.

8 H.Rpt No. 1576, 46th Cong., 2 sess. (Serial 1938), 1880, 6.

9 Ibid., 7-10.
February, 1866, and, two months later, was endorsed by the
House Indian Committee. Subsequently, however, there was a
lengthy delay as conference committees considered various
amendments and questions about virtually every phase of the
proposal. The conferees debated over who should choose the
allotments, when and where the choice should be made, what to
do with the income from land sales and how long the assigned
lands should be inalienable. So many compromises were made
that even Dawes had misgivings about the measure which
finally received the President's signature. More Indians
were covered by the citizenship provision that he had intended,
the red men had no guarantee of getting good land and many
important matters were delegated to those who administered
the Act.

For the most part, though, the Dawes Act was initially
heralded as enlightened reform. Many of the Indians' friends
were elated and began to laud Dawes as the savior of the red
race even before the bill was signed. "Your Bill," wrote
Clinton B. Fisk, chairman of the Board of Indian Commis-
mers, "is the star in the East for the Indian Tribes." 

10ER Rpt No. 1835, 49th Cong., 1 sess. (Serial 2140),
1886.

11Priest, op. cit., 212-213, 228-229, 233-234. Iron-
cially, Lt. Gen. Sheridan backed an alternative plan which
would have given each Indian family twice as large an allot-
ment as was finally decided upon. (The Nation, XVII (March
11, 1886), 315-316.

12BIC, 1886, 131; Priest, op. cit., 232; Dawes to E.
Whittlesey, April 24, 1887, B.C.M., NA, RG 75.

13Clinton Fisk to Dawes, December 21, 1886, Dawes
Papers.
Captain Pratt, head of Carlisle Indian School, called the severalty measure "the first enactment of any law looking to the divorcement of the Indian from the worse than slavery of his old Communistic systems." In his annual report for 1887, Secretary Lamar termed it the most important Indian law ever passed. Finally, a leading lobbyist for the Indian Rights Association published a eulogy in which the new law was compared to the Magna Charta and Declaration of Independence.

On the other hand, there were those who criticized the Severalty Act as being too liberal or too radical, as adding to the Indian problem rather than solving it. Some, for example, especially westerners, objected to the clause which granted citizenship to Indian allottees, while others, including reformers such as Professor James B. Thayer of Harvard Law School, complained that all Indians should have been made citizens immediately. Objections were raised, too, by some who disliked the provision which stated that if the Indians failed to comply with instructions to choose allotments within four years from the date of notification, the government would do it for them.

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11 R. H. Pratt to Dawes, December 20, 1886, Dawes Papers.
15 SI, 1887, 25.
17 Priest, op. cit., 212-213; J. B. Thayer to Dawes, May 27, 1886, Dawes Papers.
To the disappointment of those who had predicted great results from the Severalty Act, it soon became apparent that it was not the long-awaited panacea for the complex Indian problem. Senator Dawes' uneasiness about the extent to which its effectiveness depended upon those who executed it was not unwarranted. He had hoped that the reform groups which had championed severality would exert a salutary influence upon the Indian administrators, but their ardor soon waned. The pressure for rapid allotment to open new areas for white settlement proved too great for President Cleveland, Secretary Lamar and their successors. "Before half a decade had passed," one author remarks, "United States officials had clearly demonstrated that they were either unable or unwilling to use the Dawes Act for Indian benefit." By 1934, more than sixty-two percent of the one hundred and thirty-eight million acres owned by the tribes in 1887 had been alienated.

The Indians lost a vast amount of land not only through land sales but through abuses under the allotment policy. Whites quickly took advantage of loopholes in the Dawes Act, leasing allotments at nominal figures; posing as "guardians"

19Priest, op. cit., 250-251; Hagan op. cit., 143.
20Priest, op. cit., 251.
21Hagan, op. cit., 147. In addition, much of the allotted land was no longer of practical use to the Indians after a few years because of multiple heirships. In many cases, the only escape from this problem was to lease the allotments to whites in the cattle-raising or other businesses. (John Collier, Indians of the Americas (New York, abridged edition, 1954), 134; Blumenthal, op. cit., 159).
for incompetent adults, orphans and children; or duping the red men into designating them as beneficiaries of wills. In other cases, the Indians were ruined by excessive taxation or even embezzled or murdered for their lands. "Severalty may not have civilized the Indian," another scholar concludes sarcastically, "but it definitely corrupted most of the white men who had any contact with it." Thus, although the door to civilization and full participation in American society was opened by the legislation of 1887, inter-racial problems, based upon earlier conflicts, continued to hamper the progress and welfare of the red man.

RESUME AND CONCLUSIONS

The period from the end of the Civil War to the passage of the Dawes Severalty Act in February, 1887, was perhaps the most critical in the history of Indian-white relations. In these years, white migration compressed and penetrated the remaining portions of the once vast "Indian country" of the trans-Mississippi West, giving new point to the recurrent question of what to do with the red man. For the first time, the government could not "solve" the Indian problem by removing the tribes to out-of-the-way places. A majority of

\[\text{\citep{Hagan} p. 144-146.}\]

\[\text{\citep{Tbid.} p. 146. John Collier is even more critical, describing forced allotment as the culminating assault in an "all-out offensive against Indian land and society." (Collier, op. cit., 133-134.)}\]
the nation's more than three hundred thousand "wards" lived in the path of the closing frontier, and among them were groups with the power and determination to fight for their lands and freedom. The latter, in particular, gave urgency to the administration of Indian affairs.

Official responsibility for Indian relations resided with the Indian Bureau of the Interior Department, but, for practical reasons, the Army exercised authority over the more uncivilized tribes. This tacit division of control was deplored by many military officials who argued that the Bureau should have remained with the War Department, where it had been from its inception in 1824 until 1849. During the hectic post-war years, the Army and its supporters, most vociferous in the West, made a concerted effort to restore military management of the Indians. As a consequence, not one, but two, vital and perplexing questions were posed in connection with the Indians: what should be done with them and which branch of the government should carry out the will of the government?

The difficulties of divided jurisdiction over the tribes became apparent shortly after Appomattox and lasted at least until the Eighties. Initially, the two departments acted semi-independently to achieve an optimum of peace and security on the Plains and in the Southwest. The Army, undermanned and preoccupied in the South, was in no position to carry on full-scale operations against the hostile tribes which challenged westward expansion. Yet its frontier units
labored to prevent a general war and helped to impress the
Indians with the advisability of living at peace on assigned
reservations. Meantime, the Interior Department, plagued
by a shortage of funds and a host of organizational difficul-
ties, renewed its efforts to pacify the Indians through new
treaties. Civil and military officials, jealous of their
respective powers and in basic disagreement over whether hos-
tile tribes should be dealt with by force or negotiation,
were frequently at odds.

Although Indian administration subsequently underwent
numerous significant reforms -- the abolition of the treaty
system, the selection of church-nominated agency officials,
the creation of the Board of Indian Commissioners and the intro-
duction of new business methods -- divided control continued
to complicate and trammel government-Indian relations. Dis-
cord between representatives of the civil and military branches
was so persistent that, even while serving together on the
noted Peace Commission of 1867-1868, they disputed the course
to follow toward, especially, the uncivilized Indians. Nor
were the policy and administrative issues settled by the "Peace
Policy" of the Seventies, for the military incurred many im-
portant, but ill-defined, quasi-civil obligations under this
program of isolating and acculturating the tribes. In short,
there were controversies between the two branches as long as
their duties overlapped.

Several attempts were made to clarify the respective
responsibilities of Army and civilian officials. In 1865,
an informal joint agreement stated that hostile Indians were to be managed by the Indian Bureau. This arrangement, however, left much to be desired, for it was not clear when Army rule should begin and end, which tribes were "hostile," or who should make the final decision in these matters. Four years later, both branches issued directives announcing that the Indians on assigned reservations would be supervised exclusively by their civilian agents and those off tribal lands by the Army. This scheme was also inadequate because some tribes had treaties which permitted them to leave the reservations to hunt. In addition, boundary lines were often unmarked, and Indian criminals were able to take advantage of their immunity from military patrols in reserved areas. Again, in the Seventies, the division of control was altered in special cases to permit military pursuit and intervention on Indian lands. Still, no precise, legal definition of the authority of each department was ever established, and conflicts continued.

Civil-military disharmony obstructed good relations with the tribes in various ways. Policies devised in Washington, generally no more effective than the machinery which executed them, were often compromised or defeated. The reservation system, for example, depended upon close coordination and cooperation between the War and Interior departments to keep the Indians at designated locations and to satisfy their physical needs, safeguard their interests and protect them from outside influences. Repeatedly, these objectives
were not realized, and, as a result, the red men were exploited, mistreated or involved in disastrous conflicts with settlers or the Army. Although the Indians frequently caused their own misfortunes, costly wars such as the Modoc War of 1872-1873 could be traced, at least in part, to inter-departmental disunity. Almost invariably, though, Indian troubles resulted in mutual recriminations and confusion concerning the responsibility of those involved.

Recognizing the disadvantages of this two-headed government, many contemporaries proposed to transfer the Indian Office to the War Department. Between 1867 and 1871 and again between 1876 and 1879, Congress became involved in lengthy investigations and heated debates over the transfer question. Transfer advocates, notably military leaders and westerners, condemned the existing system, contending that it was expensive, inefficient, corrupt and ineffective. Military control, they argued, was the logical alternative. The Army had to police the frontier anyway and had the personnel and facilities to handle the Indians. Its superior organization and supply procedures could provide more dependable service at lower cost, and the liability of military men to court-martial assured honest administration. Finally, the Indians, who respected only force, would be better behaved and more content.

Those who opposed military rule, principally Indian service employees and easterners, presented an equally forceful case. Soldiers, they maintained, were a bad influence on
the Indians and were unqualified to Christianize and civilize them. Army rule was by nature arbitrary and contrary to the freedoms espoused in the Constitution, and the Indians, strenuously opposed to military control, were certain to react against such a change of authority. It was further argued that the Indian Bureau was rapidly improving its supply and business procedures, thereby overcoming any advantages the military may have had in these respects. Lastly, War Department control before 1849 had not been exemplary; nor had military administrators distinguished themselves while serving as agents in the early part of Grant's administration.

After weighing the strong and emotional arguments presented on each side, Congress decided against military management of the Indians. Several factors contributed to the defeat of transfer proposals at one time or another. In the early Seventies, the abolition of the treaty-making system and President Grant's apparent support of civilian control placated agitation for the change by members of the House of Representatives. After 1876 a final surge by the proponents of Army rule was blocked by the Republican Senate, the reforms inspired by Secretary of the Interior Carl Schurz, the staunch opposition of the Indians' friends, the abatement of major Indian wars and a general consensus that the military was not suited to govern the tribes.

By the Eighties, with the transfer issue on the decline, civil-military relations were beginning to improve. The contest for control of Indian affairs had been too long and
vigorous to pass without a few further incidents and disputes, especially at the local level, but these disagreements were more than offset by joint efforts to better the condition of the red man. Significantly, the annual reports of both departments began to devote less attention to the question of what to do with the Indian and more to the problem of what could be done for him. By 1887 even some of the most ardent former exponents of military management were reconciled to civilian administration of the Indians. Thus, when General Crook proposed to publish a defense of his management of the Arizona tribes, General Sheridan objected. "To publish the letter," he asserted, "would be merely to...re-awaken a discussion in the public press of a subject which now appears to have passed from their attention."  

The evidence of this dissertation has demonstrated, above all, that the complications of inter-departmental control had a decisive and, in many respects, negative effect upon Indian relations in the post-Civil War era. What was derogatively referred to as the "system" was marked by a conflict of authority at every echelon. It was costly, inefficient, confusing and sometimes produced incidents which had disastrous consequences for the Indians. It was, at the same time, an arrangement dictated by circumstances which seemed to defy accommodation.  

Those who wish to understand the origins and results

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End., Sheridan, March 4, 1887, to H.A.L.R., File 524.
of the federal Indian policy in these years must consider the activities, reports and recommendations of both the civil and military departments. Although voluminous, the records of the Interior Department do not give sufficient attention to the many quasi-civil functions carried out by the Army of the West. Similarly, War Department sources are often inadequate for the study of military activities in Indian country. Many a treatise has condemned the Army or the Indian Bureau, largely because it has been based upon one-sided evidence.

In general, the role of the War Department in the implementation and indirectly, the formulation of the government's Indian program has been underestimated. Troops not only suppressed warlike tribes, but policed the reservations, regulated trade, inspected supplies and provided temporary administrative and logistical assistance. In addition, officers who were well acquainted with the Indians served on special commissions, testified before investigating committees, corresponded with civilian administrators and influenced policy-makers through their criticisms and proposals. Too many of their suggestions were rejected to warrant the conclusion that the Army manipulated the Indian service. Yet there was more than a coincidental relation between the views of military spokesmen and the abolition of the treaty system, the establishment of limited reservations and the introduction of experiments such as industrial and military training and compulsory land allotment.

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An examination of Indian affairs with reference to the concurrent responsibilities of the civil and military branches also sheds new light upon various traditional interpretations. Judged from a moral, social, legal, political, military or economic standpoint, the relationship between the United States and its wards has been almost universally repudiated. Although the cliché, "the Indian was wronged," is supported by overwhelming evidence, the basis for this situation cannot be fully appreciated apart from the practical, administrative aspects of the Indian question.

Perhaps the best illustration of a view which is revised by a study of the dual Indian system concerns the much-discussed "Grant Peace Policy." The notion that former general Grant took the lead in humanitarian Indian reforms is misleading. His adoption of the church nomination of agency officials, for example, was largely a reaction to political and administrative exigencies which prevented the extensive use of surplus Army officers as agents. Likewise, the assumption that the peace program was a victory of the Interior Department over the military branch unfairly discounts the activities of Army leaders who helped to plan and execute that policy.

A different perspective is gained, too, with regard to various events. The Indian wars, "massacres" and scandals of the Sixties and Seventies have generally been treated as indications of the unsettled conditions on the frontier and the government's failure to find a satisfactory solution to
the Indian problem. But these were more than isolated incidents, as they commonly resulted in contradictory civil and military reports, followed by investigations and congressional debates which determined the future of Indian relations.

Although many of the mistakes of postwar Indian affairs may be traced to the vague division of authority over the tribes, the modern critic must not be too categorical in judging this arrangement. It is easy, in the first place, to exaggerate or oversimplify the divergence between the civil and military departments. The agents' annual reports, for instance, include numerous references to the hearty cooperation received from post commanders and the progress achieved through coordinate activities. Moreover, there was, strictly speaking, no "Army view" or "civilian view" on Indian policy. To be sure, the Indians' friends sometimes generalized that military men hated the red men and wished to exterminate them. At the same time, military spokesmen frequently characterized the Indian agents as simpering sentimentalists or crooks. But few Americans were more concerned about Indian welfare than officers such as Generals Pope, Howard and Kautz, and there were many practical-minded, honest and diligent agents, such as "Father" Wilbur of Yakama Agency, who were unsung heroes of the Indian service.

Another reason for evaluating the Indian system circumspectly was suggested by former Secretary of the Interior Jacob D. Cox in a review of Helen Hunt Jackson's A Century of Dishonor, a work which condemned the Indian policy and
military activities prior to the Eighties. "The philanthropist who would gain the right to rebuke must show a remedy," Cox argued, "and of remedies there has been a plentiful lack...." Many contemporaries had opinions on how to solve the Indian question, but few appreciated its complexity. The Indians, who seldom spoke English or understood or valued the white man's ways, varied considerably in their advancement and disposition. Remote from civilized laws and agitated by white intruders and evil influences, even the progressive tribesmen occasionally caused trouble. Simple solutions, including undivided civil or military supervision, could not have been applied without difficulty.

It is also important to take into account certain factors which complicated Indian management. In the early part of the "Republican Era" (1869-1901), marked by reconstruction of the South, industrialization, partisan politics par excellence, the rise of laissez faire thinking and the graft and corruption of the age of "Grantism," maladministration was commonplace. Meantime, railroad construction, increasing overland travel and the growing tide of emigration to the frontier multiplied inter-racial conflicts. Although the earlier Negro problem differed from the Indian problem in scope, in the character and development of the race in question, and in the economic, constitutional and political stakes

25 The Nation, XXXII (March 3, 1881), 152.
26 White, op. cit., Chapter One.
involved, both dilemmas were compounded by sectionalism and prejudice. Finally, it should be noted that the difficulties of joint administration were enlarged by the absence of organic unity, capable and experienced leadership, and consistent, well-established policies in the War and Interior departments. Hence, the analyst who indulges in the "if's" of Indian management in this era, extolling, for example, the merits of an inter-departmental staff, more precise laws or long-tenure officials, is confronted with less amendable factors such as the American political system, human nature and the climate of opinion.

Many who examine Nineteenth Century Indian relations are primarily interested in the lessons which may be found for modern problems concerning minority peoples and the so-called under-developed nations. Difficulties in respect to social integration, economic opportunity and political participation are a common denominator in these cases. Indeed, some have found consolation in the fact that other nations, such as Japan, Canada and Australia have had frustrations in dealing with subject races similar to those this country has undergone with the Indian. 27 The writer would stress, however, that the uniqueness of post-Civil War circumstances and the many difficulties of the government's Indian policy in that period limit the value of these experiences as a guide for the present. "What has been done in the past is of no use,"

Senator Dawes cautioned after studying Indian affairs for many years, "except to teach us that something different is needed in the future." 28

Even negative lessons may be helpful, though, if they are learned well. Certainly the headaches of the interdepartmental system revealed the need for unified Indian administration. By the turn of the century, the War Department was, for all intents and purposes, no longer involved in Indian affairs. The shift to undivided civilian management, however, was the result of the exigencies of the SpanishAmerican War and improved relations with the tribes, not the government's conclusion that the change would benefit the Indian service.

Developments during the period of divided control also indicated the need for a consistent, but flexible, and strictly enforced policy; competent, well-informed leaders; and prompt, adequate financial support. Unfortunately, the government has continued to vacillate in its Indian program. In the Thirties, for example, stress was placed upon the conservation and restoration of tribal lands; during the Fifties the emphasis was on "terminating" government trusteeship over reserved lands; and under the present administration the policy is again the "greater development of the human and natural resources on Indian reservations." 29 As a result of civil

28 Quoted in William Barrows, The Indians' Side of the Indian Question (Boston, 1887), 132.
29 Ibid., 155-162; Collier, op. cit., 154-159; SI, 1961, 277-278.

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service reforms since the passage of the Pendleton Act of 1883, more competent and responsive Indian officials have been appointed. In place of the untrained agency staffs once chosen on the basis of availability or political or religious affiliation, the Indian Bureau now employs trained civil servants known as guidance counselors, social workers, legal advisors, conservationists and the like.\textsuperscript{30} In addition, Congress now appropriates much more money for the Indian service than in former years.\textsuperscript{31}

Although the circumstances of Indian-white relations have changed substantially in the seventy-five years since the passage of the Dawes Severalty Act, the Indian question persists. In many places the Indians, a growing, very diverse minority people, now numbering more than a half million, have not yet achieved the social, political, legal and economic equality which are recognized as basic to our democratic system. The Indian problem remains complex, but, like most problems, it is more likely to be solved if its origins and complications are understood.

\textsuperscript{30}SI, 1961, 266ff.

\textsuperscript{31}Even in inflated times, the 1961 appropriation of nearly one hundred and twenty-seven million dollars for the Indian service represents a marked increase over the four to six million provided in the 1870's.
APPENDIX

Key to Abbreviations in Footnotes

In addition to standard footnote abbreviations, the following have been used:

AGO L.R. Letters Received, Adjutant General's Office.

A&N Jnl Army and Navy Journal.

B.C. Correspondence, Board of Indian Commissioners.

B.C.M. Miscellaneous Correspondence, Board of Indian Commissioners.

BIC Annual Report of the Board of Indian Commissioners.

B.L.S. Letters, Sent, Board of Indian Commissioners.

C.G.L.S. Letters Sent, Commanding General of the Army.

CIA Annual Report of the Commissioner of Indian Affairs.


D.I.A.F. Appointment File, Department of the Interior.

D.I.L.R. Letters Received, Department of the Interior.

D.I. Register Department of the Interior Register.

D.I.L.S. Letters Sent, Department of the Interior.

Div. Miss. L.S. Letters Sent, Division of the Mississippi.

Div. Mo. L.R. Letters Received, Division of the Missouri.

Div. Mo. L.S. Letters Sent, Division of the Missouri.

E&M. Endorsements and Memoranda (Philip H. Sheridan and William T. Sherman Papers).
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BIBLIOGRAPHY

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