

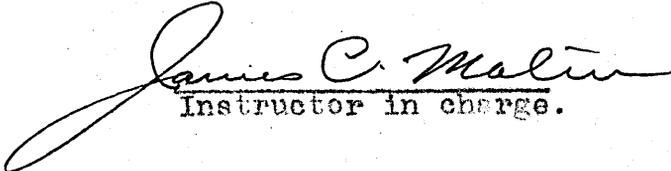
THE INDIAN POLICY DURING
GRANT'S ADMINISTRATION.

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"INDIAN POLICY DURING GRANT'S ADMINISTRATION"

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CHAPTER I.

"THE DEVELOPMENT OF THE INDIAN POLICY OF THE
UNITED STATES"

The Indian question in the United States has always been a very difficult one, and a knowledge of the development of the policy of the government toward the Indian is necessary for a clear understanding of the policy during Grant's administration.

It can hardly be said that there was a policy toward the Indians before the union of the colonies. Each colony acted independently and this resulted in diversity and conflict, as many of the Indian tribes were not limited to one colony but roamed at will. There is some difference of opinion as to whether or not any attempt was made by the colonists to change the condition of the Indians.

Mr. Manypenny writes that the object of the colonies was merely to treat with them when it was necessary to compose difficulties and obtain land for occupation and settlement.¹

Mr. Lindquist, on the other hand, states that "for a time serious efforts were made by the colonies to advance the welfare of the Indians along spiritual and material lines. Wise plans were formulated, notably in Massachusetts, Connecticut and Virginia, to protect and advance the interests of

the Indians, and with good results."² He adds that if those plans had been universal throughout the colonies, and lived up to, there would probably have been no Indian problem. After the federation of the colonies and before the adoption of the Constitution, the general government took charge of Indian affairs and has continued to manage them to this time.

In 1775 the Continental Congress created three departments of Indian affairs: the Northern, the Middle, and the Southern. A board of commissioners was assigned to each department. This commission was to keep peace with the Indians, and particularly to keep the Indians from joining the enemies of the United States, especially the English. No attempt was to be made to civilize the Indians.

In accordance with the Ninth Article of Confederation, Congress, in 1785, adopted an ordinance for regulating Indian affairs. The Indian country was divided into two parts and a superintendent was assigned to each. These superintendents were to carry on their official transactions with the Indians at the outposts of the troops, located in that district unless the business to be transacted interfered with the legislative rights of the state. In such a case, the superintendent was to act in conjunction with the authority of the State. Another duty of the superintendents was to correspond regularly with the Secretary of War regarding

all official transactions. The Secretary of War, in turn, made all communications concerning the Indian department to Congress. The superintendents were under the control of the War department and had to obey the Secretary of that department. Congress, in 1787, authorized several of the states to appoint commissioners, who, in conjunction with the superintendents, were to make treaties. When annuities became due as the result of treaties, the War department, acting through the officers of the army as its agents distributed the funds and gifts to the Indians. At this time, there was no commissioner of Indian affairs, no Secretary of the Interior, nor no Indian Bureau.

The general opinion at the time was that by 1818 and 1819 the boundaries of the United States were permanently fixed. Several of the States insisted that the Indians be moved from their states to the unoccupied western lands. At first the tribes did not object much to moving, for there was plenty of good land. According to Mr. Paxson, there had been no serious effort in the past to formulate a policy for handling the Indians. "From pillar to post the Indians had been driven in piece-meal fashion. There was the ancient practice of shifting them toward the west but no statesman or philanthropist had worked out a policy telling how or why this should be the case."³ While Calhoun was Secretary of

War under Monroe, and custodian of Indian rights, he studied the problem and made a report. He recommended that permanent homes be given the Indians. He said that there was no home for them in any state or any region white men were likely to want, but the Plains between Missouri and the Rockies were reported as unsuitable for white men. There was plenty of game and this would satisfy the Indians. He remarked that the Rockies were a barrier and the plains a social waste. He recommended that President Monroe acquire sufficient land here for the Indians. Monroe accepted the recommendation with favor, and for the next fifteen years, it, as well as the various Presidents who followed James Monroe, remained firm in the belief that the future of the United States would permit a permanent policy of devoting to the Indian occupation the whole of the territory lying west of the organized states."⁴

There were three steps in the fulfillment of this policy. First, Congress must pass suitable legislation to carry on negotiations with the Indian tribes and reassure them concerning the benefits of the transaction. Second, room must be found among the western tribes for those who were to be moved from the eastern states. Third, the eastern tribes must be persuaded to exchange their lands in the East for these in the West. This process was followed out. The approval of Congress was given and treaties were made. The first treaty actually

ceding land in Oklahoma to the Indians from the country east of the Mississippi river was made October 18, 1820, with the Choctaws. They were given the land between the Red and the Canadian rivers. "The assignment of the western part of the Louisiana Purchase to the Indians, already well begun, was adopted as the formal policy of the United States by the act of May 28, 1830. This act authorized the President to set aside 'so much of any territory west of the river Mississippi not included in any state or organized territory' as he thought necessary for the use of the Indians from the states east of the Mississippi. The President was further authorized to arrange for the government of the transported Indians and to assure them that the United States would 'forever secure and guaranty to them and their heirs or successors' the possession of their new homes."⁵

The plans of the relocation of the Indians west of the Mississippi were very vague at first. The main idea was to get them west of the Mississippi where they would never have to be disturbed again. In 1832, a commission was sent to investigate the country. Their report was to be used in drafting a legislative policy. Although not definitely stated in the act of 1830, it was understood that most of the Indians were to be moved to the Southwest. The Western Indians' title to the land must be extinguished before the eastern Indians could be settled there. The

place chosen for these Indians was between the Red and Platte rivers. The land south of the Platte was promised to the Indians for perpetual possession. The reasons for choosing the land in the Southwest were: first, it was good grazing land; second, it lay in the latitude the Indians were used to; third, it could not be surrounded by the whites because the land beyond it was supposed to be uninhabitable; fourth, the Indians could not escape to the West to be safe from punishment; fifth, the northern entrance to the West was the most important. For these reasons, the policy of the government seemed to be to locate most of the Indians in the Southwest.

In 1832, the office of the Commissioner of Indian affairs was created and the Indian Bureau was organized. Every officer of the Bureau was a civil officer and gave bond as a civil officer. No army officer was ever detailed for civil service except to inspect Indian goods purchased for the Indian Bureau by officers civil in character and function, and not army officers. The affairs of the Indians just previous to the organization of the Bureau were looked into and the system was said to be expensive, inefficient, and irresponsible. The Bureau's function was to "stand between the Indian and the white man in the capacity of a guardian and to impress the Indian with an understanding of the white man's civilization in order to prepare him for full citizenship.

Originally the Bureau was largely a civilizing agency, concerned chiefly with such welfare activities as education health and the distribution of rations, the suppression of the liquor traffic, the maintenance law and order."⁶ The same year, 1832, the Indian Intercourse Act was passed. The act forbade white persons to set foot in the Indian country without a license. The guarantee of permanence and freedom from injurious contact with the whites was the basis of the policy. Annuities and schools were promised, as well as craftsmen to aid in civilization.

"The Indian policy of Monroe was worked out more fully and permanently than most American policies have been. The states were so glad to get rid of the tribes that they were willing participants, and gave it a longer life than it otherwise would have had. But the Presidents concerned did not waver in the support of it. This consistent support forces the historian to conclude that they believed it a policy that could be maintained."⁷ This policy was founded on the supposition that the states would never exist west of Missouri. A committee of Congress said the land reserved for the Indians was almost one entire plain of grass and of no use to cultivating man.

In 1834, Congress passed a law to provide for the organization of a department of Indian affairs. The President was to prescribe the rules and regulations for this department and also for the offices created in 1832. He turned the

subject over to the Secretary of War with directions to "immediately revise the existing regulations and prescribe a new set as to the mode in which business shall be done by the commissioner, adapted to the present condition and duties of the office."⁸ The revised regulations were elaborate. The Indian country was divided into three districts, each under an army officer, who was the principal dispersing officer in the district. All payments were made to the Indians by this officer, assisted by as many other military officers as were necessary. Payments of annuities were made to the chiefs or someone of Indian descent designated by the tribe. No other payments were made except for claims for depredations. In the removal of the Indians the military disbursing officer took charge, under the regulations of the Secretary of War.

In 1854 a bill was introduced in Congress by Mr. Everett of Vermont to establish a western territory between the Red and Platte rivers west of Arkansas and Missouri. A bill establishing a territory south of the Platte and Missouri had already been introduced and rejected in 1832. This new territory proposed was to be for the exclusive use of the Indians. The government was to be under the President. He was to appoint the Governor but the tribes were to have a power of government. Hostilities were to be suppressed by the Indian tribes and the United States

military power. The territory was to have a delegate on the floor in Congress and was eventually to become a state. The bill failed.

In 1836 and 1837 two other bills for the creation of an Indian territory were presented. These differed from the earlier bills in that the northern boundary was to be the Puncah river. These bills also failed.

The report of the commission in 1837 said that the policy of the government included the removal of the Indians from New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Georgia, North Carolina, Tennessee, Alabama, Mississippi, and Florida to the territory south of the Missouri river. It also contained the plan to move the Winnebagoes south of the Missouri and exchanging their title from the land east of the Missouri to forty-three degrees north latitude. This plan was completed in 1846.

There had been a plan in the minds of some to form another Indian state in the Northwest, but the creation of the Iowa territory in 1838 foiled this plan. This territory had been included in the former Indian Territory bills. It was the land between the Mississippi and Missouri rivers, north of Missouri.

It was difficult to get many of the eastern tribes to leave their old homes and several Indian wars resulted.

White migration to the West hurried matters and caused trouble. By 1840 most of the tribes had been removed, the Indian country was complete. Congress and the War Department took up the problem of policing the frontier to protect the white settlers and to prohibit illicit trade. It was recommended at different times that a line of forts be established along the frontier but this was never done. The defense was carried on by moving troops of soldiers.

Congress, in 1842, decided to look into the business management of Indian affairs. The detailed report that was given said that there was a lack of method and punctuality in handling the affairs, that resulted in injustice to both the Indians and the government. Records were loosely kept and often entries were lacking for a year at a time. Funds were misapplied and there was a noticeable carelessness in the investment of Indian money. The War Department displayed almost complete indifference to the interests of Indian affairs. The officers of the army and the traders were often friendly and the officers stood by while the traders cheated the Indians. They often charged thirty dollars for a seven dollar gun, twelve dollars for a four dollar blanket and a dollar a yard for ten cent calico. Often, too, the Indian was not given full value for his skins and furs. The Department of the

Interior was established in 1849 and the Indian jurisdiction was transferred to that department. From that time until 1869 the Indian agents were appointed from civil life.

The lands were left to the Indians as long as there were no good roads nor navigable rivers to market the grain. The first official encroachment upon the country of the Indians came in 1844 when Atchison of Missouri introduced a bill for the organization of Oregon, which included the Indian country between the Missouri river and the Rockies. At the same time Douglas introduced a bill to organize the Nebraska territory. Douglas said that his early bills were to serve notice on the Secretary of War not to locate any more Indians there. The next year he introduced another bill similar to Atchison's except that it included the land west of the Missouri between the fortieth and forty-third parallels. In 1844 William Wilkes of Pennsylvania suggested that a territory be organized on both sides of the Platte. These were all plans to open the way to the Pacific and were the result of a growing interests in Oregon. Wilkes suggested that the Indians be pushed back to the north and south and an organized and settled district be formed to control the passes to Santa Fe and Oregon. It was recognized that the valleys of the Missouri and the Platte were the best routes to Oregon and the Pacific. In 1845 Douglas introduced another bill to establish military posts in Oregon and Nebraska

to protect communication with New Mexico, California and Oregon. A difference of opinion over the breaking of pledges to the Indians caused the House Committee to introduce a bill in 1846 and another in 1848 to establish Indian Territory. Nothing came of these except opposition on the part of the Indians.

The acquisition of California in 1848 caused a new need for a way to the Pacific. The emigrants had to pass through the Indian country, unprotected by law. It was hard for the territory west of the Missouri to develop, cut off from the rest of the nation. The Indians must be removed from the country in between. In 1838 Senator Linn of Missouri had introduced a bill to establish military posts along the way to protect the emigrants. He presented the bill every year until his death and then it was taken up by Atchison and Benton until the bill was passed in 1846. In 1848 another bill on the organization of Nebraska was introduced by Douglas, but it, too, failed, as did several others on the same subject. The same year Atchison presented a bill for land grants for a railroad to the West. The next year he presented a similar bill for another railroad. He and Hall the Representative from Missouri were both leaders in the movement to organize territorial government in the Indian country because of their interest in opening up the country to the railroads. The

Commissioner of Indian affairs announced that the department had begun the establishment of two colonies of Indian territory: one, north of the Platte; one south of the Kansas. This would leave a safe passage to the West between the rivers. There was even some thought of settling the Indians along the Canadian border. Here they would be out of the direct road to the Pacific. Mr. Doty, the Representative from Wisconsin, suggested that the country between the western boundary of Minnesota and the Missouri river would be a good place to settle them.

It has already been mentioned that Atchison had, in 1848 and 1849, received grants for railroads, but the real period of expansion was 1850-1854, and it was then that railroad bills were numerous. About 1850, Thomas Benton of Missouri introduced a bill providing for the construction, by the United States, of a national central highway from St. Louis to San Francisco. The Indian country along the way was to be opened up and one hundred thousand dollars set aside to treat with the Indians. The agitation over slavery cooled the interest in this bill for a time. About this same period Asa Whitney aroused interest in a transcontinental railway from Lake Michigan to Oregon. His plan was that the United States should extinguish the Indian title to the land and sell it to him for ten cents an acre. He in turn would sell the land to settlers and keep the

profits. The acquisition of California turned the attention of the people farther south and they lost interest in this bill also. In 1851 Missouri began to build the first link of the Pacific railroad west of the Mississippi. This brought up once more the question of an open road to the Pacific.

Railroads could not be built through the country until the Indians were dispossessed of the land they had been granted by the government. In 1853 Manypenny was sent to the West to look over the situation, make treaties and negotiate for the removal of tribes on the border, and abolish the frontier. Many unfair treaties were made by the agents of the government, particularly in Minnesota. In 1851 a treaty had been made with the Indians at Ft. Laramie. In it, the Indians granted to the United States the right to establish roads and military and other posts in their country. They also promised to cease their depredations on the whites. In return for these rights, the government promised to defend their boundaries, a thing which had not been done for them before. They were also promised gifts and annuities. These were paid, but in smaller quantities than had been promised in the treaties. This treaty was not ratified by all the tribes but the government appropriated the necessary money and began to carry it out, regardless of the fact. A very similar treaty was signed in 1853 at Ft. Atchison.

In this treaty the United States received the right to pass through the Southwest, along the Santa Fe trail. These two treaties together gave both a northern and southern route to the Pacific.

The Kansas-Nebraska bill was finally passed on May 30, 1853. Atchison and Douglas got together on this bill because the chief interest behind the act was concerned with the building of railroads. Douglas knew that he could not put over the bill himself and so, to meet Atchison's opposition to slavery, it was provided that the question should be settled by the people of each of the territories after their organization. In return for Atchison's help, Douglas interested himself in Atchison's campaign to retain his seat in Congress. This act completed the connection of the white settlements in the East with those in the West in one continuous line of organized states and territories. In the summer of 1854, the first land office in the Indian country was opened, across the border from Missouri to retail to settlers the tribal lands that had been dedicated to perpetual Indian use."⁹

Bills for the establishment of an Indian territory appeared once more. One of these was presented by the Wyandottes in Kansas in 1852. At first these bills were not given a great deal of attention, but in 1854 the larger Indian country was divided at the thirty-seventh parallel

and Kansas and Nebraska were formed from the northern part. These territories were organized and opened to settlers. This made an open road to the Pacific and left unorganized the land between Texas and the thirty-seventh parallel, or approximately the state of Oklahoma.

The gold rush as well as the coming of the railroads stirred up the Indians, particularly the Sioux, Cheyennes and Araphoes--the Plains Indians, and much trouble ensued. In 1865, the Committee on the conditions of the Indian tribes was created. This committee visited many tribes and decided that they should be allowed to rove ~~an~~ longer. Attempts were made to get them on reservations. For many years they were unsuccessful in concentrating the Plains Indians but many of the other tribes were being gathered on reservations when Grant became President.

In 1867, a commission was appointed to establish peace with certain hostile Indian tribes. This commission was authorized to call together the chiefs and head men of the bands which were waging war with the government, learn the reason for the hostility and make treaties. These treaties were to first remove the causes of war; second, secure frontier settlements and the safe building of railroads to the Pacific; third, suggest or inaugurate some plan for the civilization of the Indian; fourth, select a district large enough to hold all the Indian tribes east of the

Rockies not already peacefully residing on permanent reservations. These districts were to have enough arable or grazing land so that the Indians could support themselves and to be located so as not to interfere with the established highways and contemplated railroads to the Pacific.

The commission was undecided whether to use peace or force to get the Indians to come to terms. Finally they decided to use peace first, and if it failed they could still use force. It was difficult to secure interviews with the chiefs of the hostile tribes, but at last they made the appointments and came to an understanding. The report of the commission in 1868 said, "It was at this council that the hitherto untried policy in connection with the Indians, of endeavoring to conquer by kindness was inaugurated."¹⁰ This was the situation at the time President Grant came into office.

CHAPTER II.

"CHANGING ATTITUDES TOWARD THE INDIAN".

"Voluptuary and stoic, swept by gusts of fury too terrible to be witnessed, yet imperturbable beyond all men under the ordinary excitements and accidents of life; garrulous yet impenetrable; curious, yet himself reserved; proud and mean, alike beyond compare; superior to torture and the presence of certain death yet by the standards of all other people, a coward in battle; capable of magnanimous actions which where uncovered of all romance are worthy of the best days of Roman virtue, yet more cunning, false and cruel than the Bengalee, -this copper-colored sphinx, this riddle unread of men equally fascinates and foils the inquirer."¹ This was the character sketch of the Indian, given by Francis Walker, former Commissioner of Indian affairs. With such a character as that to deal with, it is no wonder that the attitude toward the Indian on the part of the people of the United States has been a changing one.

The question as to whether or not the Indian was capable of being civilized occupied the minds of many during the last half of the nineteenth century. Some contended that he could not be civilized. One of the men who took this attitude toward the question was Otis, a lieutenant-colonel in the United States army. He said

the Indian could not be civilized because he lacked some of the fundamental qualities necessary for civilization. "Although equally, if not more skilled in the use of the senses than the white man, he lacks the faculty of abstraction, and consequently, his imagination, reason and understanding are of a very low order. He is almost entirely destitute of the moral qualities and his religious nature is of that kind which presumes the existence of a Supreme Being simply to account for facts and occurrences beyond his comprehension. Like all savage people, the Indian has not the slightest conception of a definite law as a rule of action. He is guided by his animal desires. Another defect of Indian character consists in inability to comprehend a Christian dogma, and even to gain a tangible idea of the simplest elements of the Christian religion. The truth is that the Christian religion is the religion of the civilized man. It is a progressive religion and has reached a stage beyond the grasp of the savage. The civilization of the Indian is not yet in any particular an accomplished fact. The labor which has been expended in his interest, with all attendant circumstances, has in many instances produced this result, viz: the substitution of some of those customs through which we earn our daily bread and make comfortable our settled homes in place of the Indians former mode of gaining subsistence

and as a consequence those rules and regulations which necessarily govern the new state have been in part accepted. He is tamed, he may be civilized, but he has not by any means acquired our civilization."²

But not everyone was so pessimistic about the question as Mr. Otis. Mr. Carl Schurz took the opposite view—that it was not only possible but easy to civilize the Indian if the right methods were used. He said that the only ones who believed that the Indian could not be civilized were the ones who did not want him to be. He admitted, however, that it was a slow process. "We can certainly not transform them at once into great statesmen, or philosophers, or manufacturers, or merchants; but we can make them small farmers and herders. Some of them show even remarkable aptitude for mercantile pursuits on a small scale. I have no doubt that they can be sufficiently civilized to support themselves, to maintain relations of good neighborhood with the people surrounding them, and altogether to cease being a disturbing element in society. The accomplishment of this end, however, will require much considerate care and wise guidance. That care and guidance is necessarily the task of the government which as to the Indians at least, must exercise paternal functions until they are sufficiently advanced to take care of themselves."³

Both of these attitudes had many followers.

Another question of the day was the treatment of the Indians. At the time just previous to the election of Grant, many of the people felt either indifferent or rather kindly toward the Indians. On January 2, 1869, Harper's Weekly made the statement: "The Indian question is evidently a very difficult question. It is also a very uninteresting one and few care to understand it."⁴ That same year Congress voted two million dollars in addition to the amount necessary to meet expenses, and put it into the hands of the Executive to expend in keeping peace and promoting civilization. Mr. Dodge expressed the feeling of another group of people when he said: "The newspapers of the land are much to blame for the exaggerated feeling against the Indians. The local paper of a frontier town will carefully avoid any mention of the daily or nightly killing of its inhabitants; but let a frontiersman be killed or even scared by Indians and column after column is devoted to the minutest and most generally imaginary details. This can readily be accounted for, each little frontier town desiring the presence of troops, not for protection, but for the money they spend."⁵ These attitudes were influenced by the news of the Washite and Baker massacres in 1868 and 1870 respectively. In each case white troops surprised the Indians, killing many men, women, and children, taking captives, and destroying villages and possessions. Some of the people, for a time at least looked with pitying glances upon the poor abused

Indian.

But another group, made up particularly of people from the West, had no pity for the Indians. Mr. Paxson makes the statement that "the benevolent theorists, who desired to protect the tribes from actual destruction, were in the older communities of the East. On the frontier in actual contact with them, lived aggressive men who were realists in life, and saw in the Indians an incumbrance upon the earth."⁶ Mr. Cavanaugh, Representative from Montana, when asked his opinion on the killing of women and children in Indian wars, made the following reply: "I will answer the question fairly and squarely, in the words of General Harney after the Battle of Ash Hollow, years ago. It is not a very elegant phrase, but the old gentleman, although a very gallant soldier, was not celebrated for politeness. When he was assailed for killing squaws and papooses at Ash Hollow, he said, 'They are nits, and will become lice, and it is better to kill them in the chrysalis state.'⁷ Mr. Stevenson, Representative from Ohio, in the same debate in Congress, agreed with Mr. Cavanaugh and said that if the women and children carried arms and fought, as they usually did, they should be killed as well as the men. A common phrase of the day was that the only good Indian was a dead one. An article in "Harper's Weekly" at that time said that the popular theory of the

Indians was that they were vermin and must be exterminated. General Ord, in 1869, reported that he had encouraged the troops to capture and root out the Indians and hunt them down like wild animals. Some of the territories had organized bands of men who went out especially to kill the Indians and destroy their villages. Premiums ranging from twenty-five to one hundred dollars were offered for Indian scalps. This attitude of hatred continued until it reached its climax at the time of the Custer Massacre in 1876.

There were some people, however, who thought that the Custer Massacre was a just retaliation for the Washita and Baker Massacres. A rather sentimental attitude began to grow up. Senator Oglesby of Illinois, in a speech before the Senate on February 22, 1876, expressed this view. "The Indian has a heart; the Indian has manhood; he is the natural owner of the soil; like you and me he was created in the image of God. I will not trample on him; I will not exterminate him; I will not drive him through desperation to ruin; I will, for one, extend him the American hand of civilization; I will extend to him the high privileges of American citizenship. That is the solution; that is the policy; that is the way it must end; or it will end in ruin and heartless extermination. I will not dip my fingers in that blood."⁸

Another way in which this attitude was expressed was in the organization of benevolent associations. The National Indian Association was formed in 1881. It was made up of Christian women, largely from the eastern states. Their object was to build missions, help the Indian secure legal recognition, and promote education among the Indians. The next year the Indian Rights Association was formed. It was a non-partisan, non-sectarian organization for the promotion of the civilization of the Indian and the securing for him of national and political rights. The headquarters of this organization were in Philadelphia. Both groups collected a great deal of data on the Indian situation and did much to influence public opinion.

A third form in which this attitude was expressed was through sentimental novels. Cooper's Indian novels had been published shortly after 1840. In 1884 Helen Hunt Jackson published Ramona, a book dealing with the mistreatment of the Indian. It aroused a great deal of feeling. In a lecture delivered under the auspices of the Indian Rights Association in 1885, Joseph Cook made the statement: "Let us be thankful that the cause of Indian rights has found in Ramona what anti-slavery reform found in Uncle Tom's Cabin."⁹ Two years later Mrs. Jackson published A Century of Dishonor, in which an attempt was made to show how dishonorably the government had acted in the removal of the Indian tribes. These books were received with both

favor and disfavor. Again, most of the criticism came from the western states. Mr. Dodge wrote: "Basing themselves on justice and honor, some of the best and purest of our Indians fight in the Indians a quixotic battle with the windmills. Misled by Cooper, Catlin and other enthusiastæc authors, they have set up an ideal Indian, clothed with graces and virtues which a moment of calm and unprejudiced reflection must show to be impossible in a savage."¹⁰ Senator Maxey voiced the same opinion when in a debate in the Senate, February 24, 1876, he said: "I represent a state with hundreds of miles of Indian frontier, and I know that our women and children are carried into captivity, that our men are murdered, that frontiersmen have to plow their fields with their rifles by their side; and knowing what I do know, I am well aware that the famous characters of Leather-stocking and Minnehaha, as painted by the novelist and poet, are creatures of fancy. He who knows the Indian well as I know him in his wild state knows that there are no such characters there."¹¹

CHAPTER III.

"DIFFERENT PHASES OF GRANT'S POLICY"

1. Grant's Attitude toward the Indian.

One of the first problems that Grant interested himself in when he became President was the Indian problem. Coolidge says that "Grant's interest in the Indian dates from his life in the far West when as a young army officer he saw with what injustice they were treated by the whites. George W. Childs says that he 'then made up his mind that if he ever had any influence or power it should be exercised to try to ameliorate their condition.' He was as good as his word. Brief as was his first inaugural, it was long enough to contain a reference to 'the proper treatment of the original occupant of the land' as deserving careful study. 'I will favor any course toward them which tends to their civilization and ultimate citizenship.'"¹

Grant's first annual message contained the following statement concerning the Indians:

"From the foundation of the Government to the present, the management of the original inhabitants of this continent, the Indians, has been a subject of embarrassment and expense, and has been attended with continuous robberies, murders and wars. From my own experience upon the frontier and in Indian countries, I do not hold either legislation

or the conduct of the whites who come most in contact with the Indians blameless for these hostilities. The past, however, cannot be undone, and the question must be met as we now find it. I have attempted a new policy towards the wards of the nation (they cannot be regarded in any other light than wards) with fair results so far as tried, and which I hope will be attended ultimately, with great success. The Society of Friends is well known as having succeeded in living in peace with the Indians in the early settlement of Pennsylvania, while their white neighbors of other sects in other sections were constantly embroiled. They are also known for their opposition to all strife, violence and war, and are generally noted for their strict integrity and fair dealings. These considerations induced me to give the management of a few reservations of Indians to them and to throw the burden of the selection of agents upon the society itself. The result has proved most satisfactory. For superintendents and Indian agents not on the reservations, officers of the Army were selected. The reasons for this are numerous. Where Indian agents were sent, there, or near there, troops must be sent also. The agent and the commander of troops are independent of each other and are subject to orders from different departments of the government. The army officer holds a position for life, the agent one

at the will of the President. The former is personally interested in living in harmony with the Indians and in establishing a permanent peace to the end that some portion of his life may be spent within the limits of civilized society; the latter has no such personal interest. Another reason is an economic one; and still another the hold which the government has upon a life officer to secure a faithful discharge of duties in the carrying out of a given policy.

"The building of railroads and the access thereby given to all the agricultural and mineral regions of the country, is rapidly bringing civilized settlements into contact with all the tribes of Indians. No matter what ought to be the relations between such settlements and the aborigines, the fact is they do not harmonize well, and one or the other has to give way in the end. A system which looks to the extermination of a race is too horrible for a nation to adopt without entailing upon itself the wrath of all Christendom and engendering in the citizen a disregard for human life and the rights of others, dangerous to society. I see no substitute for such a system, except in placing all the Indians upon large reservations, as rapidly as it can be done, and giving them absolute protection there. As soon as they are fitted for it they should be induced to take their lands in severalty and to set up territorial government for their own protection."²

President Grant refers to the Indian question again in his second inaugural speech. "My efforts in the future will be directed by a humane cause, to bring the aborigines of the country under the benign influences of education and civilization. It is either this or war of extermination. Wars of extermination engaged in by people pursuing commerce and all industrial pursuits, are expensive, even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered and the question asked, cannot the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made, in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it."³ Mr. Coolidge says that this was the first serious attempt at a humanitarian treatment of the Indian by the government but other authorities differ with him. In the report of the Peace Commission in 1867, quoted in the first chapter, the statement was made that that was the first use of a kind policy. Mr. Sparks states that both Lincoln and Johnson advocated the converting of the Indian and the training of him in agriculture.

Senator Logan, of Illinois, in a speech before the Senate June 20, 1876, traced the peace policy both to Washington and Monroe. He said: "By examination you will find that this idea of civilizing and Christianizing the Indian is not of recent date. It is not of a few years past. It commenced with the first organization of this government. It commenced with the first dawn of the liberty of this country and has been followed down by every fair minded and honest administration from the time of the origin of the government to this day."⁴

One of the first actions of Grant's administration, under the authority of a provision of an appropriation act of April 10, 1867, was the appointment of a commission to investigate Indian affairs. This commission was headed by Welsh of Philadelphia, who afterward became minister to England during the Hayes administration. The other members were: Farwell, Chicago; Stuart, Philadelphia; Campbell, Pittsburg; Bishop, New York; Lane, Indiana. These men were for the most part, well-to-do, and worked on the commission without remuneration. They were to exercise, under the direction of the President, joint control with the Secretary of the Interior over the disbursement of the appropriation. They organized and chose Welsh as president and Brunot as secretary. Their duties, as set forth by Grant, were:

"1. The commission will make its own organization

and employ its own clerical assistants, keeping its necessary expenses of transportation, subsistence and clerk hire, when actually engaged in said service, within the amount appropriated therefore by Congress.

2. The Commission shall be furnished with full authority to inspect the records of the Indian office and to obtain full information as to the conduct of all parts of the affairs thereof.

3. They shall have full power to inspect, in person or by a sub-committee, the various Indian superintendencies and agencies in the Indian country, to be present at the payment of annuities, at consultations or councils with the Indians, and when on the ground to advise the superintendents and agents in the performance of their duties.

4. They are authorized to be present, in person or by a sub-committee at purchases of goods for Indian purposes, and inspect said purchases, advising the Commissioner of Indian Affairs in regard thereto.

5. Whenever they shall deem it necessary or advisable that instructions for superintendents or agents be changed or modified, they will communicate such advice through the office of

the Commissioner of Indian affairs to the Secretary of the Interior, and in like manner the advice as to changes in modes of purchasing goods or conducting the affairs of the Bureau proper. Complaints against superintendents or agents or other officers will in the same manner be forwarded to the Indian Bureau or the Department of the Interior for action.

6. The commission will at their board meetings determine upon the recommendations to be made as to the plans of civilizing or dealing with the Indians and submit the same for action in the manner indicated, and all plans involving the expenditure of public money will be acted upon by the Executive or the Secretary of the Interior before expenditure is made under the same.

7. The usual modes of accounting with the Treasury can not be changed, and all expenditure, therefore, must be subject to the approvals now required by law and the regulations of the Treasury department, and all vouchers must conform to the same laws and requirements and pass through the ordinary channels.

8. All the officers of the government connected with the Indian service are enjoined to afford every facility and opportunity to said commission and

their sub-committees in the performance of their duties and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors: to allow such commission full access to their records and accounts and to cooperate with them in the most earnest manner to the extent of their proper powers in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes, instead of following a roving and savage life.

9. The Commission shall keep such records or minutes of the proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the government may be authenticated."⁵

In addition to the instructions given to them by President Grant, Commissioner Parker submitted the following problems to be considered by them:

1. A determination or settlement of what should be the legal status of the Indians.
2. A definition of their rights and obligations under the laws of the United States, the States, the Territories, and treaties,

3. Whether any more treaties should be made, and if not, what legislation would be necessary for those who had and did not have treaties.
4. Whether the Indian should be placed on a reservation and how accomplished.
5. Whether there should be legislation discriminating between civilized and localized Indians and the roving ones.
6. The changes necessary in existing laws regarding purchases of goods and provisions for the Indians to prevent fraud.
7. Whether changes should be made in the method of paying annuities, and if so, what ones.
8. When civil rule ceased and military rule began.
9. Changes necessary in intercourse laws because of changes in the condition of the country.

The commission visited a great number of tribes and reported: "The history of the government's connections with the Indians is a shameful record of broken treaties and unfulfilled promises. The history of the border and white man's connections with the Indians is a sickening record of murder, outrage, robbery and wrong committed by the former, as the rule, and occasioned savage outbreaks and unspeakable barbarous deeds of retaliation, as the exception. Paradoxical as it may seem, the white man has

been the chief obstacle in the way of Indian civilization. The benevolent measures attempted by the government for their advancement have been almost uniformly thwarted by the agencies employed to carry them out. The soldiers sent for their protection too often carried demoralization and disease into their midst. The agent appointed to be their friend and counsellor, business manager and almoner of the government's bounties frequently went among them only to enrich himself in the shortest possible time at the cost of the Indians, and spent the largest available sums of the government's money with the least ostensible beneficial results. The general interest of the trader was opposed to their enlightenment as tending to lessen his profits. Any increase of intelligence would render them less liable to his impositions and if occupied in agricultural pursuits their product of furs would be proportionately decreased. The contractor's and transporters' interests were opposed to it for the reason that the production of agricultural products on the spot would necessarily cut off their profits in furnishing army supplies. The interpreter knew that if they were taught, his occupation would be gone. The more submissive and patient the tribe, the greater the number of outlaws infesting their vicinity; and all these were the missionaries teaching them the most degrading vices of which

humanity is capable. If in spite of these obstacles a race made some progress in agriculture, or their lands became valuable from any cause, the process of civilization was summarily ended by driving them away from their homes with fire and sword to undergo similar experiences in some new locality."⁶

Mr. Otis' comments on the report were: "This is almost the language of invective. Never had Indian management been so scathingly denounced. The commission had reviewed past operations and met to fix upon and recommend a new system of control. In its opinion, all public measures which had been adopted had tended to demoralize the Indians instead of making them better, simply because they were wickedly executed. It concluded that the custom of meeting the tribes as independent nations was unwise and proposed that the treaty farce be discontinued, although it substituted the tribal contract with the government which, in so far as the Indians were concerned, was nearly as detrimental to their interests as the treaty proceedings, since it insured a continuance of tribal organization. The remaining recommendations contained nothing novel except the proposition to establish a judicial tribunal in the Indian territory, and the taxation of 'civilized tribes'; which existing treaties forbade, and the transfer of such of those branches of education as one necessarily

acquired through the medium of schools and churches to the religious denominations of the country. Colonization and exclusion were to be carried to the utmost limit. The most determined efforts were to be made to induce the Indians to turn their attention to agriculture, at least in so far as persuasion and material aid could accomplish it. Education and religious instruction were to be pursued with energy and the Indian service was to be thoroughly purified."⁷

Following the receipt of this report, President Grant began to carry out the different parts of the policy he had in mind.

2. "Cooperation with Religious Sects."

The idea of converting the Indian to Christianity was not a new one at the time President Grant interested himself in it. Missionaries had been at work among the Indians since colonial days. An organized system of Christian civilization had been urged by the churches for many years. Their enthusiasm had lagged somewhat by 1868, however, and in the report of N.G. Taylor, Commissioner of Indian Affairs for that year, was the complaint: "I do not undertake to assign any reason for it, but it is quite apparent that the same interest is not manifested in the welfare of the red man, by bringing

him under moral and religious influences, on the part of benevolent and Christian organizations of the country as in former years. Many of the tribes have no schools and are without any religious instruction whatever; with them the door is wide open, and fields for Christian labor and benevolent effort are presented everywhere, appealing for help. The subject is worthy of the highest consideration of the philanthropist, and the government should invite the cooperation in the great duty of protecting, educating and elevating the race to a higher state of being, of all Christian societies or individuals who may be disposed to take part in the work, and should liberally assist in the maintenance of schools and mission establishments."⁸

President Grant, in his first annual message, stated that he intended to cooperate with the religious sects, particularly with the Society of Friends, in the matter of Indian agencies. By the next year he had decided that the plan was a success and, after Congress had passed the act reducing the army and making army officers ineligible to act as agents, he decided to increase the number of agencies in the hands of the religious bodies. "I determined to give all the agencies to such religious denominations as had heretofore established missionaries among the Indians, and perhaps to some other denominations who would undertake the work on the same terms, i.e., as missionary work.

The societies selected were allowed to name their own agents, subject to the approval of the Executive, and are expected to watch over them and then, as missionaries, to Christianize and civilize the Indians and to train them in the arts of peace. The government watches over the official acts of these agents and requires of them as strict accountability as if they were appointed in any other manner. I entertain the confident hope that the policy now pursued will in a few years bring all the Indians upon reservations, where they will live in houses, and have schoolhouses, and churches, and will be pursuing peaceful and self-sustaining avocations, and where they may be visited by the law abiding white man with the same impunity that he now visits the civilized white settlements."⁹

Mr. Brunot, chairman of the Board of Indian Commissioners, stated that this new policy was proving a very effective reform over the old ones where the patronage of the Indian was under the control of politicians. In summing up the conditions before the change was made, he said: "Under the old system such things as partnerships between the agent and trader or the agent and contractors; receipting for supplies never delivered; overestimating the weight of cattle for the contractor; taking vouchers in blank to be filled with fraudulent sums; carrying false

names upon the rolls; paying employees for whom there was no employment; reporting employees at higher or lower salaries than provided for by law and using the difference for other purposes; farming out the appointments controlled by the agent; using annuity goods for the agents and employees; trading with the Indians; selling them their own goods; selling annuity goods to the whites; conniving with others to swindle the Indians out of the annuities after distribution; having Indian concubines and allowing similar license to employees; and many other abuses had become so general that an honest and moral agent was the exception. Under the present system, such practices are the exceptional cases, and when discovered, the remedy is at once applied.

"Under the former rule a class of persons had been gathered about many of the agencies in the subordinate employments who have no sympathy with the new policy, and whose example has been pernicious. All such employees as well as the agents require to be supplanted by persons of Christian, or at least moral character, who, with their families, shall feel an interest in the elevation of the Indian. Besides those, there is a still worse class of men at nearly all the reservations. Many of them are desperadoes, who have chosen evil to be their good. They incite Indians to robbery, and murder that they may reap the gain in their nefarious traffic for the spoils; and they

never fail to make the Indian bear the odium of atrocious crimes which they themselves commit. When their villainies and family feuds drive their victims to acts of retaliation they become the loudest of all in their denunciation of the savages, and in the demand for troops to protect the "innocent settlers on the border;" and when successful in getting up a war, they expect, and too often receive profitable employment as scouts, packers, or guides, to the military, who are made the instruments of their vengeance and whose horses they begin to steal at the first dawn of peace.

"It was by no means an easy task to rid the Indian reservations of these pernicious elements, and it is manifest that it is indispensable to success in the effort to civilize and Christianize the Indian. The reform contemplated in substituting for them men whose influence and example will elevate instead of demoralize, is so radical, and the field of its application so extensive that it will require time to perfect the system."¹⁰

When President Grant had fully decided on the course he was to follow, he opened up a correspondence with different missionary associations, explaining to them the purpose of the cooperation between the government and the religious denominations--the desire to combine moral and intellectual improvement with material progress. Most of the religious

organizations responded promptly, endorsing the policy and agreeing to aid in carrying it out. This was the first time that the religious societies had been assured that their efforts would not be opposed by the agents of the government and they were stimulated to increase their efforts. Many immediately chose their agents and sent them out, while others prepared to do so. Nine months after the plan was adopted, the following report was made:

"The Episcopalians have expended over twenty-five thousand dollars in money besides the large contributions they have received in clothing, hospital-stores, and provisions. The Friends and Presbyterians have each expended a similar amount. The American Board has expended twelve thousand dollars, and the Methodist, Catholic, Baptist, Reformed Dutch, American Missionary and other societies are liberally sustaining missions already in operation and projecting new ones. The reports of the missionaries show a degree of success far beyond our expectations. During the year the Presbyterian, Methodist and Episcopalian missions have admitted more than six hundred Sioux, Chippewas, Nez Percés and other Indians to church membership. When an Indian becomes a Christian, he abandons all the cherished customs and traditions of his nation, cuts off his scalp lock, adopts civilized garments, and goes to work for his living. The material as well as the moral change is far

greater than in the case of the white man, and there is ample proof that he is usually^{as} consistent a Christian, in his simple way, as the average white man. Neither sneers nor doubts can take away the imprint of these indisputable facts nor lessen the honor which is justly due to the administration which has made such things possible."¹¹

Mr. E.P. Smith, Commissioner of Indian Affairs in 1874, in commenting on the value of this policy of cooperation, said that the main difficulty, as far as the government was concerned, was the fact that the Indian needed most of all something that the political organization and operation of the government could not give him. "The first help which a man in barbarism requires is not that which can be afforded through a political party, but that which is offered by a fellow man, wiser than himself, coming personally and extending a hand of sympathy and truth. No amount of appropriation and no governmental machinery can do much toward lifting an ignorant and degraded people, except as it works through the willing hands of men made strong and constant by their love for their fellow men. If, therefore, it shall be possible to continue the sympathy and aid of the religious people of the land in this work, and to rally for its prosecution the enthusiasm and zeal which belongs to religion, and also if it shall be possible to procure the enactment of such laws as will recognize

the essential manhood and consequent capabilities and necessities of the Indians, and to provide reasonably adequate appropriations which shall be expended both honestly and wisely for their benefit, and to hold steadily to well-defined and carefully prepared methods of treatment, every year will witness a steady decline of barbarism and its consequent danger and annoyance, and a constant accession to the number of peaceful and intelligent Indians who shall take their place and part as subjects of the United States. Surely this cannot be too much to ask and expect of the people of this great republic. The record of the past cannot be rewritten, and it is not pleasant to recall. Much of administrative mistake, neglect and injustice is beyond repair. But for Indians now living, much of protection and elevation and salvation is still not only possible, but feasible and highly promising; and well will it be if we are wise enough to make the most of the opportunity left to deal justly and humanely with these remnants of the first American people."¹²

Mr. C.B. Fish, Chairman of the Board of Indian Commissioners in 1874, pointed out that this was a much better plan of civilizing the Indians. He said that the Indian, as a savage, resisted every effort to civilize him and when he was made to yield to force his progress

was slow and unsatisfactory. But his conversion to Christianity caused him immediately to realize that he must lead a new life and from there on his civilization was comparatively rapid and easy. There was no reason to believe that this rapid civilization was not so lasting as the other type.

It would seem natural that there would be some jealousy on the part of the denominations in carrying out this missionary work. Probably there was a small group that was jealous for Senator Tipton of Nebraska, in a debate before the Senate June 4, 1870, said: "It was an invidious distinction between the religious denominations of this country when one single denomination was pointed out as par excellence being so high in Christian civilization; humanity and mercy as that their sheltering arms only could protect the wards of this nation. I repeat, it was an invidious distinction, and the people of this country understand it."¹³ However, this must have expressed the views of only a few. The denominations apparently worked in harmony, as Mr. E.P. Smith, the Commissioner of Indian Affairs for 1875, reported that there was no desire on the part of any of the denominations for church propagation nor to interfere with the work of other denominations except in the case of the Catholics on some of the agencies. This group, too, was the only one that

interfered in any way with the work of the government, but the commissioner explained this on the ground that it was done only because of the incompatibility between their religious and educational system and the provision for public instruction on the reservation.

It was not always easy for the denominations to get the right type of men to take these positions as agents for it took a man with a real missionary spirit to undergo the hardships. "When it is considered that these men must take their families far into the wilderness, cut themselves off from civilization with its comforts and attractions, deprive their children of the advantages of education, live lives of anxiety and toil, give bonds for great sums of money, be held responsible in some instances for the expenditures of hundreds of thousands of dollars a year, and subject themselves to ever-ready suspicion, detraction and calumny, for a compensation less than that paid to a third class clerk in Washington, or to a village postmaster, it is not strange that able, upright, thoroughly competent men hesitate, and decline to accept the position of an Indian agent, or if they accept, resign the position after a short trial."¹⁴

As is true with all changes in actions of any kind, there were some who had no faith in President Grant's plan of cooperating with the religious sects and others

who were violently opposed to it. Senator Howard of Michigan made the comment that he had no belief whatever in the success of a plan by which our relations were in a great degree "to be regulated by persons of that (Quaker) persuasion, who are to subdue the Indian to civilization and Christianization by mere kindness, benevolence, and instruction."¹⁵ He said, however, that he was willing to try the scheme.

Others were not willing even that the trial be given, because they were so sure that the principle of the whole idea was wrong. Senator Mitchell of Oregon was very much opposed to it. In a Senate debate after the Modoc War in 1870, his speech contained the following statements of his views: "And am I wrong in declaring there is great danger that our Indian commissions and peace advocates, selected as they are with reference to their religious associations and belief, almost universally, without ever having lived upon a frontier, and with little or no knowledge of the Indian character - I repeat, is there not great danger that men thus chosen, however good and honest they may be, will be prone to sympathize and side with the Indian race to such an extent as to be unable to do justice to the white race? Is there not danger that men thus chosen will be so desirous of elevating the Indian as to fight, for the time being, the rights of the white man? How often in these later years do we hear the

assertion that all the outrages perpetrated by savages on our western borders are superinduced by the wrongs of the white man. Why, so zealous have become these reformers in the elevation of the red man that it is scarcely possible to obtain a single expression in any speech or report made by them that by any possible construction can be tortured into an expression of the belief that an Indian can do wrong, while all these bristle with sentiments which charge upon the unprotected settler the whole responsibility of all the murders and the bloody Indian wars from which we have suffered."¹⁶

In another part of his speech Senator Mitchell mentioned the report in the Washington Evening Star of a meeting of the Board of Indian Commissioners and the representatives of the different missionary societies. His idea was to point out that the principal interest of the societies was material rather than spiritual. He said that the first thing they discussed at the meeting was the salaries of the agents. They next opposed the transfer of the Indian Bureau to the War Department because it would cut them out. The third matter under discussion was the unusual harmony between the Indian Bureau and the missionary societies. After that the welfare of the Indian was brought up.

Before Senator Mitchell ended his speech, he again

referred to the choice of Indian agents. He said that the people of Oregon were entirely in favor of any plan that tended to civilize and Christianize the Indian. Their objections were to the method of carrying out the plan. "But when in the administration of this policy, its agents and missionaries become so enthusiastic and fanatical as to be wholly unable to comprehend the fact the the Indian, yet enshrouded as he is amid the gloom of superstition and barbarism, is in the very nature of things prone to engage in acts of barbarism unless restricted by physical as well as moral force, when they deem it necessary to the success of a pet policy that the blame of every depredation must be attributed to wrongful acts of the whites, and when furthermore, without ever having resided in an Indian country and therefore necessarily to a very great extent, misinformed as to the real character, habits, and peculiarities of the Indian race, they persist in setting up their judgment in opposition to that of men, who for a quarter of a century, have resided in the Indian Country, and whose means of knowledge is necessarily of a superior nature, they (the people of Oregon) do object to such an administration of a policy that might under a different regime be crowned with abundant success. Give us honest, capable Indian agents, men whose qualifications are not to be determined by the fact that they are members of this church

or that church. Let them be selected from the people with reference to their knowledge of Indian affairs and their experience in such matters, men who will do justice both to the Indian and the white man and who will have a greater degree of prosperity both of the Indian and the white."¹⁷

Senator Thayer of Nebraska took somewhat the same attitude as Senator Mitchell toward the problem. He made the remark that there had been more murders in Nebraska since the religious sects had taken over the agency than before. When he was asked if he thought this was caused by the Quakers, he said that they were ^{the} indirect cause but they meant well. He explained his idea by saying that the Quakers had impressed upon the Indians the fact that they were to protect them, and so great had been the impression that the Indians felt that they could commit murder and the Quakers would shield them from the consequences of the act. He also criticized the Quakers, because, when President Grant allowed them to choose two agencies, instead of choosing the ones that needed them most, they chose the most quiet ones.

Mr. Oberholtzer, in giving the attitude of Mr. Carl Schurz, toward the policy, says that he considered it mere pretence on the part of President Grant of seeming to put the management of the Indians upon the church and

still retaining the real hold. He said that the churches should not be given these offices for they had no machinery for such work and the men who went out at such ridiculously low salaries were "idealists, unpractical and unable to cope with the situation that faced them at their unfamiliar posts. Liberal instincts were more prominent in them than good sense."¹⁸

In spite of all the criticism of the policy there seemed to be no one who accused these religious agents of corrupt practices. A report from Washington Territory said that the religious agents in that district had never defrauded the government out of a single dollar, and it is probable that this was an example of the conditions in the other sections where the agencies were in charge of the church organizations.

President Grant continued to follow this policy during his administration but by 1881 sufficient opposition had arisen to make the government decide it was a failure and discontinue it. After 1881 the Secretary of the Interior permitted ministers of any denomination to work on the reservations except where rivalry with other denominations might cause trouble. In 1887 the Indian Commissioner interpreted this to mean that any minister could work there as long as he did not interfere with agency matters. Thus, everything but purely religious matters was taken

out of the hands of the religious organizations and once more the management of Indian affairs became a political problem.

3. "Indian Visits to Washington"

Another policy that President Grant tried, but did not carry on to any great extent was that of having delegations from the uncivilized tribes visit Washington and the large cities of the East. This, too, was really a continuation of an old policy, Mr. Brunot says. The object of these visits was to impress upon the Indian the peaceful designs of the government and the vast resources at hand in case of war. The knowledge of the Indian, like that of the white man, was based on what he saw. As long as he stayed in the West, his impressions were the result of his contact with the settlers and the comparatively few troops sent out to fight him. As long as these were the only impressions he had, he was likely to feel that the Indians were more numerous and powerful than the whites and he need have no fear of the government. When the cost of such a policy was commented on, Mr. Brunot said that "it would cost less to carry every warrior of the untamed tribes on a tour through the United States than the expense of one campaign against a single tribe."¹⁹

Mr. Brunot seemed to think that this plan was, in all cases, a benefit to the Indians and to the promotion of

the peaceful designs of the government. Perhaps this was true but, although Chief Joseph, a Nez Perce Indian, and one of the most prominent ones to make such a visit, returned to his people and advocated peace, he was not entirely satisfied with his visit. Several years afterward he wrote his impressions of his visit, and this is what he said: "At last I was granted permission to come to Washington and bring my friend Yellow Bull and our interpreter with us. I am glad we came. I have shaken hands with a great many friends, but there are some things I want to know which no one seems able to explain. I cannot understand how the government sends a man out to fight us, as it did General Miles, and then breaks his word. Such a government has something wrong about it. I cannot understand why so many chiefs are allowed to talk so many different ways, and promise so many different things. I have seen the Great Father Chief (the President), the next Great Chief (the Secretary of the Interior), the Commissioner Chief (Mr. Hoyt), the Law Chief (General Butler), and many other law chiefs (Congressmen) and they all say they are my friends and that I shall have justice, but while their mouths all talk right, I do not understand why nothing is done for my people. I have heard talk and talk, but nothing is done. Good words do not last long unless they amount to something. Words do not pay for

my dead people. They do not pay for my country, now overrun by white men."²⁰

This part of Grant's policy was not given much attention and was soon dropped.

4. "Indian Treaties"

The question of how to deal with the Indians regarding land cessions has always been a problem to the government. Early in the history of this country the government began to make treaties with them as if they were nations. The same form of ratification was followed as was used in making treaties with other countries. The President negotiated the treaty and the Senate ratified it. The House had no part in the ratification. As a result of this, the House became jealous and there was much trouble and debate everytime an Indian appropriation bill came up. At last the motion was made in the House to the effect that a joint committee from the House and Senate be appointed to consider all Indian problems that arose. In the debate in the House over the committee Mr. Butler of Massachusetts explained the position the House was in with regard to the treaty making power. "Now let me show why it is necessary to have a joint committee. So long as we treat the Indian tribes as individual nations, then so long will the Executive, with the aid of the Senate, make treaties with them, and

we may be bound by what is called the supreme law of the land to pay them any sums of money that the Senate may choose to fix, and the House has no jurisdiction, has no privilege, has nothing to do upon one theory of the Constitution and law except to vote appropriation to carry out these treaties. Now then, before we can get any jurisdiction on this question we must pass a law which shall put an end to this treaty-making system."²¹

Most of the treaties made with the Indians were treaties of land cessions. At the time these early ones were made, the government was not so strong that it could take an overbearing attitude and force the Indians to comply. When the treaties were made with the Indians east of the Mississippi, enough power remained with the Indians to make it really a diplomatic triumph if the United States obtained favorable terms. Of course, the United States was stronger but the Indians were strong enough that to take the land by force would have taken the strength that the government was not ready to use. Often the Indians were intimidated in the negotiation of the treaties, but the privileges they had given them in the treaty were rightfully theirs.

In speaking of the treaties concerning Indian lands, Mr. Walker said: "Since seeing the right of the Indians to the soil, the United States has for more than eighty-five

years pursued a uniform course, of extinguishing the Indian title only with the consent of those Indian tribes which were recognized as having claim by reason of occupancy. Such consent being expressed in treaties, to the formation of which both approached as having equal rights of initiative and equal rights in negotiation. These treaties were made from time to time as the pressure of white settlements or the fear or the experience of Indian hostilities made the demand for the removal of one tribe after another urgent or imperative. It is not to be denied that wrong was often done, in fact, to tribes in the negotiation of treaties for cessions. The Indians were not infrequently overborne or deceived by the agents of the government in their transactions. Sometimes, too, unquestionably, powerful tribes were permitted to cede lands to which weaker tribes had a better claim, but formally, at least, the United States accepted the cession successively of all the lands to which the Indians could show color of title, which are embraced in the limit of any of the present states of the Union except California and Nevada."²²

In 1871, the House had become strong enough to follow out the plan directed partly by its jealousy of the Senate, and a law was introduced that from that time on no Indian tribe within the territory of the United States should be recognized as an independent power, with whom the United

States might contract by treaty. This act passed both Houses and was signed by the President March 30, 1871. Among the reasons, other than jealousy, for the passage of the law were: first, treaties made by one house of the legislature might be improvidently made; second, sometimes there was carelessness in the amount of expenditures involved; third, too large tracts of land were being given to the Indians in the treaties. The advantages of the new system were: first, both Congresses and the President had joint control over the treasury of the United States; second, by having more than one small committee of one house act on the measure, Congress could see that no frauds were practiced on the Indians; third, the new method cost less.

Bishop Whipple, a missionary to the Indians spoke of this action on the part of the government as follows: "In 1871 Congress, either ashamed of making treaties only to break them, or grudging the time, money and paper it wasted, passed an act to the effect that no Indian tribe should hereafter be considered as a foreign nation with whom the United States might contract by treaty. There seems to have been at the time, in the minds of the men who passed this act, a certain shadowy sense of some obligation being involved in treaties; for they added to the act that it should not be construed as invalidating any

treaties already made. But this sense of obligation must have been as short-lived as shadowy, and could have had no element of shame in it since they forthwith proceeded, unabashed, to negotiate still more treaties with Indians and break them; for instance, the so-called Brunot Treaty, made with the Ute Indians in Colorado, and one with the Crow Indians in Montana, both made in the summer of 1873. They were called at the time, 'conventions' or 'agreements', and not 'treaties', but the difference is only in name."²³

The abolition of the treaty-making power put an end to many legislative difficulties, but there were still a number of people who did not approve of the act on the part of the government. Mr. Otis, in reviewing the difficulties of the treaty system, says: "But there are not wanting many accomplished individuals who strenuously defended the Indian treaty system down to its final overthrow in 1871. In the belief of some, it was iniquitous to deny in our strength, a right which was conceded to the Indian tribes while the government was weak. They seemed to forget that the legal relations of the parties had become entirely changed; that those tribes had parted with every vestige of freedom they might be supposed to have once possessed, and were, in fact, dependent upon the bounty of the government for the necessaries of life. Others thought the system practicable, and should be continued, until the tribes could be brought more thoroughly under restraint.

That by it the Indian Bureau exercised an immediate authority which was necessary to successful prosecution of our Indian policy. They would accomplish objects through questionable methods. They ignore correct political status, and are content upon methods of control, else they would acknowledge the duty of Congress to exercise entire supervision of Indian matters; now would they fail to recognize the peril into which the late system has brought constitutional law, and the troublesome problems to which it had given rise to perplex the courts. Those problems are already sufficiently numerous. A very large number of the Indian treaties are still in force. The act which forbade a continuation of the system provided that nothing therein contained should be construed to invalidate, or impair the obligations of any treaty which had been lawfully made and ratified with any nation or tribe. All treaties ratified to the date of the passage of the act were considered legal and all remained operative, excepting those which has expired by limitation or those which had been annulled by new agreements. Appropriations are still made under some of them, which were entered into before the commissioner of the present century, and are to be eternally continued, unless means can be devised to extinguish these permanent claims upon the government. Therefore many intricate questions yet require discussion, Before a definite settle-

ment of the rights of Indians under existing circumstances are to be reached. The true scope of the treaty-making power in its application to fragmentary bands of dependent Indians; the meaning of the patent of lands, which the courts have held to be the supreme and conclusive evidence of perfect legal title and which, under treaty, pass to an individual a qualified fee; the nature of a treaty provision, which exempts land patented to a citizen Indian from taxation for a long term of years, although the same may be situated within state limits; the true status of an individual, though an Indian, made a citizen by simple treaty declaration, are all delicate and practical questions, any one of which may at any time be presented for judicial determination."²⁴

Although the treaty-making power of Congress was at an end, all the previously made treaties which had not expired were in force and caused much trouble. The majority of the debates in Congress on the Indian problem had to do with appropriations resulting from treaty stipulation. Often these debates became rather heated. During one session of Congress, the House was debating whether or not it would be possible to eliminate craftsmen called for in the treaties, when they were no longer necessary. One Representative suggested that when that part of the treaty was reached, the President need not appoint the

person. Immediately debate arose as to whether treaty obligations would be broken in doing this. Mr. Sargent, of California, explained the views of one side when he said: "All the action of the government tending in a different direction, I have felt myself bound, so far as treaties were concerned, that we were governed by them. If either by a Congressional committee, or, under the resolution of the House at its last session, by the Interior Department, a feasible plan can be got, whereby, with the consent of the Indians, some of the absurd points of these treaties may be stricken off, and the Indians can be benefitted by and consent to the change, I will go for such a reform. And I can appreciate as well as any gentleman who gets up and sneers at the bill - I can appreciate the absurdities of those treaties. I am sorry they exist; but so long as we agreed with bodies of men, call them nations or bodies of individuals, signing contracts; so long as we agreed that we would give them a certain number of teachers, of mechanics, of cattle for their consumption, we are bound by those contracts, unless we choose in a cowardly manner to take advantage of our strength and refuse to fulfill them."²⁵

When the bill reached the Senate, Mr. Windom of Minnesota, voiced the views of another group. "If the Committee on Indian Affairs of the Senate are ready to

abolish all the Indian treaties and will bring in a bill to that effect, I will most cheerfully give that bill my support. If it results in a general Indian war, perhaps when we are through with the war we can make a new deal and start out with a better basis than we now have. I prefer to abolish all Indian treaties at once rather than to commence in this indirect - I might add, small- way of interfering with these Indian contracts or treaties. I believe that Congress has the power to abrogate every Indian treaty on our statute-books, but let us do it at once and be done with it. I know nothing gives the Committee on Appropriations greater difficulty than this very subject of Indian treaties."²⁶

No formal action was taken in an effort to do away with the existing treaties, but by the Act of 1887, when the lands were allotted to the Indians in severalty, the treaties automatically expired.

5. "Concentration of the Indians on Reservations."

To Jefferson was given the credit of originating the idea of removing the Indian tribes. There had been a few cases of removal on the part of the colonies, but these were necessarily on a small scale. Jefferson probably knew of these cases but his plan of removal was entirely different. The Louisiana territory had just been purchased

and this gave him ample space for the working out of his plan, which was for the organization of an Indian territory or possibly an Indian state where all the Indians might be removed. As the Indian was of a roving disposition, it was thought that he could easily be persuaded to move. Jefferson originated this plan in 1803, but the government did not see fit until 1830 to carry out a wholesale removal policy. At that time the Indians were removed west of the Mississippi and placed on large reservations, mainly in the south western portion of the United States.

In an article in the Nation in 1868 a suggestion was made that a Bureau of Civilization was needed, with force enough to gather the Plains Indians and settle them on farms. There they could be taught to live by labor. This was the beginning of the working out of a policy of drawing the Indians together upon a few reservations. Heretofore, there had been reservations, but they were very large and scattered all over the West, especially the north and southwest. Sparks gives as the underlying principle of the new policy that it was cheaper to feed idle Indians on reservations and allow them to degenerate and disappear than to get rid of them by warfare. President Grant, in his first annual message, said that it would be part of the policy of the new administration to follow out this theory already begun, of "placing all the

Indians upon large reservations as rapidly as it can be done and giving them absolute protection there."²⁷

Senator Stewart, of Nevada, thought that the best policy of the government would be to leave the Indians in civilized communities where they would be easily reached by the railroads and be near the base of supplies. The association with white men in a civilized community would make their civilization more rapid. But the opposition of the whites to having the Indians among them overruled his idea and he considered Grant's policy next best. The main argument for the plan was that the Indian must be taught to be industrious and it would be possible only when he was under restraint. The reservation was the best place for this for here the Indians would be separated from all evil influences, and legislation to suit conditions could be passed.

The idea of grouping the Indians on reservations had no sooner been started than the question arose as to the proper size of the reservation. Several factors entered into this problem. Mr. Malin summarizes these factors as follows: "The first, in point of time, was the movement for the settlement of the Pacific coast. Interest in Oregon developed earliest, but after the discovery of gold, interest in California superseded it. Second, the building of adequate lines of communication and

transportation became of great importance. In the beginning the only method considered was by wagon roads, which must be built for emigrants, mail, express, and freight. Later, the railroads and telegraph were perfected and plans were made to utilize them in solving the problems. It was at just this time also that American trade with the Orient was opened and it was hoped that the Pacific railroad would place the United States in the most advantageous position in respect to the development of that trade. Third, the westward expansion of population in the Trans-Mississippi valley demanded the opening of new country to settlement. Lastly, the changes in living conditions of the Indians and the problems attending their civilization necessitated decided modifications in the policy pursued toward these people. The cumulative effect of these forces must ultimately bring about the organization of a territorial government for the Indian country, in order to open it to white settlers and to make possible a continuous line of settled country through to the Pacific. The passage of the Kansas-Nebraska Act in 1854 marks the culmination of this movement, for it made possible the realization of the ends toward which these forces tended."²⁸

A short discussion of the effect of the discovery of gold and the coming of the railroads was given in the first chapter. A number of the statesmen of the time

freely admitted that the Indian was in the way and should be brushed aside. Mr. Niblack, Representative from Indiana, said: "We may talk as we please about justice to the Indians and their capacity for civilization, but the logic of events, which we cannot repress if we would, requires that these people should not much longer stand in the way of the greater growth of this country in the direction of the Pacific Coast. They already occupy some gaps which the white man or somebody else must, before a great while, be permitted to occupy and cultivate for the benefit of some portion of the human race. We cannot allow these last districts of country, the best we have remaining unsettled, to continue as mere hunting grounds for anybody."²⁹ Senator Yates, of Illinois, said that the continent belongs to the white race. The Indians never had a title and they should never be made the owners of the land. When the question was brought up in the Senate as to whether the railroads should be pushed through the reservations to reach the coast, Senator Stewart, of Nevada, said: "Do you want to stop the building of railroads there because there may be an Indian reservation in the way? Now we are told that if there happens to be an Indian reservation on the line of a railroad in this enormous region, for the bill applies only to the territories, the railroad must stop. You do not stop it for a white man's

farm; you do not stop it for a miner's cabin; you condemn that and take it. Although a white man may have his house on the line of a road you will not let him stay in it if it is necessary for a railroad; you condemn it and you provide in this bill for its condemnation. You go through his house and garden; you tear down his house, if necessary, to build a railroad or canal or any public work that is needed for public use. But you say if an Indian agent comes here with a view of making a good speculation and gets the land between a mining camp and a railroad reserved, you cannot put a railroad through it."³⁰

In the minds of most of those who gave thought to the question, the size of the reservations were entirely out of proportion and much good land was lying idle. An example of how it was proportioned may be found in the amount ceded to the Five Civilized Tribes. Thirteen thousand Cherokees owned two hundred and seventy-nine acres each, sixteen thousand Choctaws owned four hundred and eighteen acres each, six thousand Chickasaws owned seven hundred and seventy-five acres each, thirteen thousand Creeks owned two hundred and forty-seven acres each, and two thousand, four hundred and thirty-eight Seminoles owned eighty-two acres each. These reservations, as well as all the others granted before President Grant's administration had been made to meet the needs of the Indians in a roving state

when their chief means of subsistence were hunting and fishing. One phase of the new policy was to interest the Indian in agriculture and attempt to civilize him. The continued possession of such large tracts of land weakened the effect of civilizing influences. The Indians were always being disturbed by demands by the government for the unoccupied land as it was desired by the whites. Many of the reservations were almost worthless and others were rich in soil, timber and minerals. As the surrounding white settlers realized the wealth of the land, a struggle took place. Those Indians who did attempt to cultivate found they had too much land. Mr. Otis says that the American farmer suffers more from too great possessions poorly cultivated, than too limited possessions. If that is true with the white farmer it would certainly be true of the Indian, and no farm of more than fifty acres could be cultivated properly at that time. If the Indian had a farm of that size, the remainder of his land would be rendered available for cession or sale.

With all these arguments for the decreased size of the reservations in mind, the government began a policy of removal and concentration. New reservations were assigned or the old ones were diminished and the surplus land sold. The proceeds of the sale were used to pay the expenses of removal and the remainder was invested in government bonds

to be held for the Indians. In a few cases the consent of the Indians was given, but in many instances, force was used to gain their consent or to make the removal. Naturally a good bit of criticism arose. Mr. Brunet favored removal but thought it should not be applied to partially civilized tribes who had made fair progress in their homes and on their reservations. He believed that if they were left alone they would soon see the value of selling off the surplus land for educational purposes. This had been done by several tribes, including the Ottoes, Missouriias, and Omahas. In the Senate the argument was again brought up as to the Indian's rightful ownership of the land and the breaking of pledges if the government followed this policy. Senator Morton, of Indiana, favored the decrease of the reservation but not the removal to another one. Mr. Parker, Representative from Missouri, considered the idea of removal "of the most revolting character; one which will not bear the test of an application of either reason or justice. From the eastern to the middle states; from there to Illinois, Wisconsin, Michigan and Minnesota; then to Missouri and Iowa; thence to Kansas, Nebraska, Dakota, and the Mountains."³¹ His conclusion was that they could go no farther and must stay in their old home or be exterminated. Besides the evil of removal, the government was criticized because of the type of land that was being assigned to some of the Indians for their

new homes. Men who had looked over the territory, such as Sheridan, Hancock, Ord and some of the Indian agents, reported that the soil was so sterile that it would be impossible for even a skilled agriculturist to make a living from it. In spite of these arguments and criticisms, the government continued the removal of the tribes.

"Beginning with Madison in 1816, various Presidents advised allotting the lands in the reservations to the Indians in severalty, with patents conferring fee-simple title, inalienable for a certain period; and if any tribal land remained after that process, disposing of it for the common benefit of the tribe. This was to be done with the consent of the Indians who were there to be placed on an equal footing with the whites in the protection afforded by the laws of the country."³² The report of the Indian Commissioner of 1869 recommended this policy and throughout Grant's administration it continued to grow stronger. Mr. E.P. Smith voiced his views in his report to the Secretary of the Interior in 1873. "A fundamental difference between barbarians and a civilized people is the difference between a herd and an individual. All barbarous customs tend to destroy individuality. Where everything is held in common, thrift and enterprise have no stimulus of reward and thus individual progress is rendered very improbable, if not impossible. The starting point of individualism for an Indian is the personal possession of his portion of the

reservation. Give him a house with a tract of land, whose corner stakes are plainly recognized by himself and his neighbors, and let whatever can be produced out of this landed estate be considered property in his own name, and the first principle of industry and thrift is recognized. In order to take this first step the survey and allotment in severalty of the lands belonging to the Indians must be provided for by Congressional legislature."³³ It was the opinion of all that no one would give his best efforts toward building a home and cultivating land, if he did not have a title to that land and was not reasonably sure that he could stay there as long as he wished. Another fact which kept the Indian from cultivating the common ground was the attitude of the race toward hospitality. "That which is raised by one Indian is eaten up by another. Under a false notion of hospitality prevailing among the Indians, it is thought that one Indian must furnish subsistence to another of the same tribe until the provisions are exhausted, a system which fosters improvidence."³⁴

The plan of allotting the lands in severalty had been tried out in Oregon and Senator Corbett reported to the Senate the result of it. "So far as my observation goes, the surveying of these Indian reservations and placing the Indians upon the lands in severalty has given more satisfaction

to the Indians than the expenditure of the same amount of money appropriated in any other way."³⁵

Mr. J.L. Smith, the Indian Commissioner of 1876, suggested that since no general land existed for the selection of land in severalty, provision should be made permitting and requiring the head of each family to accept the allotment of a piece of ground of reasonable size to belong to him and his heirs. This was to take the place of common tribal possessions and should be inalienable for a long term of years. "I am not unaware that this proposition will meet with strenuous opposition from the Indians themselves. Like the whites, they have ambitious men, who will resist to the utmost of their power any change tending to reduce their power which they have acquired by personal effort or by inheritance; but it is essential that these men and their claims shall be pushed aside and that each individual shall feel that his house is his own; that he owes no allegiance to any great man or to any faction; that he has direct personal interest in the soil on which he lives and this his interest will be faithfully protected for him and his children by the government."³⁶

In 1878 the draft of a bill to carry out the policy of allotment was presented. Schurz had adopted the idea and he urged it in Congress. Five or six bills were presented in the forty-sixth Congress, and several in the forty-

seventh, forty-eighth, and forty-ninth. In a letter to Mrs. Helen Hunt Jackson in 1880, concerning the suits of the Pawnees to regain their lands, Mr. Schurz said: "The study I have given to the Indian question in its various aspects, past and present, has produced in my mind, the firm conviction that the only certain way to secure the Indians in their possessions and to prevent them from becoming forever a race of homeless paupers and vagabonds, is to transform their tribal title into individual title, inalienable for a certain period; in other words, to settle them in severalty and give them by patent an individual fee simple in their lands. Then they will hold their lands by the same title by which white men hold theirs, and they will, as a matter of course, have the same standing in the courts and the same legal possession of their property. For this reason I attach much more importance to the passage of legislation providing for the settlement of the Indians and giving them individual title in fee simple, the residue of their lands not occupied by them to be disposed of for their benefit, than to all the efforts, however well intended to procure judicial decisions which, as I have shown, cannot be had. I am glad to say that the conversations I have had with the Senators and Representatives in Congress on the policy of settling the Indians in severalty have greatly encouraged

my hope of the "severalty bill' during the present session."³⁷

Contrary to the expectations of Mr. Schruz the bill did not pass that session. In 1884 a bill was passed in the Senate but not the House although it was reported favorably by the Indian Committee. On December 8, 1885, Dawes, Representative from Massachusetts, introduced a new bill. It passed the Senate and House and was approved by the President February 8, 1887. It did not apply to the Osage, Peoria, Miami, Sac and Fox, nor the Five Civilized Tribes. By the terms of it, the President could authorize the allotment of land in severalty to Indians of any tribe, whenever he thought it would benefit the tribe. Each head of a family received one hundred and sixty acres and half as much again for each single member over eighteen and each orphan under it. Other persons under eighteen received forty acres. The holder could not sell or mortgage it for twenty-five years. This time could be extended by the President. The Indians could select their own land. If they failed to pick it out after four years, the President could direct the agent to select it. Allotments were made from the public domain to Indians who were not on a reservation or whose tribe had none. The President was also authorized to negotiate for the surplus land to be sold to settlers. Only one hundred and sixty acres could be bought by each settler and he received his title after five years.

In 1889 the Indian territory was divided and Oklahoma was open to settlement. In the meantime white settlers began to come into the Indian Territory, particularly when the railroads and mines offered inducements. In 1892 a commission was appointed by the Senate to negotiate with the Five Civilized Tribes on dissolution. Dawes was chairman of the commission. The commission was unsuccessful at first until Congress, in 1896, passed an amendment to an appropriation bill directing the commission to make out rolls of the Indian citizens, preparatory to allotment. After that progress was more rapid. The Creeks and Cherokees refused to negotiate. In 1897 an act was passed to abolish tribal courts and give the jurisdiction to the United States courts. By the end of the nineteenth century the tribes of the Indian Territory were nearly dissolved. The government of the Five Tribes was still in existence but of no use for the Indians were by that time completely under the control of the United States.

6. "Plans for an Indian Territory."

A discussion of Indian policy would not be complete without a reference of some kind to an organization of an Indian Territory, although such an organization did not progress very far during President Grant's administration, and really belongs to a later period. After the Civil

War plans began to be made to consolidate the Indian population. The organization of the Iowa Territory put an end to any idea of organizing a northern territory. After Kansas and Nebraska were formed the plan of removing the Indians from that territory into the southern part of the Indian country took definite form. Land was secured for the Five Civilized Tribes and a general council was established among them to control inter-tribal relations. The council met at Okmulgee in 1870 and drew up a plan of government, but this plan was neither ratified by the tribes, nor accepted by Congress. That same year, Mr. Rice, of Arkansas, introduced a bill for the organization of such a territory under the name of Oklahoma. He continued to present the bill for the next twenty years.

President Grant, in his third annual message, showed that he was interested in such a plan when he said: "I recommend to your favorable consideration also the policy of granting a territorial government to the Indians, in the Indian territory west of Arkansas and Missouri and south of Kansas. In doing so, every right guaranteed to the Indians by treaty should be secured. Such a course might in time be the means of collecting most of the Indians now between the Missouri and the Pacific and south of the British possessions into one territory or one state."³⁸ At the time that the President presented to the Senate the

constitution drawn up by the council at Okmulgee, before mentioned, he gave his plan for a similar territory.

"It would seem highly desirable that the civilized Indians of the country should be encouraged in establishing for themselves forms of territorial government compatible with the Constitution of the United States and with the previous customs toward communities outside of state limits. I conceive in the views expressed by the Secretary of the Interior that it would not be advisable to receive the new territory with the Constitution precisely as it is now framed. As long as a territorial form of government is present, Congress should hold the power of approving or disproving of all legislative action of the territory, and the Executive should, with the 'advice and consent of the Senate', have the power to appoint the Governor, judicial officers, (and possibly some others) of the territory. This is the first indication of the aborigines' desiring to adopt our form of government and it is highly desirable that they become self-sustaining, self-relying, Christianized and civilized. If successful in this, their first attempt at territorial government, we may hope for a gradual concentration of other Indians in the new territory. I therefore recommend as close an adherence to their wishes as is consistent with safety. It might be well to limit the appointment of all territorial officials appointed by the Executive to native citizens of the territory. If any

exception is made to the rule, I recommend that it should be limited to the judiciary. It is confidently hoped that the policy now being pursued toward the Indians will fit him for self government and make him desire to settle among people of his own race where he can enjoy the full privileges of civilized and enlightened life."³⁹

While Delano was Secretary of the Interior, he, too, was interested in the formation of an Indian territory. He reported that there were three hundred and twenty one thousand Indians, deducting those in Alaska and those in four or five states not maintaining tribal relations. The majority of these were on reservations. About sixty thousand were in Indian Territory and the remainder, living outside, held about five hundred and fifty-eight acres apiece. Delano suggested that all the Indians be pressed into Indian Territory and the land apportioned, one hundred and sixty acres apiece. The territory was to be organized like all territories and called Oklahoma. The plan was not adopted.

Again, in President Grant's fourth annual message he said: "The subject of converting the so-called Indian Territory south of Kansas into a home for the Indians, and erecting therein a territorial form of government, is one of great importance as a complement of the existing Indian policy. The question of removal to that territory

has within the past year, been presented to many of the tribes resident upon other and less desirable portions of the public domain, and has generally been received by them with favor. Efforts will be made in the immediate future to induce the removal of as many peaceably disposed Indians to the Indian Territory as can be settled properly without disturbing the harmony of those already there. There is no other location now available where a people who are endeavoring to acquire a knowledge of pastoral and agricultural pursuits can be as well accommodated as upon the unoccupied lands in the Indian Territory. A territorial government should, however, protect the Indians from the inroads of whites for a term of years, until they become sufficiently advanced in the arts and civilization to guard their own rights and from the disposal of the lands held by them for the same period."⁴⁰

The matter was brought to the attention of both the forty-first and forty-second Congresses during the third session, but no definite plans were adopted toward organization during President Grant's administration.

7. "Legal Status of the Indian"

The only mention made of the Indian in the Constitution was: he was not to be taxed, not to count in determining representation, and the United States was to have the power

of controlling commerce with him. The position of the Indian and his relation to the general government was undefined. "The Indian tribes, being within the territorial limits of the United States, were not, strictly speaking, foreign states, but they were alien nations, distinct political communities, with whom the United States might deal as they saw fit, either through treaties made by the President and Senate, or the acts of Congress in the ordinary forms of legislation. The members of the tribes owed immediate allegiance to the several tribes, and were not a part of the people of the United States. They were in a dependent condition, a state of pupillage, resembling that of a ward to his guardian. Indians and their property, exempt from taxation by treaty or statute of the United States, could not be taxed by any State. General acts of Congress did not apply to Indians unless so expressed as clearly to manifest an intention to include them. The alien and dependent condition of the members of the Indian tribes could not be put off at their own will without the action of or assent of the United States."⁴¹

Mr. Delano, in his report of 1874, said that the time had at last arrived when a system of laws for the Indian was an immediate necessity. "The act of June 30, 1834, 'to regulate trade and intercourse with Indian tribes, and preserve peace on the frontiers' is the only general law under which Indian affairs have been conducted. The

provisions of this act are entirely inadequate to meet the present requirements of the service, and the experience of the past has shown that they are not sufficient for the protection of the Indian. It has been held, for example, by a territorial judge, that he has no power for want of jurisdiction, to try and punish an Indian who murdered one of his race, although the crime was committed in his own district and outside of an Indian reservation. No officer of the government has authority to punish Indians, for crimes committed on an Indian reservation. There is no law enforcing obedience to the injunctions or compliance with the requirements of an agent, and hence he is to a great extent powerless unless aided by military authority. Depredations are daily committed by white men upon Indians on their reservations, and the only punishment that can be inflicted is expulsion from the Indian country. The work of civilization will be greatly accelerated by enactments which shall define as far as possible the relations between this race and the government, which shall furnish authority for enforcing the orders and requisitions of agents, which shall be sufficient to punish Indians for crimes against each other and against white people wherever committed, and which shall also inflict adequate punishment upon the white people who trespass upon territory belonging to Indians or commit crimes against them."⁴¹

Others, too, pointed out the evils of the lack of law in dealing with the Indians. Bishop Hare, who spent a large portion of his life among the Indians, spoke of the fact many times. One time he said: "Civilization has been loosened, in some places broken, the bonds which regulate and hold together Indian society in its wild state and has failed to give the people law and officers of justice in their place. The evil still continues unabated. Women are brutally beaten and outraged; men are murdered in cold blood; the Indians who are friendly to schools and churches are intimidated and preyed upon by the evil disposed; children are molested on their way to school, and schools are dispersed by bands of vagabonds; but there is no redress."⁴³

In 1875 Delano said that the time had come for the regulations of Indian citizenship. This would settle the matter of Indian law, for it would give the Indians the same standing before the law that they whites had. Some of the treaty stipulations with the more civilized Indians were expiring and something had to be done. Some of the Indians desired to separate from their tribes and adopt the habits and customs of civilized life and become citizens. Mr. E.P. Smith suggested that the difficulty might be remedied by making the Indians citizens of the states in which they resided. This plan evidently received no consideration.

Mr. Schurz favored Indian citizenship but did not think the proper time for it had arrived. In 1879 he said that if he thought that the Indian had any fair prospect of holding his own as a citizen, he would be for it, but he did not think the Indian would have a chance, in the competitions of civilized life, against the white man. According to him, about seventy-five tribes were ready for citizenship, but the majority shrank from the responsibilities of it. He had not changed his mind in 1880, when he wrote: "Some sincere philanthropists seem inclined to run into a serious error in insisting that first of all things it is necessary to give to the Indians the rights and privileges of American Citizenship, to treat him, in all respects as a citizen, and to relieve him of all restraints to which other American subjects are not subject. The end to be reached is unquestionably the gradual absorption of the Indians in the great body of American citizenship. When this is accomplished then, and only then, the legal status of the Indian will be clearly and finally fixed. But we should not indulge in the delusion that the problem can be solved by merely conferring upon them rights they do not yet appreciate, and duties they do not yet understand. Those who advocate this seem to think that the Indians are yearning for American citizenship, eager to take it if we will only give it to them. No

mistake could be greater. An overwhelming majority of the Indians look at present upon American citizenship as a dangerous gift, and but few of the more civilized are willing to accept it when it is attainable. And those who are uncivilized would certainly not know what to do with it if they had it. The mere theoretical endowment of savages with rights which are beyond their understanding and appreciation will, therefore, help them little. But full citizenship should be regarded as the terminal, not as the initial point of their development. The first necessity, therefore, is not at once to give it to them, but to fit them for it. And to this end, nothing is more indispensable than the protecting and guiding care of the government during the dangerous period of transition from savage to civilized life. He is overcome by a feeling of hopelessness, and he naturally looks to the 'Great Father' to take him by the hand and guide him on. That guiding hand must necessarily be one of authority and power to command confidence and respect. It can be only that of the government which the Indian is accustomed to regard as a sort of omnipotence on earth. Everything depends on the wisdom and justice of that guidance."⁴⁴

By 1880 no Indian was citizen unless he had entered a homestead. Occasionally, if an Indian abandoned his tribe, Congress bestowed citizenship upon him but it

was not decided until 1883 whether such an Indian became a citizen under the Fourteenth Amendment. In a test case, it was decided that this amendment applied only to negroes.

For the first time, the act of 1885 gave the federal courts considerable jurisdiction over crimes committed on a reservation by an Indian upon an Indian, but it was not until 1887 that citizenship was granted on any large scale. In the Dawes Act of February 8, 1887, relating to the allotment of land in severalty, citizenship was conferred upon all Indians to whom allotments were made in accordance with the act. The Indian became a citizen of the United States as soon as the patent for his land was made. Citizenship, also, was conferred upon all Indians born within territorial limits of the United States who had voluntarily taken up residence separate from any tribe of Indians, and had adopted the habits of civilized life. Citizen Indians became subjects to state and territorial laws. The Five Civilized Tribes were not included in this act. On March 3, 1901, citizenship was conferred on all the Indians of Indian Territory. By the Burke Act of May 8, 1906, the terms of the Dawes Act were changed, or rather, modified. Instead of becoming citizens at the time the allotment was made, they became citizens only after the fee patent was granted. This was usually after a term of

twenty-five years. On June 2, 1924, an act conferred citizenship on all Indians born within the territorial limits of the United States. At present all the Indians born in this country are citizens.

Mr. Lindquist summarizes the ways by which Indians have or may become citizens of the United States.

1. Treaty provision. In some treaties, provision was made that the Indians should become citizens after fulfilling certain conditions, much like those required of aliens.
2. Allotment under act of 1887. Those receiving land in severalty might become citizens when the patents to their land were made.
3. Issuance of patent fee simple. By the act of 1906, Congress postponed citizenship of the Indians until patent in fee had been issued to them. Provisions were made to give it to some competent Indians earlier.
4. Adopting habits of civilized life. In 1887 Indians born in the United States who had voluntarily given up tribal connections and adopted civilized life became citizens.
5. Marriage, 1888. Indian women who married citizens of the United States became citizens.
6. Minor children whose parents became citizens by

allotment became citizens also, and children born subsequently were born into citizenship.

7. Citizenship by birth. Indian children born in the United States of citizen Indian parents were born to citizenship. Legitimate children of Indian women and white citizen fathers were citizens.

8. Soldiers and sailors. 1919. Indians who served in the World War and were honorably discharged might become citizens.

9. Special Acts. 1901 - to Indians in Indian Territory. 1921 - to Osages in Oklahoma.

8. "The Education of the Indian."

Very closely related to the problem of citizenship of the Indians was the idea of educating the Indians. This was a vital part of the preparation for citizenship. "Efforts to bring education to the Indian youths began with the earliest missionaries who carried with them into the wilderness not only the Bible but the text-book. Evidence of early interest in the matter of Indian education is found in Harvard's charter of 1650, which dedicated the college to 'the education of English and Indian youths in knowledge and godlynes'. The second building at Harvard erected in 1654, was called the 'Indian College', and

contained the college press on which John Eliot's Indian Bible and various Indian primers, grammars, tracts, catechisms, etc. were printed."⁴⁵ There were some Indian undergraduates at Harvard in those days, but only one took his degree in 1665.

The first real Indian school was started by Thomas Mayhew in 1651. Dartmouth College was the outgrowth of Wheelock's Indian School at Lebanon, Connecticut. Its charter provided "that there should be a college erected in our said Province of New Hampshire, by the name of Dartmouth College, for the education and instruction of the youth of the Indian tribes of the land in reading, writing, and all kinds of learning which shall appear expedient for civilized and Christianized children of pagans, as well as all liberal arts and sciences, and also of English youths and any others."⁴⁶

"At various times beginning with 1819, the federal government made small appropriations to aid mission schools established among the Indians of the eastern States by various religious denominations. About 1873, under the influence of the peace policy, Congress inaugurated a new method of appropriating twenty thousand dollars to be used directly by the government in educating the Indians, and increased the sums for the purpose annually until they passed the million dollar mark in fifteen year."⁴⁷

The first schools provided for in this manner were usually located on the different Indian reservations, but in a short time it was seen that these day-schools, as they were called were not very successful, because the children returned at night to their demoralizing and degrading homes and all the efforts of the school were neutralized. The children were not clothed properly and their habits such as sleeping and eating were irregular. It was hard to teach the children to speak English when most of their time was spent in the wigwam hearing their native tongue.

As a result of this condition, agency boarding schools were started so that the Indian children could live with the whites during the impressionable age. Here they were taught not only the ordinary branches of education, but also various kinds of industry. They were under constant care and heard only the English language spoken. Provisions had been made in many of the treaties for compulsory education of Indian children between the ages of six and sixteen but little effort was made at first to see that this stipulation was carried out. During President Grant's term, suggestions were made that the Indians be forced to comply with this part of the treaties and the participation of the parents in the benefactions of the government be allowed on the conditions that their children be sent to school. It was soon realized that the only hope of saving the race was through the education of the young people,

for the old ones were too old to change a great deal. It was thought that four or five years would do away, permanently, with about half of the barbarism of the Indians. Although some of the children would go back to the old ways they would probably never go back as far as if they had never been to school.

In 1875 Mr. Hoyt, Chairman of the Board of Indian Commissioners, urged Congress to adopt the "common school system" as a part of the Indian policy of the government. The reasons he gave for the adoption were:

- "1. That it is an act of simple justice and duty.
2. Because the system proposed is one with which the country is already familiar and in which it feels a just pride.
3. Because such schools are necessary to Indian civilization and demand their place at the foundation of good citizenship, as well as in its later superstructure.
4. Because the same advantages may be expected for such schools among the Indians, measurably at first, but with increasing force as the work progresses, as result from the common schools of the States.

"Such a work is that which is proposed would, of course, need to be placed under a most thorough and competent supervision, both in its inauguration and development.

Inexpensive buildings or school-rooms and school books, together with carefully selected teachers at moderate salaries, would have to be provided, which would involve a frugal expenditure of money, but under careful management it would require a much smaller sum than is now required to maintain order by the presence of the military.

Finally, it should ever be borne in mind: first, that the government possesses the land, from which a rich equivalent has been received, and in which a still richer equivalent resides; and secondly, that the true policy in dealing with the Indian race, as with every other, for the purpose of elevating them to the social and moral conditions of Christian civilization, consists not so much in feeding or governing the adults as in educating the children."⁴⁸

The next year it was reported that one hundred and seventeen teachers and doctors were employed to educate the Indian children. Among the milder tribes, marked progress was made. One hundred and eighty-four Arapaho children were in school. They were taught industries and allowed to sell half of the products, the other half being given to the agency. Ninety-four Osages were reported in school in 1876. The money with which to pay the teachers ran out, but donations were made by the agents. Large additions were also made to the buildings that year. The report of the Indian Commissioner in 1877 said: "The Indian youths in

the various schools show surprising progress in penmanship and drawing, and can be taught the ordinary branches of a common school education as readily as white children, except, perhaps, arithmetic. Such being the case, every effort should be made to take advantage of the capabilities they have exhibited, and to bring all Indian children into schools and require English alone to be spoken and taught therein." ⁴⁹ He suggested also that the eastern normal schools should be opened to the Indians so that the government might have educated interpreters.

In 1878 a new policy was adopted. "Seventeen Indians who were prisoners in Florida were sent as an experiment to a normal and industrial school for negroes which had been opened a decade before in the abandoned war barracks at Hampton, Virginia. The hope that the young Indians, when removed from the enervating influence of the reservations would progress more rapidly in the arts of civilization, was well founded. Consequently the next year Captain R.H. Pratt was authorized to bring fifty more Indians from Dakota and in 1879 an abandoned army post at Carlisle, Pennsylvania, was made into the United States Training and Industrial School for Indians."⁵⁰ This was the first distinctively government Indian school. Pratt's idea was to get the Indian away from his people and keep him there. During the summer most of the students were placed in

prosperous homes in Pennsylvania, New York and Massachusetts. This plan had two purposes: first, to teach the Indians industry and proper methods of living; and second, to show them the difference between the lives of the whites there and on the frontier. It was this school, too, that produced the first newspaper printed by Indian boys.

Other industrial schools were opened at Lawrence, Kansas, and Chilocco, Oklahoma, and elsewhere. When the reservations were opened to the whites, district schools were brought in and day schools for Indians established by the government in some communities. Mission schools which had been paid so much per capita by the government were continued for a time, but stopped by the end of the nineteenth century. In 1880, Mr. Sparks says, that there were seven thousand Indian children in schools and at least twice that number of adults were engaged in labor, the knowledge of which they had acquired in schools.

CHAPTER IV.

"ATTITUDES TOWARD THE ADMINISTRATION"

Although President Grant in practically all of his speeches gave explanation of his policy toward the Indians, criticism of it caused different ones of his contemporaries to explain the policy as they understood it. These explanations tend to throw a light on some of the points that might be misunderstood. Mr. Sargent, Representative from California, said that the policy had two parts, both equally tending toward peace. One part was that of being kind and helpful to the Indians who desired to be helped. The other was that of giving no quarter to the blood-thirsty Indians or those who refused all help. The last part of this plan was not always carried out because of the risk to those living on the borders, but Mr. Walker explained the attitude of the government under those circumstances: "This has been partly from a legitimate deference to the conviction of the great body of citizens that the Indians have been in the past unjustly and cruelly treated, and that great patience and long forbearance ought to be exercised in bringing them around to submission to the present reasonable requirements of the government, and partly from the knowledge on the part of the officers of the government charged with administering Indian affairs,

that, from the natural jealousy of these people, their sense of wrongs suffered in the past, and their suspiciousness arising from repeated acts of treachery on the part of the whites; from the great distance of many bands and individuals from points of personal communication with the agents of the government and the absence of all means of written communication with them; from the effects of abandoned and degraded whites, living among the Indians and exercising much influence over them, to misrepresent the policy of the government and to keep alive the hostility and suspicion of the savages; and lastly, from the extreme untrustworthiness of many of the interpreters on whom the government is obliged to rely in bringing its intentions to the knowledge of the Indian; that by the joint effect of all these obstacles, many tribes and bands would come very slowly to hear, comprehend and trust the professions and promises of the government."¹

When the government was accused of temporizing, again Mr. Walker explained conditions: "It is saying nothing against the course of the government toward the semi-hostile tribes, to allege, as it is often done, that it is merely temporizing with an evil. Temporizing as an expedient in government may be either a sign of weakness or folly, or it may be a proof of the highest wisdom. When an evil is manifestly on the increase and tends to go from

bad to worse, to temporize with it is cowardly and mischievous. Even when an evil cannot be said to be on the increase, yet when, not being self-limited or self-destructive and having, therefore, no tendency to expire from inherent vices, it cannot be shown to be transient, the part of prudence and courage is to meet and grapple with it without hesitation and without procrastination. But when an evil is in its nature self-limited, and tends to expire by the very conditions of its existence; when time itself fights against it, and the whole progress of the physical, social and industrial order by steady degrees circumscribes its field, reduces its dimensions, and saps its strength, then temporizing may be highest statesmanship. Such an evil is that which the United States government at present encounters in the resistance, more or less suppressed of the Indian tribes of this continent to the progress of railways and settlements, growing out of the reasonable apprehension that their own existence as nations, and even their own individual means of subsistence within the duration of their own lives, will be destroyed thereby."²

Some of the people of President Grant's time, knowing that the policy of the government was one of peace could not, or would not, understand why soldiers were necessary on the frontier. It was said that this was not consistent

with the policy. The government officers explained that this was not an abandonment of the peace policy, but was a part of it. It was not supposed that the Indians would give up their freedom without a struggle and take their places on a reservation. When the removal was decided on, the Indian was told that if he went peacefully he would be treated kindly; but if he refused and insisted on continuing his roving life, he would be harassed and scourged. It was not war but a disciplinary measure.

Another part of the policy that was criticized was that of paying the hostile tribes and feeding them, while the peaceful tribes were forced to earn their living by work. This was justified in the eyes of the government in the protection it gave to the families on the frontier. "It would require one hundred thousand troops at least to form a cordon behind which our settlements could advance with the extent of range, the unrestrained choice of location, the security of feeling, and the freedom of movement which has characterized the growth of the past three or four years. Indeed, the presence of no military force could give that confidence to pioneer enterprise which the general cessation of Indian hostilities has engendered."³ This absence of hostilities also encouraged the settlement of a few immigrants along the frontier. The Americans were used to such dangers but the foreigners were not, and hesitated to expose themselves

and their families. One President of the Northern Pacific Railroad said it was almost impossible to hire Swedes and Norwegians to work on the roads because of the vague fear of attack. But the Americans were more daring and they had to be protected as they pushed out into the Indian country.

Quite often, particularly in the debates in Congress the fact was brought to the attention of the public that Canada did not seem to have all the Indian trouble that that United States did. Senator Windom, of Minnesota, took it upon himself to explain the fact at the time of a debate on the subject of Indian reservations, February 24, 1876. "It is not a difference in the legislation of the two countries upon Indian affairs, but it is a difference in the circumstances which surround the Indians in this country and in the British possessions. In this country, spite of all you can do, civilization will continue to pass westward and occupy the rich plains of our country. You cannot, if you try, prevent the American citizen from taking possession of these valuable lands. We never have tried to prevent it and I think we never should. But on the other hand, in the British possessions there has been no such cause as has existed in this country. No settlers press upon Indian hunting grounds, in the northwestern British possessions, but on the contrary, the white men have been the employees

of the Hudson Bay Company largely, who went into that country as trappers and hunters and who furnished to the Indians ammunition and arms for hunting and everything else that they wanted, in pay for furs brought in by the Indians. The whole system in that country has been to work with the Indians in the very line in which he chose to be employed. White men have gone there to help the Indians as hunters, and so long as they simply work with them, do not interfere with their hunting grounds, but rather furnish them with material for hunting, there will be no Indian wars."⁴

It would be impossible to give all the criticisms of the administration, but a few, gathered primarily from speeches in Congress and reports of departments give an idea of how bitter some were. Mr. Oberholtzer says that "our policy had been vacillating, stupid, short-sighted, and selfish, when not positively knavish."⁵ Mr. Hayt, Chairman of the Board of Indian Commissioners, agreed that the policy was a good one, founded on justice, but that it had not been executed with justice. Mr. Vorbees, Representative from Indiana, called the policy inconsistent in that the President chose Quakers to act as agents and at the same time approved of General Sheridan's bloody battles against the Indians. Mr. Niblack, also of Indiana, spoke of the policy as a reproach to the age in which they

were living and Mr. Conner, of Texas, said that, although he did not consider the administration responsible, the policy was wrong from beginning to end.

But it must not be supposed that the policy had little support. Senators Wilson and Davis spoke well of it, as did Mr. Walker and Mr. C.B. Fisk. Mr. Brunot said that the belief in the wisdom of the policy increased as time passed. Mr. R.B. Macy, Inspector General of the Army, reported that if the policy were continued, it would bring lasting benefits to the Indian. Mr. Delano said that the humane and peaceful policy had produced gratifying results, while Cox added that it inspired public confidence.

It was natural since there was so much dissatisfaction with the policy, that others should suggest better plans for dealing with the Indians. Mr. Dodge, in suggesting a plan, said: "There is but one hope for him (the Indian) 'Treaty systems' and tribal relations must be broken up, and the Indians individually absorbed in the great family of American citizens. This must necessarily be a gradual process, and in the meantime some plan must be adopted which, while protecting him from the harpies who now feed upon him, should soonest fit him for the honors and responsibilities of an American citizen. I give the outline of the plan which I believe best suited to that end.

1. Turn the Indians over to the War Department.
2. Abolish the Indian Bureau, as now constituted with all the laws and parts of laws establishing it and controlling or directing its operations. Replace the Commissioner of Indian Affairs, the Superintendents, inspectors, agents, etc. by detailed Indian officers, and let the Indians be supplied by and through the Quartermaster's and Commissary Departments of the army.
3. Abrogate all existing treaties.
4. Abolish all trade and intercourse laws now on the Statute Books. Give the Indians the same rights to trade as are enjoyed by citizens of the United States (arms and liquors excepted) until the Indians shall have been citizens.
5. Enact laws for the control and guidance of the Indians until they have, as citizens, come under the operation of the common law.
6. Make commanding officers of military posts in Indian Territory or on reservations ex-officio superintendents of Indian affairs, and give them magisterial authority over the Indians, so long as they live in unorganized territory.
7. Give the Indians farms in severalty, not, however, requiring each to live on his farm, but encouraging

them to form permanent settlements and villages.

8. All the land of the reservation not allotted to Indians to be bought of them by the government and thrown open to settlement by the whites.

9. Give the Indian the ballot, and all the rights and duties of citizenship, as soon as the country in which he resides shall be organized into a county.

10. Feed the wild Indian. See that he has sufficient food even to the exclusion, if necessary, of all other supplies."⁶

Although probably it was not done intentionally, it was the plan of Mr. Schurz that was followed fairly closely in the subsequent policy of the government. He outlined his policy in a letter to Edward Atkinson on November 28, 1879.

1. Set the Indians to work as agriculturists or herders, then break up their habits of savage life and make them self-supporting.
2. Educate the youth of both sexes.
3. Allot lands in severalty.
4. Dispose of the unsettled lands with the Indians' consent, and use the proceeds for their benefit.
5. Treat the Indians as other inhabitants of the United States under laws.

The first part of the plan had been followed, particularly

during President Grant's administration. The second, as had been shown before, was an old policy which continued to be carried out. The third was fulfilled by the act of 1887, and the fourth, to some extent, followed the passage of that act. The bestowal of citizenship completed the carrying out of the plan suggested by Mr. Schurz.

CHAPTER V.

"CORRUPTION DURING THE ADMINISTRATION".

The character of President Grant was probably responsible for a great deal of the real or reported corruption of the administration. George F. Hoar said that "there was undoubtedly great corruption and maladministration in the country in the time of President Grant. Selfish men and ambitious men got the ear of that simple and confiding President. They studied Grant, some of them, as the shoemaker measures the foot of his customer. General Grant was an honest and wise man. History has assigned him a place among our great Presidents. He showed almost unerring judgment in military matters. He rarely, I suppose, if ever, made a mistake in his estimate of the military quality of a subordinate, or in a subordinate's title to confidence. But he was very easily imposed upon by self-seeking and ambitious men in civil life. Such men studied his humors and imposed upon him, if not by flattery, yet by the pretense of personal devotion. He had been himself bitterly and unjustly assailed by partisan and sectional hostility. When any person to whom he had once given his confidence was detected in any low or corrupt action, Grant was very unwilling to believe or listen to the charge. So it happened that attempts to secure pure and unselfish administration got little help from him, and that designing

and crafty men whose political aims were wholly personal and selfish got his ear and largely influenced his appointments to office."¹

Mr. Schurz did not take quite such a sympathetic attitude toward the President Grant. He said: "I will not wrong President Grant. He is by no means a monster of iniquity. He is simply a man who makes use of his high official position to suit his own convenience regardless of other interests. He does not sit in his closet, a designing usurper, gloomily pondering how he may subvert the free institutions of the Republic. Neither does he ponder how he may preserve them. He does not ponder at all. He simply wants to carry a point, and when the Constitution happens to stand in the way, he just walks over it. He does not mean to break down the authority of the laws. He simply wants them not to hamper him in his doings. He does not mean systematically to outrage the public sense of decency by nepotism and low associations, to corrupt the service and degrade our political life. He only wants to make his relatives and favorites comfortable, to associate with men who are congenial to him, and to take the best care of his interests he can. He is not incapable of occasionally doing a good thing. He probably started with good intentions and would perhaps have carried them out, had he not found it to his interest to control the political

machine in the old way for his reelection. He does not mean to be a despot, but he wants to have his way."²

Mr. Sumner spoke of him as being incompetent, wrong-hearted, lacking common sense, justice and liberality, brutish and vindictive. Mr. Oberholtzer said that his sympathy for the rascals of his administration made him spiteful toward anyone who helped expose them. He accused President Grant of being indirectly the cause of the Custer Massacre because, from spite, he detained Custer in Washington until he could not meet General Gibbon at the appointed time and allowed the Indians a chance to attack a smaller party.

President Grant inherited his corrupt Indian Department. Mr. Lawrence, of Ohio, spoke of the condition of the department in a speech in the House on March 19, 1869. "If there is any one thing known to the country and this House, it is that the whole Indian Department in its management has become utterly rotten and utterly corrupt. It is a den of thieves; and the only question for us to determine is whether we will lay our hand upon them, root them out, and save the people from the plunder and robbery that is going on under cover of the treaty-making power, and at once settle a policy by law which shall infuse some honesty into this department, or whether we shall surrender the legislative power with which the people and the Constitution have clothed us, and give up to the treaty-making power

the privilege of exercising a usurpation which has robbed the Treasury, plundered the public lands, subverted the land policy of the government, and fostered, fed and encouraged fraud and corruption on a magnificent scale."³

Mr. Oberholtzer gives much of the credit and blame for conditions in the department to those who were at the head of it. He says that the services of Mr. Brunot and Mr. Vincent were not fully appreciated. After Cox left the Department of the Interior, there seemed to be a wish, for a time, to adhere to higher standards of administration. Mr. Brunot was appointed Commissioner of Indian affairs in 1874 but declined. General Francis Walker was then appointed. He held the position for about one year but was unable to cope with the situation and resigned to become a professor at Yale. After that the department was controlled for a time by the "Indian Ring". Colyer had resigned in 1872 when he had seen that he was being used to give a respectable appearance to the service. In 1874 five other members of the commission had resigned after a vain appeal to the President. This made necessary the entire reorganization of the commission. General Clinton B. Fisk finally took the post as head.

At the time that Mr. Parker was Commissioner of Indian affairs the department, particularly the head of it, received a scathing denunciation in the Senate. "If there

is any new conception inaugurated, its failure is due to a more evident cause than any that has yet been stated. It is due to the want of a proper head of the department. Consider the lofty pretensions of the scheme. It is to Christianize, and thus render a permanent contribution to the world's civilization. At the head of this fountain of spiritual light is placed, not one of the highest, but one of the lowest types of humanity. The source of this regenerating power is an individual from a race that has not yet ascended to the atmosphere of the Christian religion. Nor has this head been even a respectable specimen of his race. It is from such a fountain as this that there is to flow a stream of moral and spiritual light that is to illumine the wild hordes that wander amid the vast plains of the distant West. As well might you hope for the noon-day splendor of the sun from the earth. It is vain to hope from such a source to illuminate the heathen and the Christian world. It is ridiculous in itself. It is from that source that is to flow this flood of Christian light that is to civilize these wild Indians and he is a wild man himself."⁴ This denunciation of Mr. Parker was given in the Senate by Senator Fowler of Tennessee.

One of the things that President Grant was accused of was the hiring of his relatives for government positions. Senator Sumner said that at one time thirteen of them held

some kind of office. He went so far as to say that Grant did not stop with relatives but hired relatives of those relatives. As Sumner was not on very friendly terms with Grant at the time, perhaps the statement was exaggerated somewhat. The relative that appears to have cast the most discredit on Grant was his brother Orvil. When this brother asked some favors of the administration he was told that opportunities awaited him on the upper Missouri River. A well known firm engaged in transportation was about to lose several army and Indian traderships in that region and also the support of the administration. They asked Orvil Grant to aid them and he appeared in 1874 as a broker for the sale. As a reward for his help he was made a partner in the scheme and shared the profits, although he had invested no capital. He was instrumental in having the Sioux reservation extended to the east bank of the Missouri under cover of suppressing the liquor traffic. This extension of territory drove out rival traders and increased the profits of the company. When the scheme was revealed, Grant's only remorse was that he had not received larger profits.

Delano, while at the head of the Indian Department was accused of much fraud. He and his son, a clerk in the department, were charged with being interested in contracts for beef, flour, coffee, and other foods and products purchased for the Indians. Delano's accusers

did not have a great deal of proof of personal guilt but after Professor Marsh made his report of conditions on the Sioux reservation, a commission was appointed to investigate. Although an attempt was made to shield Delano, the report recommended reform and public opinion forced Delano to resign.

Professor Marsh of Yale had made charges that covered the actions of the Indian Ring in general and not any particular person. The evidence he seemed to make the most of in his report of corruption was the method of distributing the cattle at the Red Cloud Agency. "The lean beef cattle which were issued to the Indians were driven through files of mounted savages, who, for their own and the amusement of the white onlookers, shot at and chased the poor animals until they were riddled with lead. The cadavers were then skinned, the men taking the hides to the traders for sale while the squaws carried off the meat and entrails for food. Such methods of distribution continued to prevail, though the government kept high salaried men as butchers and 'butchers' assistants at the agency in order that meat might be supplied 'from the block'."⁵ Professor Marsh had not gone to the Sioux agency to investigate conditions, but while he was there they were brought to his attention so forcibly that on his return to the East he made his accusations. Harper's Weekly, in commenting on the fact, said that, judging

from the attitude of the Secretary of the Interior, the news, instead of being welcomed so that conditions could be remedied, was unwelcome and would have been disregarded, if it had been possible.

Another opportunity for corruption came in the staking of mining claims. An incident in Wyoming is an example of this. Governor Thayer, of that state, visited Washington and asked for troops to protect the miners. The President told him that the miners were there unlawfully and that they should be notified of the fact. General Crook was sent to do this. Crook's sympathy was with the miners and when he notified them to leave he advised them to stake out their claims before they left so they would have them when they returned. A few left, but most of them pretended to go and returned as soon as Crook left. When he reported to the President he barely mentioned this part and went on to tell about the horses that the Indians were supposed to have stolen.

The comment has been made that much of the corruption that went on was unknown to President Grant, who had such utter faith in his friends and associates that he could not believe that they would do wrong. But in some cases, it was voluntary ignorance because the President did not want to know conditions. Mr. Welsh, a portion of whose letter was quoted in Harper's Weekly said that every suggestion

he made was promptly responded to except those concerning investigation of fraud. In that case the President turned a deaf ear and Mr. Welsh found it easier to give up his office than to try to get the President to better matters.

And so, understanding the conditions and realizing the attitude on the part of the President and the officials, it is no wonder that the Indians often hated the white man. The Indians' feelings were expressed very clearly by Mr. Parker of Missouri, in a speech before the House. He referred to Commissioner Taylor and said: "Mr. Taylor remarked that 'all good men, white and red, would go to heaven, and all the bad ones to hell.' He inquired of the chief the cause of his laughter. When the chief recovered his breath, he said, 'I was much pleased with what you say of heaven and hell, and the characters that would go to each after death; it is a good notion, heap good, and if all the white ones are like the ones I know, when Indian go to heaven but few whites will trouble him there; pretty much all go to the other place.'"⁶

CHAPTER VI

"SUGGESTED TRANSFER OF THE INDIAN BUREAU".

From the time of its formation in 1832, until 1849, the Indian Bureau had been under the control of the War Department. The careless attitude on the part of the department toward the Indian affairs caused the Bureau to be transferred to the Department of the Interior at the time of its creation in 1849. Apparently this did not do away with corruption because even before the Grant administration the subject of transfer had come up. In 1868, Mr. N.G. Naylor, Commissioner of Indian Affairs, gave several reasons why the transfer should not take place. They were:

1. That the prompt, efficient and successful management and direction of our Indian Affairs was too large, onerous, and important a burden to be added to the existing duties of the Secretary of War.
2. The transfer would create the necessity of maintaining a larger standing army in the field.
3. The true policy was peace and the proposed transfer would mean perpetual war.
4. Military management was tried for seventeen years and was a failure.
5. It was inhuman and unchristian to destroy a whole race by the disease and demoralization the military

government would bring.

6. The duties were incompatible with the nature and objects of the War Department.
7. The transfer was injurious to the whites and offensive to the Indians.
8. The representatives at the last peace commission recommended an independent bureau or department.
9. Military management was not reconcilable with the relation of guardian and ward.
10. Would mean larger annual expenditure.
11. It endangered the civil authority and liberties of the people.

During Grant's administration there was a great difference of opinion as to the course to follow. A commission of three civilians acquainted with the Indian affairs and fine military leaders acquainted with the work, was appointed to investigate the question and report. They visited, made treaties, and reported that the subject depended on the future treatment of the Indians. If it was to be war, the War Department should control the Bureau; but if peace, the Department of the Interior should continue to control. It was suggested that the hostile tribes be turned over to the army and the control of the peaceful tribes be retained, by the Interior Department, as only civil duties were involved in the latter. The

commission also reported that an encampment of soldiers set a bad example to the Indians who were being taught self-support and industry.

Among those who favored the transfer were many of the important military men of the time. Most of them took an unselfish attitude, real or assumed, toward the question, and said that although it would be a disagreeable task to the department, still it appeared to be the duty of the army to take over the control. Brevet Major General Pope expressed his views as follows: "It is revolting to any humane man to see such things, done and far more so to be required to be the active party to commit violence upon forlorn Indians, who, under the pressure of such necessity only do what any man would do under like circumstances. Nevertheless he is so placed under present arrangements and orders that he has no power whatever on the Indian reservation to redress or prevent wrongs which drive the Indian to war; on the contrary, at the demand of the very agent whose unfair dealing with the Indian has brought on difficulty, he is obliged to pursue and force back to the same deplorable state and place Indians whom he knows to have been wronged, and who have only done substantially what he would have done himself under like provocative. Such a relation to Indian affairs and Indian agents is unjust and unfair to the army and a serious injury both to the interests of the government and the

well-being of the Indians."¹

Major General Schofield took much the same position in regard to the situation: "It is with great reluctance that I have been forced to the belief that the transfer of the Indian Bureau to the War Department is a necessity of the public service. The events of the past few years have demonstrated the utter inability of a civil department of the government to maintain the necessary control over uncivilized Indians. No class of citizens is more desirous of peace with the Indians than are officers of the army. There is no glory to be won in savage warfare and when to this feeling is added the conviction that the Indians have been driven to war by injustice and outrage, the indignation felt by honorable soldiers can easily be imagined. It is an entire mistake to suppose that the proposed transfer of the Indian Bureau, necessarily means a departure from the 'peace policy'. That policy, which is alike the dictate of wisdom, justice and humanity, which has been adopted by the present executive, is not likely to be abandoned by any of his successors unless under the influence of new surroundings. Military management means peace and security; giving even greater opportunity for the labors of Christian missionaries to civilize and instruct the savage tribes. Let these worthy philanthropists be relieved from the responsibilities and contamination of more worldly

matters and their influence for good cannot thereby be diminished."²

As has been suggested before, some of those who favored the transfer of the Bureau were influenced by the reports of massacres in the West, especially the Custer Massacre in 1876. But there were a great number that feared for the War Department to take over the duties because they felt that it would result in continual war. Mr. Hayt expressed the views of the opposition in his report to the President in 1875. "The conscience of the very large majority of our fellow citizens insists that we should be both just and generous with them (the Indians) as they are rapidly dwindling away under the adverse influences to which they are greatly exposed by vicious and greedy white men, with whom they are surrounded. The only hope of saving this remnant of a noble race has been in their education, civilization and Christianization. During the last seven years under many difficulties of administration, there has been a set purpose to improve their condition, which has borne good fruit, and has succeeded beyond any reasonable expectations, as can be established by indubitable evidence. During this time, however, there have been those who have cruelly asserted that those Indians should be exterminated to make room for white men. These men today are all of the opinion that the Indians

should be handed over to the care of the military. There is another and more respectable class who think it is the 'manifest destiny' of the white race to wipe out the aborigines and that their extinction is only a question of time. Therefore, they, too, are quite in favor of putting them under military control. But the vast majority of the American people, when their attention is directed to the subject, will, under a conscientious impulse, oppose any such measure. While we have the highest respect for the ability, courage, and humanity of our military officers, we cannot close our eyes to the fact that the men that enlist in the army in the time of peace are among the most vicious of our population; and there is unquestionable and abundant evidence that whenever the latter are brought into close contact with the Indians, the debauchery of the women and the demoralization of the men inevitably follows. If the army are given the charge of the Indians, the camp and the agency will be in close proximity and bad results are certain to follow."⁵

The Indians themselves were not in favor of such a change. Senator Allison, of Iowa, in a speech before the Senate on June 21, 1876, said that he knew of no single tribe that had given its consent in any manner to the transfer.

The matter was discussed through several sessions of Congress and in the form of a bill, passed the House

in 1876. The Senate did not approve of the measure but inserted a clause in the army appropriation bill providing for a joint committee of three Senators and five Representatives to consider the matter. The commission was divided four to four. As a result, the Indian Bureau remains under the control of the Department of the Interior up to this time.

CHAPTER VII

"POLICY: FAILURE OR SUCCESS?"

It is not intended at this time that any conclusions as to the success or failure of Grant's policy should be drawn from the foregoing evidence. An attempt has been made to present both sides of the question and in the conclusion, the same policy will be followed.

The most bitter criticism of the policy as a whole seemed to come from the Nation. This magazine was a staunch supporter of Grant in the early days of his administration, but came to take opposing views as time passed. It probably expressed the popular public opinion in the following article: "The attempt to do better made by General Grant, though it ought in justice to him to be said that he first tried to get the services of the army, by committing the wild tribes to the care of the missionaries and like pious persons in search of employment of any kind at small wages, was worthy in all respects of the ruler who, thinking our foreign consulates needed inspection, selected for the task his own pastor, a Methodist divine. The necessity under which the commission has since found itself, of handing over Sitting Bull and his men to the secular arm, marks with painful emphasis the inadequacy of its machinery, particularly when we find that our own troops are shot down with the newest breech-loaders

furnished at the agencies, and that it is not unusual for the warriors to leave their women and children to the care of the missionaries while they go off for a summer's fighting with the soldiers. If anything can deepen the absurdity of our Indian system in the eyes of the public, this fact surely should do so. There is among some of the more rabid of the country papers just now a loud demand for their extermination; a course for which there is something to be said if by extermination is meant their rapid slaughter. But if they are to be exterminated, why any longer pauperize and then arm them? What would be said if the city of New York after lodging its thousand tramps in comfortable idleness during the winter, were to arm them on leaving the almshouse in the spring with a good revolver and knife, and a tinder-box for firing barns and were to bring up all the youngsters in total idleness and ignorance, and to deliver to them alive the animals they were to eat, and were to allow them to kill themselves in mad chase with lances? But should it be worse to do this to savage whites than to savage Indians? If the Indians on the Plains require to be removed or shut up within certain limits, they ought to be hunted down persistently, like any other malefactors, with as much force as may be necessary to kill or capture them. But when caught the agency abomination should come to an end. The tribal organization ought to be broken up, and the

people scattered in such a way as to make them easily amenable to the ordinary civilizing influences of our society, and let us add, to make it easy, for the sheriff get at them. They ought to have no 'ponies' that they have bought. Fancy our tramps starting on their spring journey not only armed but mounted, with saddle-bags for their provisions and flowers in their buttonholes."¹ This continued to be the attitude of the Nation to the end of the administration, and every opportunity was taken to criticize the President.

While this magazine, which represented public opinion, took a sneering and critical attitude, the reports from those in charge showed that improvements were being made in spite of the alleged corruption of the department. In 1872, Brunot wrote to the President: "Only three years have passed, and we have the satisfaction to congratulate you on the marked success of your policy in the management of the aborigines. During the past year, the advance of some of the tribes in civilization and inclination of all of them has greatly improved, and enough progress has been made in overcoming the difficulties in the cases of the least promising of the nomadic tribes to give reasonable assurance of eventual success?"²

In 1875, Mr. Hayt gave an equally optimistic report: "Undoubtedly the progress of the Indians in education,

industry and other kindred elements of civilization has been such as to encourage the philanthropist, and to fully justify the wisdom of the government in the method which it has adopted of dealing with these helpless children of the forest. The information derived from these and other sources proves beyond question that the results of the present humane policy are highly satisfactory; and it is the opinion of this board that the peace and safety of our frontier settlements, the public economy, the welfare of the Indians, as well as the interests of morals and religion, demand a steady adherence to this policy until the Indian shall no longer need to be treated as a separate and peculiar race."³

As the administration went out of power, the Chairman of the Board of Indian Commissioners summarized the progress made during the time Grant was President as follows: "The statistics collected by the board and by the Commissioner of Indian affairs exhibit the present conditions of the Indians as compared with that of eight years ago, and furnish satisfactory proof of progress of intelligence and the arts of civilized life. Many pages of testimony on this subject were presented in our last and in several previous reports, and adding the facts that have come to our knowledge during the year 1876, we are able to present the following summary of results under the peace policy:

"Of the 266,000 Indians in the United States (Alaska not included) 104, 818 now wear citizens clothes. In 1868 they had 7, 476 houses: now 55, 717 houses are occupied by Indians, of which 1, 702 have been built during the last year. There are now 344 schools on Indians reservations, with 437 teachers where in 1868 there were reported 111 schools and 134 teachers. The number of scholars now attending schools is 11, 328; in 1868 the number was 4, 718. During the last year the sum of \$362, 496.03 has been expended for education. The number of Indians who can read is 25, 622 and of those 980 have learned to read during the last year, and in this number the Five Civilized Tribes are not included. There are 177 church buildings on Indian reservations and 27, 215 Indians are church members.

"The area of land cultivated by Indians in 1868 was 54, 207 acres, while in 1876 it was 318, 194 acres and 26, 873 male Indians, exclusive of the Five Civilized Tribes in the Indian Territory were engaged in labor. The principal products of this labor are 463, 054 bushels of wheat; 2, 229, 463 bushels of corn; 134, 780 bushels of oats and barley; 278, 049 bushels of vegetables; 13, 215 tons of hay, besides cotton, sugar, coal, wood, and lumber; while in 1868 the products raised by the labor of Indians and white employees combined were, of wheat, 126, 107 bushels; of corn, 467, 363 bushels; oats and

barley 43, 976 bushels; of vegetables, 236, 922 bushels; and of hay, 16, 216 tons. Eight years ago the stock owned by Indians was 43, 960 horses and mules, 42, 874 cattle, 29, 880 swine, and 2, 683 sheep; while the stock now owned by them is 310, 043 horses and mules, 211, 328 cattle, 214, 076 swine, 447, 225 sheep.

"Such facts show, as we have again and again affirmed in our former reports, not only that wild and savage Indians can be civilized, but that many who were recently savage and warlike are already beginning a civilized life, and that it needs only patience continued to complete what has been well begun. We need not raise any more wild Indians in our country; but to avoid that we must train up the children not only in the learning of the common school, but also in habits of industry and virtue.

"To obtain the good results above cited has cost a large outlay of funds; but compared with the cost of Indian Wars, the outlay has been very small. The total appropriation for all branches of the Indian service during the last eight years has been, in round numbers, forty-five millions of dollars. But it should be remembered that a large part of this amount, nearly one half, was for the payment of annuities pledged by treaty stipulations, and the interest on funds held in trust by the government. These disbursements are in no sense gratuitous gifts, but simply the payment of just debts for value received."⁴

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