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Jo Lea Wetherilt Behrens
University of Nebraska at Omaha

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IN DEFENSE OF "POOR LO": THE COUNCIL FIRE'S
ADVOCACY OF NATIVE AMERICAN CIVIL RIGHTS, 1878-1889

A Thesis
Presented to the
Department of History
and the
Faculty of the Graduate College
University of Nebraska

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
University of Nebraska at Omaha

by
Jo Lea Wetherilt Behrens
August 1992

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Acceptance for the faculty of the Graduate College,
University of Nebraska, in partial fulfillment of the
requirements for the degree Master of Arts, University of
Nebraska at Omaha.

Committee

Name	Department
<i>Jerald Swann</i>	<i>History</i>
<i>James R. Hillman</i>	<i>Geography</i>

Michael L. Tate

Chairman

July 15, 1992

Date

ABSTRACT

By the late-1870s, the clamor of miners and white settlers demanding access to the tracts of western land reserved for Native Americans had crescendoed, and Eastern humanitarians began the establishment of numerous groups to protect the natives and to reform national Indian policy. Between 1878 and 1889, a pro-Indian rights journal, The Council Fire, was circulated monthly to some 2,000 readers from its headquarters in Washington, D.C. Its originator, Alfred B. Meacham, hoped to initiate a positive and fundamental change in the public's view of Native Americans.

Initially, all reform groups expressed similar ideologies regarding the protection of America's "wards," but as pressure to open the western lands increased, the reformers and their organizations split into two factions. One division, whose views were documented in the pages of Council Fire, saw Native Americans as an "exceptional" minority, a group in need of special training and a lengthy timeframe to learn white ways. The other faction wanted to quickly assimilate the Indian minority in the same manner being used to Americanize other immigrant groups, by making the Indian a farmer with a small plot of land from which he could take his sustenance and become part of America's capitalistic "salad bowl." Since most Indian policy changes were legislated, the latter group of reformers, including the Indian Rights Association, united with congressional lawmakers to legislate their ideals.

After Meacham's death in 1882, Thomas Bland took over as editor of the journal and led the fight to protect the natives' right to collective ownership of their lands. Bland was also instrumental in the formation of the National Indian Defense Association [NIDA] which believed Indians were an exceptional minority not yet ready for individual land ownership. Council Fire became the organ of the NIDA, as well as a forum for the verbal battles between the two factions of reformers.

The history chronicled in Council Fire is an invaluable record of this long-overlooked facet of the reform movement. While the editors took an interest in all issues relating to the Indian question, this paper discusses five of the most critical ones: (1) the exceptional reformers' opposition to the 1878 attempt to transfer the Indian Bureau to the War Department; (2) Meacham's efforts on the 1880 Ute Commission; (3) the battles among reformers over the passage of an allotment bill; (4) the journal's four-year effort to remove abusive Agent V.T. McGillycuddy from the Pine Ridge Agency in Dakota; and (5) NIDA influence on the final draft of the bill to reduce Sioux lands. Although many historians have referred to Council Fire because of its exceptionalist approach to reform, a thorough reading of the journal shows that a substantial segment of the population believed America's natives were an *exceptional* minority. And a century of adverse effects from the laws enacted by mainstream reformers has demonstrated that Council Fire represented the opinions of the wisest among all the Indian rights activists who sought to defend the civil rights of "Poor Lo."

An Essay on Man

Lo! the poor Indian, whose untutor'd
mind
Sees God in clouds, or hears him in
the wind;

His soul proud Science never taught to stray
Far as the solar walk, or milky way;
Yet simple nature to his hope has giv'n,
Behind the cloud-topp'd hill, an humbler
Heav'n,

Some safer world in depth of woods embrac'd,
Some happier island in the wat'ry waste,
Where slaves once more their native land
behold,

No fiends torment, no Christians thirst for
gold!

To Be, contents his natural desire,
He asks no Angel's wing, no Seraph's fire;
But thinks, admitted to that equal sky,
His faithful dog shall bear him company.

Alexander Pope, Epistle I, 1732

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INTRODUCTION

The only hope of saving the Indian from premature extinction is in his becoming a civilized man. . . . You may reason and preach to [him] until doomsday and he will be an Indian still. He must have a working exemplification of the new way. . . . He is in one sense peculiar and needs peculiar treatment, and the teacher needs especial qualification for the task.

Alfred B. Meacham, Council Fire

April 1881

Late in 1889, a weary Dr. Thomas A. Bland put the finishing touches on his final monthly essay for The Council Fire, a pro-Indian rights journal he had edited since 1882. Mentally exhausted by his protracted effort to protect Indian civil rights, a month earlier Bland had written, "Should we consult our own selfish interests only, we should stop [the journal] at once and drop the whole Indian work, but this we cannot get our consent to do while there seems to be need of our services in this field of humanitarian labors and sacrifice."¹ The editor's statement reflected his sense of futility over Council Fire's inability to dramatically change public sentiment toward Native Americans. The journal's twelve-year effort to keep the public informed about abuses of Native American rights had become less important to an American populace which contented itself with the belief that recent legislation had successfully solved the "Indian problem" and

had taken Native Americans well down the road to civilization.

Bland's attitude in December, 1889 contrasted sharply with the optimism expressed by editor Alfred B. Meacham when he initiated the Council Fire in January, 1878. Anticipating only positive results from his journalistic efforts, Meacham had proclaimed, "May [Council Fire] burn until every Indian on the continent of America has been recognized as a man . . . ; his rights secured to him on equal terms with all other men; until he has been admitted to citizenship, with all its privileges and responsibilities; and until the last savage council fire in America shall have died out forever."² Unfortunately, the intervening years had seen such significant policy and opinion changes that, as a journal advocating the protection of Native American civil rights through moderate policy reform, the Council Fire's flame had been extinguished.

Indian policies were always at the mercy of government officials, and legislative fights over Indian land and tribal rights during the previous decade had dealt nearly crippling blows to reformers who understood that Native Americans needed an extended time period to thoroughly comprehend the complexities of white civilization. Passage of the land-in-severalty bill in 1887 had begun the slow defeat for Bland and other like-minded reformers. Authored by Massachusetts Senator Henry Laurens Dawes and signed into law by President Grover Cleveland in March, 1887, the legislation provided for the distribution of reservation lands to heads of families, adult single persons, and orphan children. The land remaining after

allotment on any reservation was to be opened for white settlement.³ Bland and the kindred reformers who read and contributed to his journal knew that most Indians were not ready for private ownership of their land. Indeed they proved to be prophetic in their warnings about what would ultimately happen to individually-held Indian lands, for by 1934, nearly one-hundred thousand Native Americans were totally landless, having lost 94 million acres of the 138 million they had collectively held prior to allotment in 1887.⁴

Alfred B. Meacham, who died before the destructive legislation of the late 1880s became official policy, believed that Native Americans had the same intellectual and physical capabilities innate in other races. However, these natives needed special training to learn the skills of white civilization. Such education had been officially endorsed by the government under the Peace Policy of President Ulysses S. Grant which was introduced in 1869. Grant's Peace Policy was the first formal plan by the United States government to deal with the Native American peoples since President Andrew Jackson's Indian Removal Act of 1830.

Created in an era in which the dominant Anglo-Saxon population of the United States sought to Americanize its incoming flood of immigrant minorities, the basic premise of Grant's Peace Policy was that Native Americans were what historian Frederick E. Hoxie has called "an *exceptional* minority group--one that required unusual protection and special training."⁵ By using missionaries as agents, Grant and

Indian-policy reformers hoped that American Indians would learn to accept what Ohio Senator George Pendleton termed the trinity of "family, home, and property," as well as the American work ethic, individualism, and agrarian idealism through the Christian agents' example and teaching.⁶

Indians had been viewed as inferior beings, by western standards, since the founding of a European civilization on our soil in the sixteenth century. Some three-hundred years later, perceptions of them ranged from that of the lazy, but bloodthirsty savage looking for government handouts, to the naive child of nature depicted in Alexander Pope's 1732 Essay on Man. Pope's salutary, "Lo, the poor Indian!" was corrupted, becoming the idiom "Poor Lo," which was used to refer condescendingly to Native Americans during the late nineteenth century. Even Meacham could not completely escape the ethnocentrism of the day when he referred to the native as a "relentless enemy," calling him "revengeful" and "not enterprising."⁷

Meacham heartily endorsed Grant's Peace Policy, which, by the time he originated his journal, had ceased to function as its creators had envisioned. By 1878, the Indian Office methods used to select Indian agents had returned to the long-standing system of political patronage--the very system which Grant sought to avoid in creating his Indian strategy. Despite these problems with the Peace Policy, Meacham continued to support the plan's civilizing intentions even though others in government had abandoned it.

Meacham and Bland, consecutive editors of the Council Fire during its twelve years of publication, both regarded Native Americans as an "exceptional minority." By 1885, the pressure to open Indian lands for white settlement and to offer the original inhabitants citizenship in the United States had forced most Indian policy reformers to begin treating the native as an unexceptional minority who was already prepared for the final stages of assimilation. Because Bland did not agree with the majority of reformers, he was instrumental in the November, 1885 formation of The National Indian Defense Association, a group of like-minded individuals who sought to maintain tribal conditions and to work for the issuance of land patents to tribes.⁸ Therefore, even though the Council Fire remains as a record of the Indian-policy reform movement in general, its greater importance lies in the collection of materials which the editors selected for publication on its pages. The essays, articles, and letters were authored by individuals who regarded Native Americans as an exceptional minority who needed long-term protection "in the possession of their lands and other property, until, through the efforts of the Government and the various missionary societies, they should come to understand, appreciate, and accept our civilization."⁹ For this humanitarian segment of the population, regarded as exceptionalists, congressional legislation prematurely severed the Indians' umbilical cord to the United States government with policies designed to treat the Native American race as a readily assimilable minority

instead of an exceptional one.

The biggest hurdle which exceptional reformers faced was the pressure exerted by settlers' demands for western Indian lands. The timetable which they saw as necessary to gradually bring the Indian into white culture required that western land seekers wait an undetermined, extended period--a length of time far too long in the settlers' estimation--to purchase Indian lands. But while Meacham and Bland both acknowledged congressional strength in the formation of Indian policy, they did not systematically lobby the government body as did one of the most prominent reform groups, the Indian Rights Association, which encouraged a more rapid pace of acculturation through allotment. Since Bland's approach to the Indian problem was a scholarly one, he believed that the proper presentation of well-researched data and logical conclusions would counteract the prevailing unfavorable opinions held by much of the public. Therefore, he sought fewer relationships with politicians in Congress, and thus remained outside the essential power-structure which created Indian policy.

While The Council Fire took an interest in all of the issues related to the late-nineteenth century "Indian Question," its influence in some of the matters was greater than in others. In December, 1879, Alfred Meacham was called to testify before the congressional subcommittee investigating the possibility of transferring the Indian Bureau from the Department of the Interior to the War Department. Meacham's testimony, along with that of Interior Secretary Carl Schurz,

convinced the committee that transfer of the Indian Bureau was not necessary at that time. Council Fire's second important record dealt with Meacham's attempt to protect Ute civil rights during the implementation of the Ute Bill in Colorado. From mid-1880 through December, 1881, Meacham served as a member of the commission sent to gain Ute approval for the sale of much of their land in the central Rocky Mountains. However, many Coloradans wanted the Utes completely out of the region, and knowing that a clash with the natives would bring substantial government money into the state, they were willing to initiate a frontier war to evict the Indians. Meacham's widely read essays, which sought fair treatment for the Utes, so angered many Coloradans that they brought false charges against the editor in an attempt to remove him from the Ute Commission.

With the same crusading spirit as his predecessor, Thomas Bland was an unrelenting advocate of Native American civil rights in the face of congressional attempts to pass a land-in-severalty bill. Allotment became the trigger used to launch an acrimonious debate between two factions of what originally had been a singular endeavor to fulfill all treaties and other government obligations to Native Americans. Bland and others who viewed Indians as an exceptional minority would "make haste slowly" in acculturating the native, while the other faction of reformers believed in the need for rapid assimilation.¹⁰

Even though Bland and Council Fire's influence could not halt the creation of legislation to break tribal relations, it slowed the legislative process and served to counteract an

Indian policy which Republican partisan politics had allowed to run amok. The animosity between the two distinct types of reformers can be seen in the case of Agent Valentine McGillicuddy at the Pine Ridge Reservaion in Dakota.

McGillicuddy's sins against the Indians at his agency were well documented, and over a four year period, Council Fire paraded them before the public and a corrupt administration which had chosen to ignore them. The tenacity of Council Fire, and its allied National Indian Defense Association [NIDA], on the matter ultimately led to McGillicuddy's removal.

Council Fire and the NIDA reached the pinnacle of their influence in the creation of final legislation to reduce the Sioux Reservation in 1889. Having slowed the legislative process for nearly seven years, the apolitical NIDA developed a series of fortuitous political liasons which granted them the primary role in the Sioux Bill's creation. They also took extensive behind-the-scenes action during the process of its acceptance by the natives. The result was a law which gave optimum protection to Sioux civil rights in the face of white demands for their land. The history of the Sioux Bill's legislative development became the final chapter in Council Fire's records. While numerous other Indian reform issues were discussed in the columns of the Council Fire, it is these five seminal matters which will be discussed herein.

Although this project will never be completely "finished," the assistance of numerous individuals who enabled me to reach

this stage of its development must be acknowledged. The Council Fire journals themselves are not easily located. The first seven and one-half years (less one month's issue) are readily available on microfilm. However, the remaining volumes are held in only a few locations around the country. Volume twelve for 1889, the final year of publication, is especially hard to find. My sincere thanks go to Mary T. Mick and Catherine M. Walker of the Interlibrary Loan Department at the University of Nebraska at Omaha for assisting me in locating the journals, as well as all the other printed materials which were not available in Omaha. Always willing to process "one more request," visiting their department became a welcome respite in my research day. The staff at the Kansas City branch of the National Archives and Record Service was most accommodating in assisting me with records concerning the Pine Ridge Indian Agency, and the staff of the Newberry Library in Chicago was helpful in locating NIDA material in their collection.

In the completion of this thesis, I owe many thanks to Dr. Michael Tate for his suggestions regarding important materials which I might otherwise have overlooked, and for pointing out omissions in my narrative. To him must also go a special thanks for nudging me along when the materials seemed overwhelming. I am grateful also for the input of the other members of my committee, Dr. Jerold Simmons, History Department, and Dr. Charles Gildersleeve, Geography Department, who read this lengthy manuscript while in the midst of a busy

summer teaching schedule. I must here add special thanks to my husband, Bob, and my sons, John and Jess for their moral support and for serving innumerable times as my sounding board for ideas and theories.

Finally, I am grateful for the record left in the writings of Alfred B. Meacham and Dr. Thomas Bland. Bland's essays were particularly candid and honest, and in printing for public consumption the kind of personal attitudes normally recorded only in private papers, he left an invaluable record of a long-overlooked facet of the late-nineteenth century movement to reform American Indian policy. While many historians have mentioned Bland because of his exceptional approach to Indian policy reform, a thorough reading of his journal demonstrates that a substantial segment of the population believed America's natives were an *exceptional* minority. And a century of adverse effects from many of the laws enacted in the interest of mainstream reformers has demonstrated that Thomas Bland and his brethren in the National Indian Defense Association were truly the wisest among all Indian rights activists.

NOTES

¹"To the Friends of the Indian," Council Fire XII (November 1889):96. [Council Fire] will be cited as CF throughout the remainder of this paper.]

²"Saluatory," CF I (January 1878):1.

³"The General Severalty Act," Statutes at Large XXIV:388.

⁴Francis Paul Prucha, The Great Father (Lincoln: University of Nebraska Press, 1984), II:896.

⁵Frederick E. Hoxie, "The End of the Savage: Indian Policy in the United States Senate, 1880-1890," Chronicles of Oklahoma LV (Summer 1977):160.

⁶Robert H. Keller, Jr., American Protestantism and United States Indian Policy, 1869-1882 (Lincoln: University of Nebraska Press, 1983), 151.

⁷"Talk Around the Council Fire," CF I (February 1878):24.

⁸"National Indian Defence [sic] Association," CF VIII (December 1885):174.

⁹"Then and Now--A Review of Indian Policies," CF XII (December 1889):97.

¹⁰"We Quote the Following...", CF IX (October 1886):146.

CHAPTER I

"HOW BEST TO GET HIS LANDS":
NINETEENTH CENTURY EPITHET FOR AMERICAN INDIAN POLICY

Our manner of dealing with the Indians of America has been a mistake. . . . From the outset, we have regarded them as a distinct people, and have treated them as aliens, instead of considering them as part and parcel of the great body politic. . . . We have blundered along for two hundred years, always hoping that some peaceful solution would be found for the vexed question of races. Here we are, one hundred years from the establishment of the Government and no nearer--apparently--a peaceful settlement of this question than we were when our fathers began the great experiment of self-government.

Alfred B. Meacham, Council Fire

April 1878

When the United States established a new government in 1787, it adopted a Constitution with a preamble which begins "We the people of the United States, . . ." At the nation's birth, however, "We the people" included neither Blacks nor Indians. After the Civil War, the intent of the phrase was expanded to include the former, but still omitted Native Americans.¹ That exclusion left the legal status of the native peoples, who had lived on United States soil for thousands of years, open to question, and set the stage for a debate over their human and political rights which raged from the halls of Congress to the

pages of small-town, western newspapers until they were finally granted citizenship in 1924.² For a century-and-a-half after the republic's inception in 1787, its legal procedures for handling Native Americans changed frequently, prompted by the whims of a parade of politically motivated--but often racially unenlightened--government officials. Throughout that period, the federal government's Indian policy was a miscellany of laws sporadically passed by Congress to deal with problems as they occurred. Only occasionally and for brief periods was a framework of ideas established through which consistent legislation could be formulated.

The Constitution had formally established only two principles for federal interaction with Indian people. Article I, section 8, clause 3 gives Congress the authority "To regulate commerce . . . with the Indian tribes." The second Constitutional power affecting Native Americans comes from Article II, section 2, clause 2 which gives the president the "power, by and with the advice and consent of the Senate, to make treaties, . . ." The Constitutional power implies an agreement between the government and a sovereign nation. One of the major Indian policy changes to occur in the making of agreements and treaties during the first century of government was the gradual shift in the legal status of Indian tribes from that of independent nations to that of domestic dependent nations, and finally to being considered individually as wards of the government. To further complicate administrative

matters, the handling of Indian matters also shifted between branches of government during the century.

In the early stages of nationhood, America's Indian affairs had been handled by the Department of War. Since the need for a government representative among the natives was not initially apparent, the position of Indian agent did not exist. But the idea of placing government agencies on the frontier grew quickly. In 1793, a trade law authorized the president to furnish the natives "with useful domestic animals, and implements of husbandry" to encourage civilization among the natives. The president was also authorized to appoint men to live temporarily among the Indians.³ These early trade laws, originally enacted to enforce existing treaties in the face of white violations, effectively became the Indian policy. Over time the legislation became more precise, specifically outlining the criteria which the government felt were necessary to maintain peace. Through this series of acts, agents' duties also became progressively more defined, until by 1818, fifteen agents and ten sub-agents were living among the natives, recording for the government the latter's progress toward civilization, their general condition, and the events which occurred at the agencies.⁴

To streamline the government's Indian duties, Secretary of War John C. Calhoun created the Bureau of Indian Affairs in March, 1824 and appointed Thomas L. McKenney as its head. While the position was intended to handle all of the Indian duties

within the War Department, it was in reality only a clerical post, and its holder lacked the authority to take any action. Legislation to appoint a Commissioner of Indian Affairs responsible to the Secretary of War and having the authority to manage all Indian matters was not passed until July, 1832.⁵ In the years which followed the creation of an Indian Department, government policy gradually came to embrace three primary ideas. The first was the making of treaties for peace and land cessions. A second facet of policy was the payment of money and annuities to the native peoples as compensation for the loss of their land and means of subsistence. An underlying theory for this concept was the idea that annuity goods should help to assimilate Native Americans into the white race. The third concept was removal of the Indians from their native regions, and their subsequent relocation upon reservations elsewhere in the West.

While the earliest American government aspired to peaceful co-existence with the native peoples scattered throughout its states and territories, intermittent warfare between Indians and whites ravaged the frontier regions. During the post-Revolution years, Great Britain sought to block America's westward advance by establishing an Indian state in present-day Michigan, while Spain manipulated the Indians to the South and West for the same reasons. Caught in the middle were the frontiersmen who aligned themselves with any ally willing to help break Indian resistance. In the face of the collective strength of Indian

tribes situated between the Appalachian Mountains and the Mississippi River, America's military and financial weaknesses forced the fledgling government to define its relationship with the native peoples.⁶

Congress originally believed it had acquired all Indian lands by the Treaty of Peace in 1783. After a period of intense disturbances with the native peoples over white infringements onto Indian-controlled lands, the legislators acknowledged Indian land claims in the Treaty of Fort Harmar, signed in January, 1789.⁷ Thereafter the new administration maintained a policy of negotiating treaties with the natives for peaceful coexistence and the right to settle on Native American lands.⁸

Despite this early compromise effort, the issue of which race actually owned lands within the United States remained unresolved. In July, 1789, Secretary of War Henry Knox had written that the natives "possess[ed] the right of the soil" as prior occupants. "It cannot be taken from them unless by their free consent, or by the right of conquest in case of a just war." Knox therefore favored relating to the tribes as foreign nations.⁹ However, Supreme Court opinions as early as 1810 conveyed the idea that Indians' right to the soil, "which is certainly to be respected by all courts, until it is legitimately extinguished . . .," was one of occupancy only.¹⁰

The longterm nineteenth century opinion used as the basis for all native affairs was written by Chief Justice John Marshall in 1823 in the case of Johnson and Graham's Lessee v.

McIntosh. In that decision Marshall wrote that the United States had inherited the rights of discovery from its European predecessors. This meant that "discovery gave title to the government by whose . . . authority, it was made. . . ." He went on to say, "An absolute title to lands cannot exist, at the same time, in different persons, or in different governments. . . . All our institutions recognize the absolute title of the crown, subject only to the Indian right of occupancy, and recognize the absolute title of the crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians."¹¹ Although the legal opinion withstood the test of time, the right of Native American individuals to fee simple title to their land--a right which had merit only from the Anglo-American vantage point--remained unresolved until 1887 with passage of the Dawes Severalty Act which allotted Indian lands.

The earliest treaties with natives were not necessarily written to negotiate a land cession. They recognized many kinds of eventualities, including the end of hostilities, the exchange of prisoners, future peace, as well as land cessions. Inherent in the treaty process was the practice of paying annuities to the Indians for their goodwill or land. The practice had originated during the colonial era when the Europeans had distributed gifts among Indian leaders to insure their cooperation. The custom, continued by Americans for the same reasons, was also intended to speed the civilizing process.¹²

In his first lengthy report on Indian affairs, Secretary of War Knox recommended that gifts of sheep and other domestic animals be made to the natives to impart to them a "love for exclusive property."¹³ As the number of treaties negotiated for land cessions increased, the use of annuities as payment also expanded. The total amount of annuities paid in 1790 was \$1500; by 1829, the appropriation for annuities had increased to \$214,590.¹⁴ As the budget for the Indian Bureau's operation grew, so did the difficulties involved in accounting for its huge appropriation.

A network of contractors who supplied and distributed Indian rations evolved, and despite problems within that system for procuring annuities, its use was widely defended. A whole segment of the white population depended on the government's payment of annuities for their livelihood, especially those who contracted to provide the goods and those who transported them. White settlers, too, supported the policy as a means of averting warfare with the native population. And those who wanted the government to open more western lands for white settlement understood that it was an integral part of the treaty system. On the other hand, detractors in Congress pointed out that payment of rations encouraged Indian improvidence instead of civilization. To them, annuities had become little more than charity for an ungrateful minority who only wasted the gifts.¹⁵

It had long been assumed that the Native American would be gradually civilized by Christian and agrarian ideals. A

contrasting concept, however, said that the natives must remain separated from whites so that their language, customs, and religion could be protected. This attitude led to the second tenet of Indian policy--removal--which served as a candid admission that the Jeffersonian ideal of rapid assimilation had not been attained. Soon after the United States acquired the Louisiana Purchase, Secretary of War Henry Dearborn directed Indian agents to introduce to their natives the idea of trading their land for country further to the west. He emphasized that this was only an idea, not a policy which would be forcibly undertaken by the government. However, the War of 1812 intervened and little was done with the idea until 1817 when President James Monroe took an interest in the concept.¹⁶

In his first annual message on December 2, 1817, Monroe spoke of the government's recent purchases of Indian lands. He said "The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort."¹⁷ Monroe believed that the land tenure question could be resolved only if the Native American was moved beyond the Mississippi River. Monroe, Andrew Jackson--then a Senator from Tennessee--and Secretary of War John C. Calhoun were all convinced that Indian independence

within white settlements must be ended, and the trio urged congressional action.¹⁸

Removal became a legislated part of Indian policy due to an unresolved land tenure question between the Cherokees and the state of Georgia. In 1802, Georgia had ceded its western lands to the federal government with the stipulation that the United States extinguish the title to those lands held by natives within the state as soon as the process could be undertaken peaceably. By the 1820s, Georgians were demanding access to those Indian lands, but President Monroe refused to acknowledge their claims. On July 26, 1827, the Cherokees adopted a written constitution patterned after that of the United States. As a separate nation, the Indians' move would have necessitated a fundamental change in the tribe's relationship with the United States, yet the government refused any action beyond investigating the matter. Georgia chose to act independently, saying that it would not tolerate a separate nation within its boundaries, and declaring that it would take control of Cherokee lands. Congress took up the matter, but passed no legislation until after the discovery of gold on Cherokee lands in 1829.¹⁹

That same year President Andrew Jackson assumed the reins of government. Jackson believed that the Native American had "only a possessory right to the soil, for the purpose of hunting, and not the right of domain" He considered the Native American to be a ward of the government and felt the traditional method of treating the Indians as independent

nations was absurd. Declaring that the Constitution forbade the creation of states within states, on December 8, 1829, President Jackson advised the Cherokee that whites would soon destroy their culture, and he encouraged them to voluntarily emigrate beyond the Mississippi River.²⁰ Echoing the earlier pronouncements by Thomas Jefferson, he wrote, "there is every probability that they will always be free from the mercenary influence of White men, and undisturbed by the local authority of the states; Under such circumstances the General Government can exercise a parental control over their interests and possibly perpetuate their race."²¹

The Indian subcommittees of both the House and Senate discussed and prepared reports on the matter. In favoring removal of all tribes in the path of civilization, the House wrote that Native Americans had been excluded from the basic rights provided by the Constitution because they did not own property. This was a natural law and those who relied upon it admitted "the superior rights of agriculturalists over the claims of savage tribes, in the appropriation of wild lands." In moving the American natives, Congress was affirming "the principle that the earth was intended to be a provision for all mankind," as well as its right to "assign to [Indians] such portion, as, when subdued by the arts of the husbandman, may be sufficient for their subsistence."²² Removal, the House added, would have prevented the annihilation of earlier New England tribes if they had been "transplanted into some territory on the

Western frontier." Likewise removal would be positive for present natives because "there, under the protection of whites, but free from the actual and constant presence of a superiority which dispirits them; and from those vices which have always been their worst enemies, the problem of Indian civilization might be solved, at last, under the most favorable circumstances."²³

Removal became a legal force within Indian policy by an act passed on May 28, 1830 which allowed the president to divide lands west of the Mississippi River--"to which the Indian title has been extinguished"--into a "suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; . . ." Important in the face of later legislation to acquire Indian land was a clause which guaranteed the removed natives their new lands "forever," with a patent issued to the tribe.²⁴ Equally important to the removal program was the parallel reservation policy. On their new parcels of land, the Native American could be controlled and civilized under the guidance of federal officials.

The government's reservation policy took several twists and turns prior to the Civil War, depending upon the theory held by the particular administrator in control. During the 1840s, the primary notion was to consolidate all Indians onto two large reserves, one in Indian Territory for southern tribes, and one for northern tribes somewhere on the northern plains. This

would free a wide swath of the central plains for use as a broad corridor for travel and communication to the Pacific coast, as well as assuring the continued separation of the two races. In contrast, during the 1850s, Commissioner of Indian Affairs George Manypenny created many small reserves where the Native American would be unable to pursue his penchant for the hunt and could therefore be more readily induced to learn white ways. William P. Dole, Commissioner of Indian Affairs under President Abraham Lincoln, criticized Manypenny's use of small reservations because they allowed too much contact with whites. Dole believed that the natives should be concentrated on three to five large reserves where they could be isolated and gradually brought into white culture. The Commissioner looked forward to the day when reservation lands could be allotted in severalty to individual Indians.²⁵ Unstated, but certainly included in all ideas, was the notion that the Native American would be ultimately assimilated into the mainstream of American life.

By the mid-nineteenth century, it was widely believed that the Native American had to adopt white culture or perish.²⁶ The general assumption during the colonial era had been that, through intermarriage, the red race would eventually be absorbed into white America, thus creating a "white Indian." As the nineteenth century progressed, the idea of intermarriage as a means of assimilation became unacceptable.²⁷ However, the idea of creating a "white Indian" did not. Because predominantly

Anglo-Saxon America could not tolerate a plural race structure, assimilation of Native Americans did not mean the absorption of Indians into a culture of multiple races. Instead it meant the Americanization of another of the nation's minorities.

Pervasive cultural attitudes often pass from one generation to the next through its school books, and in most nineteenth century textbooks, the Native American was seen as lazy. Because as a race, the natives rejected the European idea of daily labor and accumulation of property, most people believed Indians could not be useful to white civilization. Yet even though the American native was seen as a savage in printed literature, he was regarded as superior to other uncivilized minorities of the world because he was the original occupant of North America.²⁸ This role as "original occupant" gave the Native American special status in the category of "inferior minority." Even though most Americans believed the native was doomed to extinction, it was not politically or morally expedient to allow the Indian to die out without trying to save him. The first solution had been to remove him. The later solution was to civilize him and, in so doing, destroy his tribal culture.

Humanitarians had always been at the fore in wanting to civilize the Native American as a means of saving him from extinction. America had experienced a strong evangelical movement throughout all of the nineteenth century. As the country sought to reshape its mores, the Native American was not

to be bypassed by the Christianizers.²⁹ As early as 1810, the American Board of Commissioners of Foreign Missions had been formed in Boston to assist in the Indian civilizing process.³⁰ By 1819, Congress had passed legislation appropriating ten thousand dollars annually to the Civilization Fund.³¹ These monies were divided among the various missionary societies which had already started work among the tribes and had completed the government's application process. It was expected that the money would be used to teach agriculture, as well as reading and arithmetic.³² Formal education among the Indians began in 1839 when the Methodists established a mission school for the Shawnee at the Fort Leavenworth Agency. The school, where initially some fifty students were taught to read and write, became the practical model for Native American education.³³ As was usually the case in Indian policy, the government set no criteria for civilizing the natives. Since civilizing and Christianizing seemed to be part of the same process, the government expected that the churches would formulate their own procedures, and that civilizing the Indians would be a part of Christianizing them.³⁴

The real push for reform of Indian policy, however, came from outside the government. It began during the Civil War when humanitarian activists such as Bishop Henry Whipple sought to have Native Americans recognized as individuals rather than as members of a tribe. Whipple, already an influential champion of Indian rights, became the first Episcopal bishop of Minnesota in

1859. Widely recognized as a tenacious advocate of reform, the bishop pressed even harder for policy changes after the Santee Sioux uprising of 1862.³⁵ The uprising had been primarily due to arbitrary delays in federal authorization for rations to nearly 7000 starving Sioux who were confined to a small reserve along the Minnesota River.³⁶ Whipple understood that any significant change needed to come from within the government, but Congress was too busy with the Civil War--and Abraham Lincoln was a master in the practice of political patronage--to take any timely action.³⁷

After the Civil War, the number of Indian activists increased as some of the anti-slavery advocates, such as Boston abolitionist Wendell Phillips and Brooklyn's Reverend Henry Ward Beecher, incorporated the cause of Indian rights into their crusade for racial equality. To these reformers, the government had to become the protector of Native American equality, not the grantor of Indian rights.³⁸ Among those holding that view was Lydia Marie Child who authored An Appeal for the Indians in 1868. Child objected to teaching the natives English, believing it to be evidence of America's "haughty" Anglo-Saxon ideals. She regarded the Native American as a member of the great human family, but one at a younger stage in the evolutionary process who needed protecting until he had sufficiently learned white ways.³⁹

It was a series of military confrontations between Indians and whites on the Great Plains during the early 1860s which

moved Congress and reformers to action. Besides the Sioux uprising of 1862 in Minnesota, there were attacks by Cheyenne Indians on wagon trains and ranches in Kansas. To punish the "hostiles," Colonel John M. Chivington led troops of the Colorado militia into a sleeping Cheyenne and Arapaho village at Sand Creek on November 29, 1864, massacring primarily old men, women, and children.⁴⁰ At nearly the same time, Colonel Kit Carson led his troops against bands of raiding Kiowas and Comanches in the Texas Panhandle, and General Patrick Connor's California Volunteers killed 250 unoffending Shoshonis at Bear River in southern Idaho.⁴¹ While many westerners applauded the military's punishment of the Indians, reformers in and out of Congress demanded an extensive investigation. These activists wanted to better understand the natives' living conditions, the reasons for their apparent restlessness, and the conduct of military leaders and Indian agents whom reformers blamed for the troubles. The two resulting congressional reports dramatically influenced Indian policy.⁴²

In January, 1865, Wisconsin Senator James R. Doolittle submitted a resolution to examine the condition of Indian tribes and their treatment by civil and military authorities.⁴³ Congress formed a committee of seven men to do the investigation in March of that year. Since they were unable to physically visit all Indian agencies, the seven devised a questionnaire covering twenty-three topics. The forms were mailed to army officers, experienced Indian agents and superintendents, and

other knowledgeable persons.⁴⁴ Observations made during agency visits, along with the results of the questionnaire, were finally submitted to the Senate on January 26, 1867. The report confirmed that the Indian population was decreasing due to pressures from white culture, including disease, wars, intemperance, and loss of native hunting grounds. It also charged that most Indian wars were due to whites' lawless aggression. The report recommended that the Indian Bureau remain a part of the Interior Department and that five inspection districts be created, each with its own inspection team to serve as a field link with the Indian Bureau, thereby helping to curb abuses.⁴⁵

The second influential congressional report was requested later that year following several months of white-Indian tensions in the Sioux hunting areas of Wyoming and Montana. Periodic skirmishes had nearly halted travel on the railroad through the area as well as along the Bozeman Trail. In July, 1867, the House directed a Commission to investigate the causes of Indian discontent, hoping to insure safe passage by whites along the lines of communication and transportation in that region.⁴⁶ The resulting report, submitted on January 7, 1868, accused politicians of ignoring Indian affairs. It likewise admonished the congressmen, noting that they were knowledgeable about issues relating to Blacks, the economy, and financial issues, but the only part of the Indian question they considered was "how best to get his lands." And after acquiring the land,

politicians usually ignored the native. The summary reminded missionary societies and churches that, while they collected thousands of dollars for missions in Africa and Asia, only rarely did they spend any money on the Native American. The document favored the creation of a separate Indian Department and, as in the earlier report, it suggested that the President appoint inspectors to stay abreast of complaints regarding abuses by the Indian Office.⁴⁷

The report also recommended that all Native Americans be concentrated on two large reserves east of the Rocky Mountains, and it outlined a plan for their civilization: "Agriculture and manufactures should be introduced among them as rapidly as possible; schools should be established which the children should be required to attend; their barbarous dialects should be blotted out and the English language substituted. . . . Let farmers and mechanics, millers and engineers be employed and sent among them for purposes of instruction; then let us invite our benevolent societies and missionary associations to this field of philanthropy nearer home."⁴⁸

The resulting Peace Commission ultimately negotiated two treaties. The agreement worked out with the Sioux and other northern Plains tribes remains a critical issue in government-Indian relations even today. The Ft. Laramie Treaty of 1868 was intended to provide a peaceful solution to hostilities along the Bozeman Trail in Wyoming and Montana. By it, the Sioux agreed to extinguish their right to occupy land in the Powder River

country. The treaty also guaranteed that the Sioux would not have to relinquish anymore of their land unless agreed to by a vote of three-quarters of the adult males living on the reserve.⁴⁹ The second agreement, the Treaty of Medicine Lodge which had been negotiated the previous summer with the Cheyenne, Comanche, and Kiowa, ceded parts of eastern Colorado to the federal government.⁵⁰ Due to infighting between the Senate and House over the power to make and ratify treaties, neither agreement was quickly ratified, thereby causing a delay in appropriations for Indian subsistence.⁵¹ Because the southern Plains tribes had lost much of their homeland in the agreement and could take no new one until the treaties were ratified, there was continued warfare until 1875.⁵²

In addition to Indian-white confrontations in the West, there were growing reports of fraud and abuses within the management of the Indian system itself. In February, 1869, Congressman James A. Garfield told the House "I am compelled to say that no branch of the national government is so tainted with corruption, so utterly unworthy of a free and enlightened government, as this Indian Bureau."⁵³ Several factors contributed to the weaknesses within the Indian Bureau. One was the scarcity of direct communication due to distances between Bureau headquarters and the western reservations where the vast majority of its employees worked. Another difficulty stemmed from the enormity of goods and money associated with annuity-related contracts. These agreements offered innumerable

opportunities for the unprincipled businessman or politician.

A third problem inherent in all government agencies was the well-entrenched system of political patronage which flourished unabated due in part to the strength of Congress. Congressional might reached its zenith in the years immediately following the Civil War. At the same time, the power of the presidency dropped to its historical low when Radical Republicans impeached President Andrew Johnson in 1868. Instead of an equilibrium among the executive, judicial, and legislative branches, the power scale was tipped in favor of the law-makers.⁵⁴ Since congressmen had the power to ratify legislation, and approve annuity budgets and agency appointments, the primary force behind all Indian-white relations was Congress. The effect of the system of political patronage on Indian matters, then, was congressional use of personal favors as the motivation for choosing Indian agents and other Bureau personnel, instead of selecting individuals qualified by their training and experience.⁵⁵

By early 1869, incoming President Ulysses S. Grant, aware of the recent congressional reports, the rumors of corruption within the Indian Bureau, and continued pressure on the presidential office to make political appointments, knew changes in government Indian policy were needed.⁵⁶ When he was inaugurated in March, 1869, Grant simply told Congress and the nation that "The proper treatment of the original occupants of this land--the Indians--is one deserving of careful study. I

will favor any course toward them which leads to their civilization and ultimate citizenship."⁵⁷ By the time he made that address, however, much progress had already been made toward creation of two aspects of his Indian policy: church nomination of federal Indian agents, and creation of the Board of Indian Commissioners. This Indian program, which came to be called the Peace Policy, was not laid out immediately, but evolved throughout his first year in office.

Ulysses S. Grant was torn between two sets of conflicting attitudes regarding Native Americans. On one hand, he considered them to be "harmless," a people who would remain "peaceable if they were not put upon by the whites."⁵⁸ On the other hand, Grant's primary concern was the nation's progress, and, in his mind, the Native American had no right to block the advance of civilization. Those Indians who remained "in the way" must be removed at all costs. There was no simple solution. Both education and the violence inherent in military action were necessary parts of the government's Indian policy. To educate Native Americans, Grant turned to the churches; to forcibly remove them, he looked to the army.⁵⁹

Grant undoubtedly believed that the Indian could be absorbed into white culture. His views on assimilation were at least partially embodied in the person of Ely Samuel Parker, a full-blood Seneca Indian who became his Commissioner of Indian Affairs.⁶⁰ Parker, who had studied both law and civil engineering, became acquainted with Grant in the late 1850s

while practicing the latter profession in Galena, Illinois. The friendship led to the Seneca's appointment as General Grant's aide-de-camp during the Civil War, throughout which Brigadier General Parker served meritoriously.⁶¹ Although Parker represented to Grant a model of what all Indians could be, he did not fit the mold of the humanitarian reformers due to his belief that the Indian Bureau should be returned to the War Department, and that army officers should be utilized as Indian agents.⁶² Parker reasoned that using the military as agency administrators would infuse the civilization process with greater honesty and forcefulness. However, the Commissioner's feeling that the frontier tribes would lose less if they did not resist socioeconomic changes was not at variance with the majority of reformers. Other aspects of Parker's plan for Indian management included the introduction of territorial governments to some reservations, and the creation of a commission made up of whites and acculturated Indian men to visit all reservations.⁶³

Parker also personally supported the recurrent idea that true friends of the Native American could be found among the Quakers. That religious group had not only befriended his own tribe, but had also established a reputation for constructively influencing Congress on racial issues via one of the few avenues available to the public--the petition.⁶⁴ Over the preceding half-century, Quakers had presented many memorials and petitions in behalf of both Indians and Blacks. On January 21, 1869, the

Quakers sent to Congress a memorial which outlined the reasons for their opposition to a proposal that would return the Indian Bureau to the War Department. The petition favored the existing practice of isolating Indians on reservations to prevent their further decimation, saying that the Native American "should be kept as far as possible from contact with dissolute and licentious men," and should be taught the arts of civilization. Ultimately, the Quakers believed, the Indian's tribal relations must be broken and his land held individually by fee simple title.⁶⁵

Parker was not alone in his support of Quaker influence on the Native American. Grant also had great respect for the religious group because William Penn and his followers had been able to maintain peaceful relations with their Indian neighbors during the colonial era. Consequently, the president-elect responded positively when asked to meet with Quaker representatives regarding Indian issues in late January, 1869.⁶⁶ Knowing that he would soon be appointed Commissioner of Indian Affairs, in February, Parker took the first steps toward initiation of the government's new Indian policy. He wrote to both branches of the Quakers asking each of them to submit a list of Society members whom they would "endorse as suitable persons for Indian agents."⁶⁷ With that request, President Grant and Commissioner Parker became the first government administrators to invite civilians to directly participate in the management of Indian affairs as agents.

The second important new aspect of Grant's Peace Policy was the creation of the Board of Indian Commissioners. The idea was not new. Both congressional reports--the Doolittle of 1867 and the Peace Commissioners of 1868--had suggested the formation of of some sort of investigative board to improve management within the Indian Bureau. Bishop Henry Whipple had also suggested it as early as 1862. In fact, Whipple, the Quakers, and Philadelphia Indian activist William Welsh had begun lobbying for a national board of inspectors in 1866.⁶⁸ Their ideas finally took root in the environment of suspicion surrounding Indian Bureau activities which faced Grant as he set up his administration in early 1869.

The credit for the Board's creation probably belongs to William Welsh and Bishop Whipple. Welsh was a strong-willed, self-righteous, and blunt Philadelphia philanthropist who took up the standard of the Native American in 1862. An Episcopalian and friend of Bishop Whipple, Welsh convinced the Episcopal Church to take a more active political role in Indian affairs and the Peace Policy. He traveled to seminaries to recruit missionaries and generously donated from his own pocket to various missions. The Philadelphian was an evangelical who realized that more than church involvement and guidance from the Holy Spirit were needed to overcome problems within the management of the Bureau. He believed that only a powerful board which remained outside the realm of government, but which had supervision over Bureau affairs, could remedy the corrupt

environment which had developed at all levels.⁶⁹

On March 24, 1869, Welsh, George A Stuart, a prominent Pennsylvania Presbyterian, and Judge William Strong of the Pennsylvania Supreme Court, met with newly innagurated President Grant and Secretary of the Interior Jacob Cox. The three Pennsylvanians urged formation of a commission to insure that provisions of the recent Ft. Laramie Treaty were fairly carried out. To Welsh's astonishment, Grant and Cox readily accepted the idea, but went far beyond the original proposal by recommending that the commission oversee all Indian affairs.⁷⁰ Welsh wasted no time in pursuing legislation which would create such a board, and on April 10, 1869, the act authorizing creation of Board of Indian Commissioners passed Congress.⁷¹ The Board was to be an unpaid group of ten men appointed by the President who were considered "eminent for their intelligence and philanthropy."⁷² Welsh had originally demanded the Board's right to veto Indian policy decisions by the Interior Department, as well as the right to oversee all affairs of the Indian Bureau. Although Interior Secretary Cox had opposed Welsh's ideals for the expansion of Board powers, he nonetheless asked the Philadelphian to join the first appointed group.⁷³ When the legislation passed, it granted the group control only over annuity expenditures, and when Grant withdrew even that responsibility on June 3, 1869, Welsh promptly resigned.⁷⁴

Although not a member of the Board, William Welsh hardly ceased his reform efforts where he thought them necessary. His

next challenge was the removal of Ely Parker as Commissioner of Indian Affairs. One of Parker's major offenses was his lack of support for the churches' role in the Peace Policy. Another was his lack of support for the Board. Welsh personally watched Parker for any infractions of Peace Policy procedure, and, in December, 1870, he convinced the House to investigate the Indian Commissioner. Little concrete evidence was produced, and the House found Parker negligent, but not dishonest. However, in July, 1871, after the commissioner refused to forward expense vouchers to the Board, Interior Secretary Columbus Delano ordered them sent to the Board for review, and Parker promptly resigned.⁷⁵ After Parker's resignation, President Grant seemed to show less concern for Native American issues. While he did not turn against the race, he ceased to fully support Indian interests, and took action only to halt the excesses of those who would exterminate them.⁷⁶

From a statistical standpoint, it would appear that early efforts by the Board to curb Indian Office abuses were successful. During the first three years it functioned, the unpaid Board members traveled 256,000 miles, meeting with Indians and their tutors, checking on contractors and supplies, and inspecting reservations and missions.⁷⁷ Board chairman Felix Brunot spent nearly all of his time on Indian affairs for five years.⁷⁸ Legislation enacted in 1871 required the Board to audit Indian Bureau records, and between that date and 1877, members examined \$35,000,000 in accounts, rejecting nearly

\$1,000,000 in claims for goods or services.⁷⁹ The Board's roles as watchdog of Indian service contracts and liaison between the government and the churches were its most important functions.⁸⁰

Such efforts by the Board of Indian Commissioners did make inroads against fraudulent practices by contractors. They also altered old, easily abused methods, including a change in the bidding process. The new procedure required contractors to submit bids for individual annuity items instead of classes of items. The old method had allowed contractors to supply inferior goods, thereby winning a bid for a low total price. The new practice saved government money, provided better quality goods to Indians, and increased the number of competing suppliers.⁸¹ But continuous congressional pressure against Board authority gradually reduced its influence. Legislation in 1871 enabled the Secretary of the Interior to set aside or modify any action of the Board.⁸² And, during the following year, further examination of contractors' vouchers by the Board was deemed unnecessary.⁸³

Lack of congressional support for the Board was not surprising to Interior Secretary Jacob Cox. While he had understood the validity of the Welsh's original idea, he also could see that clashes would occur between members of the proposed elite Board and officials within the Indian Bureau who did not wish to be subordinate to any civilian group.⁸⁴ Cox, a man of great integrity, was highly respected by reformers. He was a strong advocate of civil service reform and undoubtedly

saw Grant's Indian initiatives as a move in the right direction. But he also clearly saw the hold which the patronage system had on Congress, and he feared that the plan to place the Bureau under civilian control and to use church appointees as agents could not override that strength.⁸⁵ After the Senate made attempts to subvert the Peace Policy by trying to block Quaker appointments to two agencies (as well as reforms in other Interior offices), Cox resigned in October, 1870.⁸⁶

An Ohio attorney, Columbus Delano, replaced Jacob Cox as Secretary of the Interior. Delano came to the Interior Department after serving as head of the Bureau of Internal Revenue, where he had gained a poor reputation. Republican strength in Congress waned during Delano's years as secretary, and he and his party succumbed to political scheming to retain their influence. Churches lost their right to appoint Indian agents as soon as Delano assumed his post.⁸⁷ At the second annual Board of Indian Commissioners meeting on January 13, 1871, Delano told representatives of the mission boards that they could continue to appoint agents, but the administration reserved "the right to chop off the political heads of your friends whenever occasion may require it, and you must not complain of this."⁸⁸

In addition to pressures placed on appointments by Delano, Grant also interfered in the agent selection process. The President's influence secured a trade monopoly for his brother at two Washington reservations, and, in 1870, he rejected the

Methodists' choice for a Michigan agency in order to secure the post for a political appointee of Michigan Republican Senator Zachariah Chandler. Other congressional tactics used to undermine the Peace Policy included delaying confirmation for months, or confirming men for agency appointments other than those for which they had been nominated, and then filling the vacant agency post with a political favorite.⁸⁹

The situation in the Indian Office continued to deteriorate, and on January 8, 1872, the House passed a resolution "to investigate the condition and management by Government officials and other persons of Indian affairs . . . touching the subject of annuities, pensions, bounties, bounty-lands, and monies paid under treaties and laws of Congress" ⁹⁰ On March 3, 1873, the investigating committee returned its findings to the House, lambasting the "class of avaricious and unprincipled claim-agents and middle-men, who, for selfish purposes, defeat the mutual interests of the Government, our people, and the Indians, and plundering both the Government and the Indians, disgrace the nation and our civilization. . . ." ⁹¹

Besides being threatened internally from fraud and corruption, the Peace Policy suffered due to military confrontations with western tribes. Relative peace among whites and Indians had been maintained during the policy's early years, but in 1872 and 1873, violence between whites and the Modoc Indians erupted in the Lava Beds of northern California,

resulting in the deaths of two Peace Commissioners, as well as an army officer.⁹² The last two years of Grant's administration were even worse. A scandal, resulting in the resignation of the entire Board of Indian Commissioners, erupted in 1874 after Secretary Delano approved the payment of \$300,000 in vouchers which had been declared fraudulent by the Board. And in 1875, Delano himself was forced out of office.⁹³

In 1877, Rutherford B. Hayes assumed the Presidency. Hayes, who was strong-willed and sought to restore credibility to the office of President, promised reform in the interest of the nation, not his Republican Party.⁹⁴ The new President knew little about Indians, but felt that the government must take an active role in their acculturation.⁹⁵ As his Secretary of the Interior, Hayes appointed reformer Carl Schurz.

Schurz, a man of strong convictions, had been a radical in the 1848 German unification movement. He fled to the United States in 1852, settling in Wisconsin about four years later. Although he was known as a civil service reformer who hated office-seeking tactics, Schurz had actively sought his first political appointment from President-elect Abraham Lincoln in November, 1860. The post which he received, that of ambassador to Madrid, was a payment for delivering the German vote in the 1860 election.⁹⁶ When he accepted the Interior post in 1877, the new secretary was unfamiliar with either Indians or the government's relations with them. He regarded the Native American as "barbaric" and "uncivilized," but capable of

learning white ways.⁹⁷ However, by 1880, Schurz was one of the best informed and most articulate defenders of Indian rights.⁹⁸

Schurz essentially ignored the Peace Policy which he believed only supported "broken down ministers" as Indian agents.⁹⁹ He felt that denominationally-approved agents lacked an understanding of business, and that the process of selecting agents through the churches infringed on his managerial jurisdiction.¹⁰⁰ The humanitarian reformers seemed to him to want more tightly centralized control over Indian Office employees, contracts, and annuities. In demonstration of that fact, Schurz ignored the Board of Indian Commissioners when he appointed a committee to investigate Indian Bureau affairs in May, 1877.¹⁰¹

The secretary had wanted a study of the quality of agents, the methods used in inspecting annuity goods, and the existing nature of relations between whites and Indians. He also wished to know which tribes were good at agriculture, and the current condition and quality of the schools. Two boards of inquiry were appointed.¹⁰² Throughout the summer and fall of 1877, news of the committee's findings was reported to the public. During that time, an Indian office clerk, the head of the Division of Accounts, and the Chief Clerk were all dismissed for irregularities in their professional duties.¹⁰³ On January 7, 1878, complete results of the investigation were made public. The scandalous report outlined the fraudulent methods used in the letting of contracts, and the diversion of funds from Indian

accounts.¹⁰⁴

Although many people felt that the investigation had been too secretive, the public generally applauded Schurz's efforts.¹⁰⁵ The Nation commented that, had such fraud been suspected under Delano's management of the Interior Department, it would have been whitewashed. But Schurz thoroughly investigated the matter and exposed the corruption.¹⁰⁶ Following the probe, the Secretary reorganized the Indian Bureau and issued a code of proper conduct for Indian agents.¹⁰⁷ Although he was not implicated in the fraud, Commissioner of Indian Affairs John Q. Smith was deemed guilty of relying too heavily upon his chief clerk, Samuel Galpin, who ignored obvious fraud and abuse within the department. Smith left the Bureau before the investigation was completed.¹⁰⁸

Secretary Schurz's choice to replace Smith was Ezra A. Hayt, a wealthy New Yorker who had been a member of the Board of Indian Commissioners. The secretary apparently admired the independence Hayt displayed when he refused to cooperate with the Indian Bureau in an investigation of flour purchases. Grant had subsequently asked Hayt to resign from the Board.¹⁰⁹ Hayt rapidly became unpopular with the churches. During his first year in office, he removed thirty-five agents. He likewise refused to appoint ministers as agents, and churches generally considered him despotic, ignorant, and egotistical.¹¹⁰ Hayt was ultimately forced out of office in 1880 after it was disclosed that he and his son had bribed an inspector to devalue a silver

mine on the San Carlos Reservation in Arizona. Hayt and his son then purchased the mining operation.¹¹¹

Hayt's tenure as Indian Commissioner coincides with a change in Schurz's view on Indian assimilation. Initially, the secretary had supported the idea of relocating Indians on large reservations to isolate them. However, he seemed to feel that the heated debate about the transfer of the Indian Bureau to the War Department in late 1878 had been fueled by the relocation policy, which necessitated military assistance in moving the natives, as well as in keeping them on their reserves. Therefore, in his 1880 report, he called the relocation method a "mistaken policy." The second phase of Schurz's Indian policy focused instead on land reform and education to civilize the Native American.¹¹² By December, 1879, most congressmen agreed that the method used in the Peace Policy had failed.¹¹³

Alfred B. Meacham circulated the first issues of The Council Fire, his pro-Indian rights journal, just as the final results of Schurz's damning investigation into Bureau matters were being made public. In late 1877, both Meacham and Schurz labeled the Native American an "exceptional minority," one who needed unusual protection and special training to be assimilated into white, Anglo-Saxon culture.¹¹⁴ Like Meacham, Schurz favored assimilation of the Indian, and he understood that the process must happen gradually.¹¹⁵

The era of Schurz's tenure in the Interior Department became a pivotal time in Indian history. Pressure to open

western lands compressed the length of time humanitarian reformers were willing to allow the Native American to become civilized. To the majority of reformers, however, the Indian had lost his "exceptional" status, and the movement to force him to become Americanized sped ahead.

Alfred Meacham and Thomas Bland were both undaunted realists when it came to their longterm view of Indian affairs. They accepted the idea that the Native American must adopt white culture, and, in fact, expected that he should *want* to change. However, the change in the assimilation timetable left Meacham, Bland, and the Council Fire, which supported the nearly dead Peace Policy, clearly out of step with political reality. Persons who supported their "exceptionalist" view found articulate champions in the pages of Council Fire, but over time, the publication won relatively few converts from the ranks of government officials, mainstream reformist organizations, or the public at large. The question of whether the editors of Council Fire were ahead of their time in predicting the disasters of future Indian policy, or whether they were behind the times in not properly addressing economic and political realities, can only be answered through an analysis of the publication and its dominant voices.

NOTES

- ¹United States Constitution, Amendment XIV, section 2.
- ²43 Statutes at Large 253.
- ³ 1 Statutes at Large, 331.
- ⁴Francis Paul Prucha, The Great Father (Lincoln: University of Nebraska Press, 1984) 1:159-65.
- ⁵Prucha, Great Father I:159-65.
- ⁶David R. Wrone, "Indian Treaties and the Democratic Idea," Wisconsin Magazine of History 70 (Winter 1986-87):98.
- ⁷"Report from Henry Knox, Secretary of War, to the President of the United States," American State Papers [ASP] III Indian Affairs: Indian Affairs, 13. (July 15, 1789)
- ⁸Wrone: 87-88. See also Lawrence F. Schmeckebier, The Office of Indian Affairs: Its History, Activities and Organization (Baltimore: Johns Hopkins Press, 1927), 2.
- ⁹"Report of Henry Knox, Secretary of War, to the President of the United States," ASP, 13.
- ¹⁰Fletcher v. Peck, 6 Cranch 143 (1810).
- ¹¹Johnson v. McIntosh, 8 Wheaton 572, 588 (1823).
- ¹²Prucha, Great Father I:168-69.
- ¹³"Gen. Knox, Secretary of War, to the President of the United States, in continuation," American State Papers II. Indian Affairs 1:53; and Prucha, Great Father I: 169.
- ¹⁴Prucha, Great Father I:168-71.
- ¹⁵Loring Benson Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887 (New Brunswick, N.J.: Rutgers University Press, 1942), 106-8.
- ¹⁶Prucha, Great Father I:179, 183-84.

¹⁷James D. Richardson, A Compilation of the Messages and Papers of the Presidents II (Washington, D.C.: Bureau of National Literature, 1897):585.

¹⁸Prucha, Great Father I:184-85.

¹⁹Prucha, Great Father I :186-94.

²⁰Prucha, Great Father I:192-94.

²¹Andrew Jackson to James Gadsden, October 12, 1829, quoted in Prucha, Great Father I:199.

²²"Removal of Indians," House Report [HR] no. 227, 21st Cong., 1st sess. (serial 200), 5. For discussion in the Senate, see Senate Document no. 61, 21st Cong., 1st sess. (serial 193), 1-9.

²³"Removal of Indians," HR no. 227, 25.

²⁴Statutes at Large, 411.

²⁵Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976), 104-6.

²⁶This opinion was expressed in much of the era's literature relating to Indians. It was part of the impetus for the congressional investigation into Indian affairs which began in 1865 and culminated with the issuance of the Doolittle Report on January 26, 1867. The congressional committee, headed by Senator James R. Doolittle of Wisconsin, found that the decrease in Indian population was due to injurious white influences such as diseases, war, and loss of hunting grounds. See "Condition of the Indian Tribes," Senate Report [SR] no. 156, 39th Cong., 2nd sess. (serial 1279), 3-10. Another good source for the view that Indians would die out can be found in the survey assembled by Ruth Miller Elson. She traces the image of Native Americans in children's books throughout the nineteenth century. See Ruth Miller Elson, Guardians of Thought: American Schoolbooks of the Nineteenth Century (Lincoln: University of Nebraska Press, 1964). For an excellent general overview of nineteenth century white attitudes toward Indians see, Brian W. Dippie, The Vanishing American: White Attitudes and U.S. Indian Policy (Middletown, Connecticut: Wesleyan University Press, 1982).

²⁷Dippie, Vanishing American, 259-61.

²⁸Elson, Guardians of Thought, 71, 78.

²⁹Prucha, Policy in Crisis, 151-52.

³⁰Francis Paul Prucha, "Scientific Racism and Indian Policy," in Indian Policy in the United States: Historical Essays (Lincoln: University of Nebraska Press, 1981), 184-85.

³¹Francis Paul Prucha, "American Indian Policy in the 1840s: Visions of Reform," The Frontier Challenge: Responses to the Trans-Mississippi West, ed. by John G. Clark (Lawrence: University Press of Kansas, 1971), 89-90; and Prucha, Great Father I:150.

³²Prucha, Great Father I:150.

³³Prucha, Policy in Crisis, 87.

³⁴Prucha, Policy in Crisis, 145-46.

³⁵Prucha, Policy in Crisis, 6, 9, 64.

³⁶Kenneth Carley, The Sioux Unrising of 1862 (St. Paul: Minnesota Historical Society, 1976), 2-5.

³⁷David A. Nichols, Lincoln and the Indians: Civil War Policy and Politics (Columbia: University of Missouri Press, 1978), 132-41.

³⁸Robert Winston Mardock, The Reformers and the American Indian (Columbia: University of Missouri Press, 1971), 16-17, 36.

³⁹Prucha, Policy in Crisis, 25.

⁴⁰"Report on the Sand Creek Massacre," Senate Executive Document no. 26, 39th Cong., 2nd sess. (serial 1277), 11, 70; and Mardock, Reformers and the Indian, 19.

⁴¹Mardock, Reformers and the Indian, 19; and Brigham D. Madsen, Glory Hunter: A Biography of Patrick Edward Connor (Salt Lake City: University of Utah Press, 1990), 65-87.

⁴²"Condition of the Indian Tribes," SR no. 156, (serial 1279), 3-10; "Report of the Indian Peace Commission," House Executive Document [HED] no. 97, 40th Cong., 2nd sess. (serial 1337); Markku Henriksson, The Indian on Capitol Hill: Indian Legislation and the United States Congress, 1862-1907 (Helsinki: Finnish Historical Society, 1988), 24-27, 136; Prucha, Policy in Crisis, 14-18; and Donald Chaput, "Generals, Indian Agents, Politicians: The Doolittle Survey of 1865," Western Historical Quarterly 3 (July 1972):271-72.

⁴³Prucha, Policy in Crisis, 14; and Chaput, "Doolittle Survey of 1865," 271.

⁴⁴"Condition of the Indian Tribes," SR no. 156, 3-10; Henriksson, Indian on Capitol Hill, 24-25; and Chaput, "Doolittle Survey of 1865," 271-72.

⁴⁵Henriksson, Indian on Capitol Hill, 26-27; and Prucha, Policy in Crisis, 15.

⁴⁶Prucha, Policy in Crisis, 16-18. See also Henriksson, Indian on Capitol Hill, 136.

⁴⁷"Report of the Indian Peace Commission," HED no. 97, 20-21.

⁴⁸"Report of the Indian Peace Commission," HED no. 97, 17.

⁴⁹"Ft. Laramie Treaty of 1868," Laws and Treaties, ed. by Charles J. Kappler, (Washington, D.C.: Government Printing Office, 1904) 2:998-1015; and Robert M. Utley, "The Celebrated Peace Policy of General Grant," North Dakota History 20 (July 1953):123.

⁵⁰"Medicine Lodge Treaty of 1867," Laws and Treaties, ed. by Charles J. Kappler, (Washington, D.C.: Government Printing Office, 1904) 2:977-89.

⁵¹The debate continued annually over Indian appropriations until treaty making was discontinued altogether in 1871. For a sample of the debate in the Senate, see Congressional Globe, July 14, 1870: 5606-7. For a summary of the power struggle, see, Priest, Uncle Sam's Stepchildren, 96-101; Schmeckebier, Office of Indian Affairs, 55-58; and Prucha, Policy in Crisis, 67.

⁵²Utley, "Peace Policy of General Grant," 124; and James L. Haley, The Buffalo War: The History of the Red River Uprising of 1874 (Garden City, New York: Doubleday and Co., 1976), 197-209.

⁵³Congressional Globe, February 4, 1869, 881; Schmeckebier, Office of Indian Affairs, 48; and Leonard D. White, The Republican Era 1869-1901: A Study in Administrative History, (New York: Macmillan Company, 1958), 188.

⁵⁴White, Republican Era, 22-23.

⁵⁵The widescale use of patronage was a firmly established administrative prerogative during the time frame covered by White's Republican Era. Accounts of its ramifications on governmental processes can be found throughout the book. Contemporary reports of patronage were recorded in the anonymously authored, Many Secrets Revealed, or Ten Years Behind the Scenes in Washington City (Washington, D.C.: n.p., 1885). Although largely unsubstantiated, the book provides a good overview of public opinion regarding Washington politics in the late-nineteenth century. Other accounts of party patronage politics can be found in newspapers of the time, particularly in those issues immediately following the inauguration of a president.

⁵⁶White, Republican Era, 191.

⁵⁷Richardson, Messages and Papers 2:3962.

⁵⁸Ulysses S. Grant to Julia Dent Grant, March 19, 1853, quoted in Robert H. Keller, Jr., American Protestantism and United States Indian Policy, 1869-82 (Lincoln: University of Nebraska Press, 1983), 23.

⁵⁹Keller, American Protestantism, 24, 27.

⁶⁰William S. McFeeley, Grant: A Biography (New York: W.W. Norton & Company, 1981), 311.

⁶¹Henry G. Waltmann, "Ely Samuel Parker," in Commissioners of Indian Affairs, 1824-1927, ed. by Robert M. Kvasnicka and Herman J. Viola (Lincoln: University of Nebraska Press, 1979), 124.

⁶²McFeeley, Grant, 310; and Waltmann, "Parker," Commissioners of Indian Affairs, 125.

⁶³Waltmann, "Parker," Commissioners of Indian Affairs, 123, 125.

⁶⁴Waltmann, "Parker," Commissioners of Indian Affairs, 125.

⁶⁵"Memorial of Yearly Meetings of the Society of Friends," House Miscellaneous Document no. 29, 40th Cong., 3rd sess. (serial 1385), 1-3.

⁶⁶Keller, American Protestantism, 26; and Joseph E. Illick, "Some of Our Best Indians Are Friends . . . : Quaker Attitudes and Actions Regarding the Western Indians During the Grant Administration," Western Historical Quarterly 2 (1971):286.

⁶⁷McFeeley, Grant, 310; and Illick, "Some of Our Best Indians Are Friends," 286.

- ⁶⁸Keller, American Protestantism, 20-21.
- ⁶⁹Keller, American Protestantism, 20-21, 29, 73-76.
- ⁷⁰Keller, American Protestantism, 22; McFeeley, Grant, 311-12; and Prucha, Policy in Crisis, 35.
- ⁷¹Keller, American Protestantism, 22.
- ⁷²16 Statutes at Large, 13:40.
- ⁷³Keller, American Protestantism, 76.
- ⁷⁴16 Statutes at Large, 13:40; and Keller, American Protestantism, 76.
- ⁷⁵Keller, American Protestantism, 81-84. See also Waltmann, "Parker," Commissioners of Indian Affairs, 128-31.
- ⁷⁶McFeeley, Grant, 318.
- ⁷⁷White, Republican Era, 190; and Keller, American Protestantism, 79.
- ⁷⁸White, Republican Era, 190.
- ⁷⁹White, Republican Era, 190; Keller, American Protestantism, 79; and Elsie Mitchell Rushmore, Indian Policy During Grant's Administrations (Jamica, New York: Marion Press, 1914), 24.
- ⁸⁰Keller, American Protestantism, 79.
- ⁸¹Keller, American Protestantism, 79.
- ⁸²16 Statutes at Large 568; and Henriksson, Indian on Capitol Hill, 52.
- ⁸³17 Statutes at Large 186; and Henriksson, Indian on Capitol Hill, 52.
- ⁸⁴McFeeley, Grant, 312.
- ⁸⁵Keller, American Protestantism, 95-96.
- ⁸⁶Keller, American Protestantism, 95-96, 276.
- ⁸⁷Keller, American Protestantism, 93, 275.
- ⁸⁸"Second Annual Report of the Board of Indian Commissioners," Senate Executive Document no. 39, 41st Cong., 3rd sess. (serial 1440), 112.

- ⁸⁹Keller, American Protestantism, 94-96.
- ⁹⁰"Investigation of Indian Frauds," House Report [HR] no. 98, 42d Cong., 3d sess., (serial 1578), 1.
- ⁹¹"Investigation of Indian Frauds," HR no. 98, 1.
- ⁹²Keller, American Protestantism, 127.
- ⁹³Keller, American Protestantism, 86-87, 93.
- ⁹⁴Philip Weeks, "From to War to Peace: Rutherford B. Hayes and the Administration of Indian Affairs," Old Northwest 11 (1985-86):152.
- ⁹⁵Weeks, "From War to Peace," 152; and Keller, American Protestantism, 194.
- ⁹⁶Hans L. Trefousse, Carl Schurz: A Biography (Knoxville: University of Tennessee Press, 1982), 14-19, 28, 98, 102, 110. See also Hans L. Trefousse, "Carl Schurz and the Indians" Great Plains Quarterly 4 (Spring 1984):109-20.
- ⁹⁷Trefousse, "Schurz and Indians," 111.
- ⁹⁸Keller, American Protestantism, 194.
- ⁹⁹Keller, American Protestantism, 194.
- ¹⁰⁰Weeks, "From War to Peace," 157.
- ¹⁰¹Keller, American Protestantism, 194; and Trefousse, Schurz, 243.
- ¹⁰²Trefousse, "Schurz and Indians," 111-112.
- ¹⁰³See "News From the Capitol," New York Times (July 15, 1877), 2; and "News From the Capitol," New York Times (August 24, 1877), 5. Related articles appeared on August 1, 11, 14, 1877.
- ¹⁰⁴"A Disgrace to the Nation," New York Times (January 8, 1878), 1.
- ¹⁰⁵"The Indian Investigation," New York Times August 11, 1877: 1; Trefousse, Schurz, 243; and Trefousse, "Schurz and the Indians," 112.
- ¹⁰⁶"Secretary Schurz Has Taken....," Nation 26 (January 10, 1878):18.
- ¹⁰⁷Weeks, "From War to Peace," 155.

¹⁰⁸Edward E. Hill, "John Q. Smith," in Kvasnicka, Commissioners of Indian Affairs, 151-52; and Trefousse, "Schurz and the Indians," 112.

¹⁰⁹Roy Meyer, "Ezra A. Hayt," in Kvasnicka Commissioners of Indian Affairs, 155-56.

¹¹⁰Keller, American Protestantism, 195.

¹¹¹Meyer, "Hayt," Commissioners of Indian Affairs, 161-62; and Keller, American Protestantism, 202.

¹¹²Weeks, "From War to Peace," 158-59, 162; and Prucha, Great Father I:595.

¹¹³Frederick E. Hoxie, "The End of the Savage: Indian Policy in the United States Senate, 1880-1900," Chronicles of Oklahoma 55 (Summer 1977):159. See also "The Board of Indian Commissioners," Council Fire III (February 1880):24.

¹¹⁴Hoxie, "End of the Savage," 160.

¹¹⁵Trefousse, "Schurz and the Indians," 111; and Keller, American Protestantism, 194.

CHAPTER II

THE COUNCIL FIRE IS KINDLED:
ITS EDITORS AND EARLY CHALLENGES

We are engaged in a great reformatory campaign. We have sacredly dedicated our powers to the cause of the Indian, resolving to spend our life in the effort to educate the American people on the subject of the character and rights of the red man. For four years past we have used the platform as the means to this end. Now we are supplementing our platform efforts by the press.

Alfred B. Meacham, Council Fire

April 1878

By the time Alfred B. Meacham initiated publication of the Council Fire in January, 1878, he had gained a reputation on both coasts as a dramatic and eloquent orator who spoke for Native Americans. Between 1873 and 1879, he had delivered nearly 700 lectures in twenty-two eastern states.¹ Perceiving the press to be an even more influential medium, Meacham had expanded his lecture format into a journal, which he asserted was the only *printed* voice for Indian reform.² Yet the editor was not a life-long Indian devotee, and his entry into the field of federal Indian politics had not been for reasons of reform. Meacham's first official role in Indian relations came with a position he solicited from his political party in return for his support of Ulysses S. Grant in the 1868 Oregon campaign.³

Born in Orange County, Indiana on April 29, 1826, Alfred B. Meacham was reared on an Iowa farm after his parents migrated there in 1841. When gold fever struck late in that decade, he left Iowa with his younger brother, Harvey, seeking his fortune in the gold mines of California. The brothers settled in the Mother Lode country near Sacramento. However, if they mined gold there, as they had intended, it was only for a brief period, because by 1852, they found that greater potential lay in the riches of the Solano County soil. In the frontier tradition, Meacham had squatted on what he believed to be public land near Suisun City in Solano County. Unfortunately, the land had been deeded to a Suisun Indian chief, Francisco Solano, in 1837. After a lengthy court case in which he and over 300 other squatters lost their claims to the land's subsequent owner, Meacham abandoned farming and purchased interest in the Suisun Lime and Quarry Company in 1855. The venture was not profitable, and late in the decade, the brothers entered the carrying trade under the business name of A.B. Meacham and Brother.⁴

In the fall of 1852, Meacham had gone back to Iowa to marry Orpha Caroline Ferree. The couple returned to live in Suisun City, where she ultimately bore him three children: Clara Bell, born on February 12, 1855; George Ferree, born on October 26, 1856; and Nellie Francis, born on August 6, 1858. During these early years, Meacham honed his oratorical skills as spokesman for the group of squatters demanding rights to the

land which they later lost, and in behalf of the region's unpopular Know-Nothing Party. His civic involvements in that period included the local Methodist Church, as well as service as a justice of the peace for Suisun Township between late 1854 and 1856. Concurrently, during 1854, he served as a road supervisor, but was unable to achieve his ultimate goal of political leadership in Suisun City. When news of a gold strike in Idaho and eastern Oregon reached Solano County in early 1863, Meacham moved his family to Lee's Encampment, Oregon, not to dig for gold, but to supply the miners.⁵

Lee's Encampment had been named for Henry A.G. Lee who had used the spot as a supply depot during military confrontations with the Cayuse Indians following the murder of missionary Marcus Whitman in 1847. The site was located on the "out-boundary" of the Umatilla Indian reserve about fifty miles south of Walla Walla. There Meacham built a hotel and stage station to serve the mobile population. From early April through the summer of 1863, 15,000 to 20,000 men passed Meacham's establishment enroute to and from the gold fields. Business was so brisk, that, by the spring of 1865, a new hotel was under construction. The editor's operation, jointly owned by three Meacham brothers and a sister, included an adjoining toll road which required a staff of at least nine men. Traffic on the Meacham road was especially heavy during the spring and summer of 1865, thereby creating toll income of \$100 to \$350 per day. In anticipation of its heavy use, Meacham had

improved the road at a cost of \$81,000 before the season started. During the height of prosperity in 1865, large freight teams used the road, appreciably increasing toll receipts.⁶

In 1868, travel and business along the road began to decrease. Meacham had been able to successfully manage the day-to-day operations of his enterprise, but he was unskilled in the long-term investment of its profits. He apparently spent all he earned in support of his family, employee wages, and expansion. He bought no land, and evidently even illegally squatted on the land occupied by his hotel at Lee's Encampment.⁷ His financial status had reached its apex and declined steadily throughout the rest of his life.

During the years prior to his 1869 appointment as Oregon's Superintendent of Indian Affairs, Meacham had comparatively little contact with Indians. Solano County, California in 1852 had a total Indian population of only forty-six, but the home in Oregon offered a greater opportunity for cultural interaction. Because the Meacham Road passed through the Umatilla Reservation near Lee's Encampment in Oregon, its owner was required to secure a license from the United States government, in return for which he granted free passage to Indians needing to use the road. Since the reservation had a population of 750, Meacham undoubtedly had close contact with some of the residents who purchased supplies from him. He later reported that the natives had always been honest in their

business dealings.⁸

Meacham rose rapidly in Oregon Republican Party politics. Even though he previously had held no local offices--widely regarded as necessary positions to move ahead politically--the editor asserted that he was first nominated to the state superintendency of Indian Affairs in 1866. No proof of that nomination exists, and since Meacham was a Radical Republican, it is unlikely that President Andrew Johnson would have made the appointment. During the 1868 presidential election effort, he campaigned vigorously for the Grant-Colfax ticket in the strongly Democratic climate of Oregon politics. Early the following spring, the editor traveled to Washington, D.C. for Grant's inauguration, not so much for the festivities as for the opportunity to solicit a political appointment from the new President. His efforts were successful, and, on April 3, 1869, President Ulysses S. Grant approved the nomination of Alfred B. Meacham for the office of Superintendent of Indian Affairs in Oregon.⁹

Superintendent Meacham took over the position from J.W. Perit Huntington in mid-May. Since Huntington's term "expired" with the change in administrations, the transition was not a smooth one. The former superintendent left neither funds nor supplies for his successor, thus making Meacham's first months in office difficult.¹⁰ Despite these troubles and little prior contact with Indians, his views on Native Americans evolved quickly, and his first annual report reveals many personal

attitudes about Indian policy. Meacham noted with dismay that all the problems in his superintendency stemmed from the government's failure to carry out its promises. He indicated strong support for Grant's policy of "civilizing" the natives, but he criticized annuity goods such as "paints, trinkets, and gew-gaws, [as] good things for villainous speculation." For acculturating Indians, he wrote, "farms, houses, barns, saw-mills, flouring mills, and threshing machines are the greatest civilizers ever introduced among a heathen people." Meacham also favored education in the manual arts, and allotment of lands to those Indians deemed well prepared for the responsibility of private ownership.¹¹ To the superintendent, the issuance of land patents served as the most advanced and important stage in moving the Indian toward citizenship. Superintendent Meacham pushed for allotment at Grand Ronde Agency, but left office in early 1872, before the process could be initiated.¹²

One of Meacham's strongest and most enduring opinions about Indian-white relations was the Native American's right to freedom of speech. He felt that Indians needed to express themselves "like men" with regard to how their annuity monies should be spent, and how their human needs could be better met.¹³ Open and honest discussions with Native Americans were important to the editor, who appreciated "square talk" because it contained a power "which compels attention and entitles the speaker to respect, no matter what may be the views

expressed."¹⁴ Meacham's loquaciousness led some of Oregon's population to see him merely as an "enthusiast" with "Indian on the brain," and lacking any policy goals or new proposals.¹⁵

Meacham had secured the position of superintendent through political maneuvering, and he lost it in the same manner. Under the Peace Policy, all agencies were doled out to one of the participating churches or missionary societies. In a battle between the Catholics and Methodists over control of the Fort Hall agency, Meacham became the victim. The Methodists had received missionary rights to the Fort Hall agency, but the Catholics wanted the agency transferred to them. Superintendent Meacham agreed that the transfer could take place, but only if Agent Johnson High at Fort Hall agreed to accept the position at Klamath agency, which had been traded to the Methodists from the Catholics. High first agreed to the transfer, but later changed his mind, and misrepresented the facts to his superiors in their New York City headquarters. He accused Meacham of moving him from an agency post to that of a subagency, and said further that the superintendent had allowed his brother, John Meacham, to run the agency in his own interests, not those of the Indians. Neither accusation was true, but Meacham was nonetheless dismissed in January, 1872.¹⁶

Meacham did not leave the political arena, however, and he campaigned energetically for Grant in the 1872 election. He also became involved in another situation which pitted the government against the Indians. In late 1872 and early 1873,

ongoing tensions between the Modoc Indians and white settlers in northern California flared again. Because of his familiarity with the situation, Meacham was appointed to serve on a Peace Commission to the band of Modocs who were resisting removal to the Klamath reserve in southern Oregon.¹⁷ The band, under a Modoc named Kient-Poos, called Captain Jack by whites, had refused to live among the Klamath tribe, from whom they had separated a century earlier.¹⁸ They left the reserve for a second time in 1870 and wandered in their old homeland along the Lost River, which by then was settled by whites who were frightened by the Indians. Late in 1872, the army attempted to force Captain Jack's band to return to Klamath. After two battles in which the vastly outnumbered Modocs routed the military, a peace commission was created to pursue a peaceful resolution to the situation. In addition to Meacham who was designated chairman, the commission appointed on January 29, 1873 included Reverend Eleazer Thomas of California, and Klamath agent Leroy S. Dyer; defacto chairman was army General Edward R.S. Canby.¹⁹

Negotiations were complex, and Captain Jack's only concession was the surrender of land along Lost River in return for the Lava Beds, also part of their traditional homeland.²⁰ The military continued to apply pressure.²¹ On April 11, 1873--Good Friday--a meeting was arranged between negotiators for both sides. At the request of the Indians, the Peace Commissioners went unarmed to the council tent in the Lava

Beds. The Modocs were also to arrive weaponless.²² Toby Riddle, a Modoc woman serving as interpreter for the commission, had been warned of treachery by the Indians some ten days earlier.²³ She tried to dissuade the commissioners from attending, but was unsuccessful. Just before leaving for the Lava Beds meeting site, Meacham and Dyer were given handguns.²⁴ Conversation proceeded for nearly an hour with talk of peace and new homelands by the commissioners, but on a signal from Captain Jack, the Indians opened fire on the white men. General Canby was shot at close range and stabbed; Reverend Thomas was also killed.²⁵ Agent Dyer ran to his horse, which he used for cover and was thus able to escape. Meacham was shot four times; six inches of his scalp were loosened, and he was left for dead.²⁶

The badly wounded commissioner was taken to an army field hospital where, within eleven days, he had healed sufficiently to be moved to his brother-in-law's ranch near Linkville, California, and ultimately to his home in Salem, Oregon on May 2. In fact, Meacham was strong enough to attend the trial of Captain Jack and his accomplices, held at Fort Klamath in early July.²⁷ At the trial, Meacham served as a witness for the prosecution, although he was asked, and even considered, serving as defender for the Indian trio who had no consul. Thinking better of his health as well as local opinion which would have been adverse to a white victim's defense of Indian savagery, Meacham declined to act as Captain Jack's trial

defender. The three accused Modocs, including Captain Jack, were sentenced to hang for their part in the incident.²⁸

In the fall of 1873, Meacham turned to lecturing, hoping to capitalize financially on the massacre. He delivered three lectures in San Francisco during early October, but they were not well attended. Meacham's voice was reportedly weak, as he had not yet regained his former strength. Clearly Meacham needed an income, and his earlier projects, the hotel and toll road, were not paying sufficient dividends. Since the entire peace commission had been summarily dismissed from government employ one week after the incident, Meacham had requested to be continued until his final report was filed. The request was granted, probably in deference to the severity of the commissioner's wounds, as well as intercessions made to the Indian Bureau on his behalf.²⁹

Meacham apparently did little but recuperate in the year that followed. He left San Francisco after the lectures, traveling to his father's home near Iowa City, where he spent the winter recovering from his wounds. A doctor in Iowa City diagnosed his condition as a severely damaged nervous system resulting from his head injuries.³⁰ A letter written during this time reveals Meacham's fear of being unable to financially support his family, as well as his desire to help "these poor despised down-trodden misunderstood [Indian] people." He also related that he felt compelled to write. "I can't know why but something says to me 'write, write.' And I do not know what I

am to write about perhaps I need not know. Some unseen, unrecognized hand may direct my pen."³¹

During that year, the ex-peace commissioner was known to have delivered at least one lecture in Boston on May 28, 1874. Entitled "The Tragedy of the Lava Beds," it was a popular lecture he would repeat many times.³² By early 1875, Meacham felt strong enough to put together his own lecture tour, which made its first appearance in Sacramento on February 1, 1875. The troupe included three Modoc Indians who were veterans of the Modoc War, four other northwest coast Indians, and Frank and Toby Riddle, interpreters for the Peace Commission. Also included was Oliver Applegate, a young friend of the Meacham family who, because of his stature and ability to speak Indian languages, was billed as an Indian scout who spoke six dialects. The tour had already failed miserably by April, and in a show of support, Peter Cooper offered his Cooper Institute Hall in Boston for one last extravaganza.³³ It, too, failed financially, but in attendance was Dr. Thomas A. Bland who had gone to the lecture with a friend to hear a first-hand account of the Modoc War.³⁴ Thomas Bland and his wife Cora soon became the adhesive which held Meacham's troubled life together.

The two men did not meet formally until two months after the Cooper Hall address.³⁵ The failure of Meacham's lecture tour had brought on a relapse, and by late 1875, he was dangerously ill and poverty stricken. The Blands were in a position to assist Meacham both physically and financially, and

shortly thereafter, Meacham became a guest in the Blands' home in New York City.³⁶ He later reported that he owed his health to "Mrs. Dr. Cora Bland," who personally nursed the victim "one-hundred fifty-long weary days and nights . . . until at last the brain became clear, the nerves composed, circulation equalized."³⁷ Meacham could not pay for the Blands' services, nor did they expect him to do so. Having considerably improved his physical condition, Meacham needed work to occupy his time and improve his finances. Cora Bland suggested to her husband that he find lecture halls in which Meacham could speak.³⁸ Bland was then on the staff of a New York City newspaper and thus had numerous contacts throughout the media network.³⁹ He arranged over 400 appointments, from Illinois to New England, for Meacham's lecture tour, which opened in the spring in Poughkeepsie, New York. The Drs. Bland traveled with Meacham who did the lectures, while Bland made appointments, and Cora tended Meacham's health.⁴⁰ Public response was generally favorable to the lectures. No admission was charged, but a free-will offering was taken from those who wished to bestow it.⁴¹

Meacham's lectures became dramatic presentations which utilized traditional oral persuasion and magnification of distant events to achieve his purpose of awakening the American public to the plight of the Indian.⁴² "Tragedy of the Lava Beds," the only surviving lecture of the standard quintet which Meacham offered, offers an example. In his presentation, the

lecturer dramatically told of how Toby Riddle, the Modoc interpreter to whom Meacham gave the name Wi-ne-ma, threw herself on the ground beneath the feet of Meacham's horse to prevent the peace commissioner from leaving for the fatal meeting.⁴³

Meacham seemed to feel inadequate due to his lack of formal education and, thus, depended upon the leadership of others.⁴⁴ Yet, in late 1874, Meacham published his first book, Wigwam and Warpath. A second book, Wi-Ne-Ma (The Woman Chief) and Her People, was published in 1876, after he had begun living with the Blands. However, it is unclear how much publication assistance was given to him by the physicians, who were both already successful journalists. During this period, Meacham gradually concluded that he could influence more people with one address printed in a newspaper than he could by giving the same lecture in a personal appearance. Perhaps buoyed in part by the publication of his book, Meacham decided to publish a monthly journal.⁴⁵ His motivation was two fold. The editor was first of all a humanist and communicator. Already imbued with a deep, natural concern about the unfairness of government policies toward Native Americans, his near-death experience at the hands of Indians had only deepened his compassion for them. His lectures and subsequent journal could convince the public to join his cause.

The second aspect of the editor's motivation was financial. His income had never been stable, and for only a

brief time at Lee's Encampment had it been adequate. Shortly after he was dismissed from the Superintendency in Oregon, he had written about his financial insecurities, saying ". . . my children [are] in school, my business [is] gone, money less than I started with . . . ," and his future remained unclear because the true reasons for his dismissal were not yet known. During this time, he developed some far-fetched schemes to make money, including a fifteen-mile-long flume designed to float lumber supplies from the Blue Mountains to Walla Walla.⁴⁶ Five years later, his health was so impaired that he would never fully recover.⁴⁷ He certainly could not hold a job, and he needed the Blands' continual medical and financial assistance to live.

In February of 1878 with Bland's help, Meacham petitioned Congress for \$15,000 in reparations for wounds received in government service. The House Committee on Claims recommended passage of legislation to pay the ex-commissioner a reduced amount of \$3,500.⁴⁸ However, no action was taken in 1878, nor was any taken in 1880 when Meacham again requested redress, this time in the amount of \$5,000.⁴⁹ The bill was resubmitted again in December, 1881, but Meacham died before action could be taken. Only after his death was partial reparation granted, a pension to Meacham's widow in the amount of fifty dollars per month.⁵⁰ As a notoriously poor financial manager, Meacham undoubtedly hoped that with the Blands' assistance, he could publish a journal which might, through its subscriptions,

support him.⁵¹ Publication of the journal thus became critical to Meacham for both financial and moral reasons.

The journal's earliest issues were a continuation of the presentations Meacham had used in his lecture tours, and they had a similar format. While they included his lengthy opinions on the merits of the Peace Policy's civilizing aspects, as well as the need to grant the Native American his citizenship, Meacham also printed poems, chapters of a novel, true stories which romanticized the Native American image, and general information about tribes or individuals.

The editor continued to lecture after he began publication of the Council Fire in December 1877, using one medium of communication to enhance the other.⁵² And, despite poor health, he made three more forays into Indian country on behalf of the government before his death. The first was a visit to Indian Territory in September, 1878, where he, at the request of Interior Secretary Carl Schurz, served as a special agent administering the distribution of annuity funds. He acted as a distributing officer again in April, 1879, this time to the Sac and Fox in Iowa, and to the Pawnee in Indian Territory. Late in the following spring, he was again called to Indian Service as a member of the Ute Commission.⁵³

Members of the Ute Commission who negotiated the sale of Indian land in southwest Colorado were given an arduous task. Although the detailed story of Meacham's role in the Ute settlement will be handled separately, it must be understood

that it took its toll on the editor's already diminished physical abilities. On the afternoon of February 16, 1882, while sitting at his desk in the Bland home--which also housed the Council Fire offices--Alfred B. Meacham died, leaving his wife still in Oregon and three children living on the west coast.⁵⁴ Fortunately, the journal did not die with Meacham, because, at their friend's request, the Blands took over his duties as co-editors of the Council Fire.⁵⁵

The first challenge Meacham faced as editor of the Council Fire was to save the Indian Bureau from military domination. The editor's strategy in confronting the dilemma was a move seemingly out of step with political reality. He strongly defended the old Peace Policy, which was by then essentially dead, killed by a series of confrontations between Indians and whites on the western plains, and accusations of fraud in the Indian Service.⁵⁶ But Meacham's support of the Peace Policy had multiple objectives. In view of the former absence of a cohesive Indian policy, he pronounced "the present policy is the best one ever attempted by this Government."⁵⁷ The second, and more pervasive reason, was his desire to ward off the War Department's attempt to wrest control of the Indian Bureau from the Interior Department.

Although threats to the control of the Indian Bureau by the War Department had occurred periodically ever since the Interior Department had been created in 1849, the attempts had been thwarted in every instance. With the decline of church

influence in Indian policy, as well as the change in administrations, the transfer issue reared its head again during the mid-1870s. In Congress, political attitudes about the issue were divided along party and sectional lines. Democratic support for the idea was linked to the opportunity it provided to discredit Grant's Indian strategy, and Eastern politicians, the majority of whom favored humanitarian reforms, naturally opposed it.⁵⁸ The Indian Service was then reeling so violently under the debates sparked by the 1876 Little Big Horn disaster and allegations of administrative fraud, that even reformers such as William Welsh and Felix Brunot joined military leaders in demanding transfer of the Bureau to the War Department.⁵⁹ During April, 1876, the House passed legislation supporting transfer, but the bill failed in the Senate. Although the Board of Indian Commissioners agitated against the proposal, it continued to gain momentum.⁶⁰ On May 28, 1878, an amendment advocating transfer was attached to the House appropriation bill. The Senate responded by urging creation of a joint committee to investigate the transfer proposal.⁶¹ Since the commission would not meet until September 15, Meacham urged its members to visit agencies and directly ask Indians how they viewed the proposition.⁶²

Over the next few months, the editor intensified his anti-transfer propaganda campaign by agitating continuously for a concerted effort by church and government to uphold the practices set forth in the Peace Policy.⁶³ He extolled Grant

for creating the policy, and elevated him to a position akin to that of George Washington and Abraham Lincoln.⁶⁴ Meacham understood that shortcomings existed in the selection of agents as well as in some Bureau practices, but he placed the majority of the blame for these charges upon the churches and missionary societies, accusing them of spending too much time "wrangling over the possession of certain agencies and [the] right to teach and preach certain dogmas."⁶⁵

Meacham gradually came to believe that solutions to the "Indian Problem" could be reduced to two approaches--civilization or extermination--and only the former was morally defensible.⁶⁶ Because he believed that the Peace Policy could accomplish this goal in a cost effective manner, he printed statistics to reinforce that position. Soldiers cost the government \$1700 per year to support; missionaries cost only one-half that amount. In addition, over fifty-seven per cent of the native population had learned to read under the policy, and in one 1877 month, 11,515 pupils had been enrolled in school.⁶⁷

In contrast, the army used guns, not books, to corral the natives.⁶⁸ Meacham's co-editor joined the anti-transfer battle. In Bland's opinion, the army had grown too powerful, and Congress had denied it nothing *except* control of the Indian Bureau. When Congress moved to even *consider* that proposition, Bland contended that it showed evidence of an "army ring." In a series of essays, he even advocated dissolution of the

Army.⁶⁹

Meacham did not limit his arguments against transfer to the pages of Council Fire; he also lectured five to six times per week.⁷⁰ The editor's orations inspired some in his audiences to draw up memorials and petitions to Congress opposing transfer.⁷¹ By late 1878, the commission had received so many letters, memorials, and petitions, that it could no longer accept them, handling only official papers instead.⁷²

Another strong voice opposing transfer was that of Interior Secretary Carl Schurz whose reform of the civil service included the fight against military control of the Indian Bureau.⁷³ Meacham trusted Schurz, believing him to be deeply committed to Native Americans' welfare and "well disposed to the Peace Policy."⁷⁴ Indicative of Meacham's influence on this matter was his testimony before the committee on December 6, 1878. The editor not only had been extremely vocal during the matter's congressional discussion, his status as an Indian victim made his opinion against military domination carry even greater weight. Meacham testified that less than one-half of the Native Americans needed military supervision, and that they regarded the army as an enemy, thus increasing the chances for needless bloodshed. Schurz testified at the same time, saying that while the Indian was sometimes troublesome, he believed the military's role was solely to repress, not civilize. Because the current transfer fight had started with turbulence on the Plains and fraud

within the Indian Bureau, Schurz emphasized that his department was punishing those guilty of defrauding the natives. Likewise, he considered the government's refusal to properly maintain its treaties to be the crux of the Indian-white problem on the frontier.⁷⁵

In his annual address on December 2, 1878, President Hayes made it clear that he too favored control of the Indian Bureau by the Interior Department. When the committee finished hearing testimony and voted in January, 1879, its decision was split between the four Democrats who voted for transfer, and the four Republicans who voted against it.⁷⁶ The measure did not pass the House, where the vote was eighty-nine in favor of transfer, 101 against.⁷⁷ The matter finally died in February, 1879 after several measures related to the transfer bill were defeated in the House. Thereafter, the issue never resurfaced with any strength.⁷⁸

Meacham believed that the army's massacre of Northern Cheyenne Indians at Fort Robinson, Nebraska had dealt the transfer issue its deadliest blow, but he also gave Council Fire some of the credit.⁷⁹ In the June, 1878 congressional debates over transfer, Senator John Gordon of Georgia was among those who voted to create a review commission to study the issue. Gordon indicated that, while he strongly supported transfer of the Bureau, his "views [had] undergone a very material modification within the last few days."⁸⁰ Several months later, Meacham told of an unnamed Senator who had

supported transfer, but who had advocated creating the commission after reading Council Fire.⁸¹ He also believed that public discussion of the matter had done much to broaden awareness of Indian issues.⁸²

The Council Fire's media role in bringing Native American issues to a broader public had even further repercussions.⁸³ For proponents of reform, the successful resolution of the transfer matter boosted their faith in the civilizing intentions of government policy, while those who had advocated transfer instead of reform were forced to consider fundamental changes in the government's Indian policy.⁸⁴ The Peace Policy had focused on civilizing and Christianizing *individual* Native Americans who lived on reservations. But as white settlers moved rapidly westward, pressures on the elemental issue of Indian land ownership created problems which the old policy was ill-equipped to resolve. Meacham, Bland, and the Council Fire continued to stand by the Peace Policy, which dealt with the moral issues relating to Indian rights and needs, while other reformers climbed on the bandwagon which ran headlong into the political issue of opening western lands in a supposedly humanitarian manner.⁸⁵

Interest in Indian affairs may have been aroused by the transfer issue, but true public action was galvanized following the controversial removal of Poncas to Indian Territory.⁸⁶ Ponca land had been inadvertently included in the land granted to their Sioux enemies by the Ft. Laramie Treaty of 1868. The

Sioux subsequently demanded removal of the Ponca, an act finally completed in the fall of 1877. In their new Indian Territory home, the Ponca sustained substantial population losses due to malaria and other illnesses. Among the deaths was the son of Chief Standing Bear whom the old chief desired to bury in his homeland. In early 1879, Standing Bear, with thirty-five of his band and the body of his son, left their reserve to return to Dakota. They journeyed as far as the Omaha Reservation where residents welcomed them. However, because Indians were not permitted to leave their reserves, troops from Fort Omaha were sent to arrest the band and return them to Indian Territory. Public outcry against the government's action was extensive, and with the help of local attorneys, Standing Bear filed suit against the United States government in the Omaha District Court of Judge Elmer Dundy for a writ of *habeus corpus*. The Judge declared that the Indian was a man and could not be moved from a reserve or confined there against his will.⁸⁷

Most reformers sided with the Poncas on the issue. But Meacham and Bland, although they admitted that the government had grievously erred, cautioned that, if the Poncas were allowed to return to their homeland, other tribes in Indian Territory would have to be granted the same right, and the government would then be incapable of controlling any Native American anywhere.⁸⁸ Bland criticized Omaha newspaperman Thomas H. Tibbles for creating discontent among the Poncas in

their new home, by encouraging them to steal property and leave Indian Territory.⁸⁹ He also felt that Tibbles was using the situation to solicit funds to pay for a court test of the case, which, if upheld, would give Indians too much freedom and place them at the mercy of murderous whites. The newsman had suggested no way to restore the Ponca homeland, and his proposal would only make them vagabonds.⁹⁰

Bland also denounced Tibbles for misrepresenting Secretary Schurz's role in the debate. The newspaperman blamed Schurz for creating the Ponca's problems, when, in fact, the Secretary had acknowledged the government's error in the matter long before Standing Bear left Indian Territory. The Secretary had appealed to Congress about the issue in 1878, but congressional leaders had virtually ignored the situation.⁹¹

Meacham accused the "Indian ring" of encouraging Ponca opposition to removal. The editor said that, since the Indian ring functioned primarily in the Missouri Valley, the group naturally wanted as many Indians as possible to stay there.⁹² When he visited Indian Territory in the fall of 1879, Meacham noted that the Ponca buildings were new and comfortable. While he agreed that it had been unfair to remove them from their original homeland, Meacham firmly believed they should stay in Indian Territory. He also agreed with those who characterized Standing Bear as a "lawless, rebellious, old-style savage Indian, who cannot bear restraint, and will not submit to the Government."⁹³

The Council Fire's perspective on the Ponca controversy could be used to either prove Meacham's independence as a reformer, or his naivete in supporting the government's Peace Policy. Whether the editor considered them blameless or not, Council Fire would support the underdog.⁹⁴ Thus when Standing Bear and Susette LaFlesche toured the east coast several months later, Meacham supported their efforts to raise white consciousness toward natives.⁹⁵ Despite his acknowledgement of government wrongs in the matter, Meacham firmly believed that the damage had been done and that it was necessary to go forward in the civilizing process. His attitude reinforced the Council Fire position that change for the Native American was a slow, arduous process. Furthermore, it demonstrated Meacham's decided lack of political astuteness on the question of land tenure. By 1879, humanitarian reformers were increasing their call for the issuance of land patents to individual Indians. But Meacham and his Council Fire held fast to their view that the Native American should be civilized before he was granted his land.

The Council Fire took an even more conservative stance on Indian assimilation under Bland's leadership. Meacham had seen whites as the "master race," and believed that Native Americans absolutely had to become farmers, dress like whites, speak English, worship as Christians, and eventually hold individual title to their land.⁹⁶ The natives' race was "in the way," and to survive they must change, contended Meacham.⁹⁷ The Blands'

stance was more realistic. While they agreed that the natives must be civilized, the "transition must be effected by stages through rational educative methods."⁹⁸ Had he lived a few years longer, Meacham may well have succumbed to the majority of reformers' timetable which placed tremendous pressure on the Indian to undergo rapid change.⁹⁹ The Blands, however, could not endorse that schedule.

Thomas Bland's real interest in Native Americans apparently began when he heard Alfred Meacham speak at the Cooper Hall in 1875. Like Meacham, Bland was an activist and reformer, but, the latter's interests lay in economic matters, not Indian issues. Four years Meacham's junior, Thomas Augustus Bland was born May 21, 1830 in Green County, Indiana where he lived until 1850. He had only seven years of formal education, and began a study of medicine only after his marriage to Mary Cora Davis in 1852. After completing his medical studies, he returned to Worthington, Indiana to begin his practice. His professional interests included physiology and phrenology, and he lectured on these topics throughout the Middle West and a few eastern states. In 1864, Dr. Bland received a special commission from Governor Oliver P. Morton of Indiana to serve as a surgeon in the Union Army.¹⁰⁰

Cora Bland began her study of medicine in the mid-1860s at Dr. Jackson's Health Institute in Dansville, New York. The couple's interest in journalism was stronger than their interest in medicine, however, and they returned to Indiana to

establish The Home Visitor about 1866. They sold the journal one year later and initiated publication of the Northwestern, later called the Indiana Farmer. In 1868, the pair established the Ladies Own Magazine, with Cora serving as editor-in-chief. They moved the magazine to Chicago in 1872, and to New York City in 1874, selling it in 1875 when Cora entered medical school.¹⁰¹

Thomas Bland was pre-occupied with economic issues. His first book, Farming as a Profession, was published in 1870 and was a novelized story about a young man who married his sweetheart and became a successful farmer. Its obvious intent was to attract young men to agriculture as a profession.¹⁰² The Life of Benjamin Butler (1879) was less a biography of General Butler than a treatise on the need for "greenback" currency to be issued by the federal government rather than by individual banks. Bland bitterly opposed bankers and others whom he felt controlled the nation's currency. He also opposed monopolies for their control of the wealth which the working classes produced.¹⁰³ Both the banks and the railroads became his targets in The Reign of Monopoly, published in 1881. The chapters were a series of essays written for the National Citizen Soldier which Bland edited during the late 1870s. To him, monopoly was the most important political question facing the American public. In fact, despite his association with Council Fire by the time of Monopoly's publication, Indian issues received only a brief mention in his essay on land

monopoly.¹⁰⁴

Other works reflected these same interests. The Spartan Band was "a short, illustrated political biography of the Greenback members of the present [1879] Congress."¹⁰⁵ How to Grow Rich (1881) attacked monopoly; Esau; or the Bankers Victim (1892) opposed creation of a National Bank; and People's Party Shot and Shell (1892) defined each plank of the People's Party platform.¹⁰⁶ Two later works dealt with the reform of medical practice and organized religion: How to Get Well and How to Keep Well (1894), and In the World Celestial (1892).¹⁰⁷ His last book, Pioneers of Progress (1906), was a series of biographical sketches about several nineteenth-century individuals whom he considered to be "headlights of humanity." Because, in all humility, he could not consider himself a "headlight," the introduction became a biography of Thomas Bland written by his long-time friend, Reverend Hiram W. Thomas of Chicago.¹⁰⁸

Thomas Bland's knowledge and awareness of Indian issues was linked directly to his relationship with Alfred Meacham, and yet the editor became an integral part of the Indian affairs reform movement via his distrust of monopolies. His first lengthy essay in Council Fire dealt with a bill designed to organize Indian Territory into a political territory called Oklahoma. Bland believed this move by the government was illegal because the Five Civilized Tribes held patents to their lands. He also noted that "a certain railroad company has

already secured a grant from this *just* Government of 20,000,000 of acres of land, contingent, upon the passage of this bill. Comment is unnecessary."¹⁰⁹ Bland was an agitator, an activist who saw himself outside, and perhaps above, the realm of scheming carried on by politicians, railroads, and other monopolies.¹¹⁰ And he liked that position because, from the outside, he could agitate for change without being inhibited by insider relationships.

While Bland penned articles for the journal as early as March, 1878, his activism on Indian issues intensified with the mishandling of affairs relating to the Sioux land cession in the mid-1880s.¹¹¹ Beginning in 1882, Congress made repeated attempts to negotiate a land reduction with the Sioux peoples in Dakota Territory. Bland and the Council Fire were openly critical of the legislation's proponents and the men who sought to trick the Indians into signing the agreement. During the same period, Agent Valentine McGillycuddy of the Pine Ridge Agency was accused of fraudulent dealings with the Sioux people, and the Council Fire openly supported the Indians in their opposition to the agent's tenure.¹¹² While these stories will be covered separately, they were two of the issues which set the Council Fire and Bland apart from other pro-Indian journals and reformers. Unlike the Five Civilized Tribes in Indian Territory, the Sioux had no official tribal newspaper, so Bland, like Meacham before him, encouraged individuals on the Sioux reserves to use the pages of his journal to air their

grievances.¹¹³

The Blands and Meacham had initiated publication of the Council Fire from Philadelphia on December 20, 1877.¹¹⁴ However, during the early months of 1878, Meacham gave a series of lectures in Washington, D.C. churches and public halls which were attended by congressmen and other influential Washingtonians. The capitol contact convinced the editor that Council Fire needed to be published in Washington where he could bring more influential people to the cause. So the trio moved to the nation's capitol, setting up their offices at 514 Thirteenth Street, Northwest.¹¹⁵

Location for such a political journal's offices was critical. Since communication in that era was primarily by first person, journalists needed to be where most of their stories took place. Washington had neither Senate nor House office buildings, so congressmen gathered in the hotel lobbies, bars, and along the tree-lined streets of an area called Newspaper Row, where they swapped stories of the day's events. Newspaper Row was a two-block long street of brick and frame houses built before the Civil War which had gradually been taken over by various newspapers as office space. The area was anchored by the telegraph office on one end. Geographically, the region, which remained Newspaper Row until about 1900, lay along Fourteenth Street, between E and G Streets in the city's northwest quadrant.¹¹⁶ The Council Fire offices were within two blocks of the center of this vital communication hub.

During the fall of 1878, the journal began hosting a weekly reception for "friends" of the Native American in the parlor of its offices while Congress was in session. Attendees included visiting Indian dignataries, Indian Bureau personnel, agents, and congressmen.¹¹⁷ Meacham attested to the significance of these informal gatherings when he noted that one congressman, who had advocated transfer, changed his mind after attending one of the affairs.¹¹⁸

In October 1880, the journal moved its headquarters to the Bland home at 1209 G Street, still close to Newspaper Row.¹¹⁹ The couple's home offered a better location for receptions for and visits by friends of the Indian than had the former, more cramped Council Fire offices. The Blands' house had been formerly occupied by frontier military artist Seth Eastman and consisted of four stories above the basement. It had six bedrooms, each with its own bath, and a "free supply of water on all floors."¹²⁰ During its years of publication in Washington, the Council Fire offices moved two more times: to 922 F Street on November 1, 1885; and to 1121 Tenth Street on May 1, 1886.¹²¹

The Council Fire was never a lucrative proposition. In the early issues, Meacham reported monthly on the journal's positive reception, but already by May, the editor was becoming disillusioned.¹²² He found that he could give many copies away, and they would be gladly received. But complimentary copies did not pay the printer. He was committed

to keeping the paper in print for one year at least, and he encouraged church officials, the wealthy, and Indian agents to subscribe. Meacham was most disappointed by the lack of Indian response. He frequently admonished the natives, telling them not to complain about having no one to speak in their defense if the journal died, and that if the Council Fire relied on Indians for support, it would have quickly folded.¹²³

Although both editors and their staffs worked without pay, the journal's deficit was \$1,000 at the end of 1880, an amount actually less than the previous year.¹²⁴ The two men gladly accepted whatever was sent as payment for subscriptions, even Indian manufactures.¹²⁵ But more often than not, those who received the journal free of charge did not pay for it. Even though some subscribers were two or three years in arrears on their pledges of support, neither editor would cancel their subscription.¹²⁶ The journal was a life-work for Meacham, who was being supported by the Blands, but the couple was more financially astute, and when they became the editors, they were less flexible about the journal's deficits. At the end of 1883, the first full year in which they edited Council Fire, the Blands announced that the paper was bankrupt when they told readers, "The receipts of the The Council Fire have not been sufficient to meet its cash expenses during any year it has been published." They had already paid the printer through the end of the year, but if readers wanted the journal in 1884, they would have to let the journal know by sending money for

its support.¹²⁷ Although publication continued, complaints about expenses exceeding income appeared almost monthly through the end of 1887.

Meacham's initial appeals were aimed only at the masses whom he felt were the government. In explaining his position, he wrote, "The people themselves are wrong when wrong exists at the general Capitol. Neither President, or senator, or member of Congress dare do more than stamp the will of the people on the statutes of the land. Then, the destiny of the Indian race rests with the voting people of the United States."¹²⁸ However, by late-spring, he realized that his message needed to go to lawmakers and government administrators. Beginning with the June, 1878 issue, Council Fire was distributed to every senator, congressman, administrator, and officer in Indian service.¹²⁹

In an attempt to increase the number of subscribers, the Council Fire broadened its scope in 1882 to include news and stories which would appeal to persons interested in the principles of arbitration for "settlement of all disagreements between the nations of the earth, as well as between the nation and its Indian wards."¹³⁰ The National Arbitration League of America officially adopted the journal as its organ, and the paper began to offer advertising space.¹³¹ While numerous stories relating to the international scene appeared monthly throughout 1882, the majority of articles remained devoted to Indian issues. During 1883, Indian affairs gradually consumed

more journal space, and Bland began to offer more enlightened opinions on them. By late in the year, most issues contained only a cursory mention of arbitration. The paper retained its new name until January, 1886 when it returned to its former title.

Exact circulation figures for Council Fire are difficult to ascertain. Although paid subscriptions were estimated to be less than 1,000 per month, the journal was sent to every state and territory in the Union, and all provinces of Canada.¹³² However, since total readership is the pertinent factor, the papers distributed free of charge must be included in circulation figures. Both editors distributed a majority of issues free of charge.¹³³ When considering the identifiable numbers of recipients, including administrators, congressmen, public officials, Indians, and libraries, circulation was approximately 2,500 per month in 1884.¹³⁴ However, as many as 3,000 per month may have been printed.¹³⁵ These figures would seem reasonably accurate in the face of Bland's assertion in January, 1884 that Meacham had distributed 200,000 copies throughout the life of the journal.¹³⁶ Although many of these were personally circulated in Washington, the cost of mailing such a large circulation was significant. Postage rates for second-class mail, which were two cents per pound in 1884, were reduced to one cent per pound in 1885.¹³⁷ The combination of printing and distribution costs made the journal an obvious financial burden for the Blands.¹³⁸

The split between those who saw the Native American as an exceptional minority and those who sought to move him quickly to citizenship was becoming quite clear, and on November 28, 1885, exceptional reformers founded the National Indian Defense Association (NIDA) with the belief that tribal relations should be maintained and land patents should be issued to tribes, not individuals.¹³⁹ Thomas Bland became the new organization's recording secretary, and the Council Fire its unofficial organ. When the land-in-severalty bill passed two years later, the Council Fire and the NIDA vehemently opposed the measure as it was written.¹⁴⁰ The Blands had already been lecturing extensively on the subject, and they decided they should initiate another lecture tour to raise monies for a court battle against the legislation.¹⁴¹ The NIDA had also been extremely vocal in its criticism of the legislation on the pages of the Council Fire, and, reportedly, members of the Lake Mohonk Conference had begun to back away from their support of the measure.¹⁴² Thus, over time, a series of lectures by the bill's primary opponents may well have generated significant disapproval, but fate intervened, and the opposition's momentum ground to a halt.

The Blands left Washington on May 7, 1887 to initiate their lecture tour by making appearances and conducting interviews in Boston, Philadelphia, and New York.¹⁴³ While they were enroute home to Washington on the evening of June 21, a severe railroad collision occurred at Havre de Grace,

Maryland. The train in which the Blands were riding was struck broadside by an express train approaching the station at high speed. The engine of the express train hit several cars before it was stopped by the action of telescoping the parlor car in which the Blands were traveling. The passenger sitting just ahead of Bland was killed, and the editor was badly scalded about the head.¹⁴⁴ Because his recovery was long, no opposition lectures were made or essays written, and the Council Fire did not appear again until November. Although Bland believed that the journal was still needed, especially in the fight against the Sioux Bill, the paper was not published in 1888.¹⁴⁵

The journal renewed publication with the January, 1889 issue, but the year was one of frustration for those who saw America's natives as an exceptional minority. Especially vexing was the fact that the controversial Sioux Bill was finally passed, and the division of the Sioux lands was initiated. In December, after publishing a short summary of the reform movement, Bland announced that Council Fire would be discontinued, but that the NIDA would continue to function and that the organization's reports would be made through occasional issues of the paper--although none ever appeared.¹⁴⁶ Bland seemed to grow weary from his futile efforts to insure moderate Indian policy reform, and he returned to publishing essays about his real interest--economic reform. His last Indian-related publication was A Brief History of the Late Military Invasion of the Home of the Sioux (1891), which traced

the demise of the Sioux land base and attendant problems.¹⁴⁷ The Blands remained in Washington until 1895 when they moved to Boston. In 1898, they returned to live in Chicago where Bland took on the role of secretary for the American Medical Union. There he continued to lecture and write on a variety of non-Indian topics for journals and other publications until the end of his life.¹⁴⁸

Throughout its years of publication, Council Fire advocated a more moderate humanitarian reform which emphasized Native Americans' civil rights, as opposed to the more dramatic reforms demanded in other contemporary journals. Meacham held a more conservative view about the assimilation timetable than did his contemporaries in the reform movement; Bland's conservatism in those matters went even further. The journal editors were usually at odds with majority voices on issues relating to Indian assimilation, and thus Council Fire often reflected the opinion of a minority of the American public. The incidents surrounding the Ute Commission's attempts to secure Indian approval of the bill to reduce their land base offer a case study. In that instance, Meacham's support of the Ute peoples angered a majority of Coloradans who simply wanted the Ute Indians out of their state. As a result, those Colorado settlers attempted to sabotage the efforts of the Ute Commission on which Meacham served.

NOTES

¹"Alfred B. Meacham," CF II (June 1879): 85-86; and "Associate Editors of Council Fire," CF II (September 1879): 137-38.

²"Talk Around the Council Fire," CF I (February 1878): 24; "Our Red Brethren," CF I (March 1878): 39; and Edward Sterl Phinney, "Alfred B. Meacham: Promoter of Indian Reform" (Ph.D. dissertation, University of Oregon, 1963), 249.

³Phinney, "Meacham," 82-85, 297.

⁴Phinney, "Meacham," 1, 5, 9, 12, 14-21, 23.

⁵Phinney, "Meacham," 11, 12, 17, 24-25, 27, 29-31, 32-34.

⁶Phinney, "Meacham," 43-44, 50-51, 54, 57.

⁷Phinney, "Meacham," 66, 69-70.

⁸Phinney, "Meacham," 50, 86.

⁹Phinney, "Meacham," 78-79, 82-83, 84, 85.

¹⁰Phinney, "Meacham," 85, 88.

¹¹Letter from A.B. Meacham, Superintendent of Indian Affairs, Oregon, to Hon. E.S. Parker, Commissioner of Indian Affairs, Report of the Commissioner of Indian Affairs (1869), 153-57.

¹²Phinney, "Meacham," 119-21.

¹³Letter from A.B. Meacham to Hon. E.S. Parker, Report of the Commissioner of Indian Affairs (1869), 156; "To Indians," CF I (January 1878):4; "Our Red Brethren," CF I (March 1878):39; "Talk to Red Man," CF V (June-July 1882):225; and Phinney, "Meacham," 109-10.

¹⁴"Square Talk," CF I (March 1878):33.

¹⁵Phinney, "Meacham," 111, 133.

¹⁶Phinney, "Meacham," 140-44.

¹⁷Phinney, "Meacham," 147, 151-54, 160-67. Historian Richard Dillon referred to Meacham as the person "who probably knew the Indian situation on the California-Oregon border better than any other single individual." See Richard Dillon, Burnt-Out Fires (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1973), 101.

¹⁸"Ki-Ent-Poos--Captain Jack," CF I (January 1878):12; Phinney, "Meacham," 153-54; and Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976), 85.

¹⁹Prucha, Policy in Crisis, 85-86; and Phinney, "Meacham," 146-52, 155-56, 160-65, 170-72, 176, 181, 198, 205.

²⁰Phinney, "Meacham," 205.

²¹Prucha, Policy in Crisis, 86; and Phinney, "Meacham," 200.

²²Phinney, "Meacham," 208-9.

²³"War with Modoc Indians in 1872-73," House Executive Document [HED] no. 122, 43rd Cong., 1st sess. (serial 1607), 137.

²⁴Phinney, "Meacham," 209.

²⁵"War with the Modoc Indians," HED no 122., 141-43, 152; and Prucha, Policy in Crisis, 87.

²⁶"War with Modoc Indians," HED no. 122, 166; and Alfred B. Meacham, "The Tragedy of the Lava Beds," recorded in T.A. Bland, Life of Alfred B. Meacham, (Washington, D.C.: T.A. and M.C. Bland, Publishers, 1883), 42.

²⁷Phinney, "Meacham," 210, 217.

²⁸Keith A. Murray, The Modocs and Their War, (Norman: University of Oklahoma Press, 1959), 288-89.

²⁹Phinney, "Meacham," 216-17, 219, 220-21.

³⁰Phinney, "Meacham," 222.

³¹Memo, September 21, 1873, quoted in Phinney, "Meacham," 227-28.

³²Alfred B. Meacham, "Tragedy of the Lava Beds," recorded in Thomas A. Bland, Life of Alfred B. Meacham (Washington, D.C.: T.A. and M.C. Bland Publishers, 1883), 30a; and Phinney, "Meacham," 222, 235-36.

- ³³Phinney, "Meacham," 222, 224-26.
- ³⁴Bland, Meacham, 7-8; and Phinney, "Meacham," 229.
- ³⁵Bland, Meacham, 8; and Phinney, "Meacham," 229.
- ³⁶"Council Fire Co-Laborers," CF I (September 1878):136; Phinney, "Meacham," 227-30; and Bland, Meacham, 8.
- ³⁷"CF Co-Laborers," 136.
- ³⁸Phinney, "Meacham," 230; and "CF Co-Laborers," 136.
- ³⁹Bland, Meacham, 9.
- ⁴⁰Bland, Meacham, 8-9; and "CF Co-Laborers," 136.
- ⁴¹Phinney, "Meacham," 233-36.
- ⁴²Phinney, "Meacham," 235.
- ⁴³Meacham, "Lava Beds," 37; and Dillon, Burnt-Out Fires, 226-27. The other lectures were "Religion of the Red Man," "Rum Among the Red Men," "The Royal Chief in Chains," and "Duty of the Nation of a Dying Race," "Lectures on the Indians," CF I (January 1878):16.
- ⁴⁴Phinney, "Meacham," 238-39, 307.
- ⁴⁵Phinney, "Meacham," 228, 232, 239, 243-45, 249.
- ⁴⁶Phinney, "Meacham," 146-47.
- ⁴⁷"Alfred B. Meacham," CF II:86.
- ⁴⁸"Colonel A.B. Meacham," House Report no. 51, 45th Cong., 3rd sess. (serial 1866), 1-2; and Phinney, "Meacham," 295a.
- ⁴⁹Phinney, "Meacham," 296.
- ⁵⁰"Providing Mrs. Meacham a pension," Senate Report no. 976, 47th Cong., 2nd sess. (serial 2087), 1; T.A. Bland, Pioneers of Progress (Chicago: T.A. Bland and Company, 1906), 195; and Phinney, "Meacham," 306.

⁵¹Left alone in Oregon, Orpha Meacham was constantly plagued by financial worries. The Oregon toll road earnings were never converted into real estate for long-term financial gain, and the toll road--in which he had invested \$81,000 in improvements--was mortgaged for \$15,000 in 1869. The remainder of the debt was never paid. A number of civil suits were initiated against Meacham in California and Oregon for nonpayment of debts. In 1879, an audit of his Superintendency in Oregon showed a deficit of \$7676.99 during his years in office. This was probably due to the basic confused state of the office's finances rather than to any intended misappropriation by Meacham. See Phinney, "Meacham," 303-5.

⁵²"The Indian Cause in Washington," CF I (April 1878):54-55.

⁵³Bland, Meacham, 10; and Phinney, "Meacham," 276-77.

⁵⁴"Supplement to the Council Fire and Arbitrator," CF V (February 1882):64a; and Bland, Meacham, 12-13. Orpha Meacham had gone to Washington in 1879 to be with her husband, Bland, Meacham, 14. This was apparently the first--and last--extended period the couple spent together after Meacham embarked on his unsuccessful lecture tour in 1875, Diary of Nellie Meacham, October 21, 1878 to May 11, 1879, quoted in Phinney, "Meacham," 303. The couple parted again on June 23, 1880 when Meacham headed west to Denver to assume his newest role, and Mrs. Meacham journeyed to Iowa to visit family and friends. See Phinney, "Meacham," 279-80.

⁵⁵"That Is the Only Monument I Want," CF V (March 1882):82.

⁵⁶See Prucha, Policy in Crisis, 84-87; Utley, "The Celebrated Peace Policy," 140-41; Robert H. Keller, Jr., American Protestantism and United States Indian Policy, 1869-82 (Lincoln: University of Nebraska Press, 1983), 189-91; and Donald J. D'Elia, "The Argument Over Civilian or Military Indian Control," Historian 24 (February 1962):209-10.

⁵⁷"To Churchmen," CF I (January 1878):3.

⁵⁸Robert Winston Mardock, The Reformers and the American Indian (Columbia: University of Missouri Press, 1971), 159; and Priest, Uncle Sam's Stepchildren, 19.

⁵⁹D'Elia, "Argument Over Control," 213-14; and Prucha, Policy in Crisis, 92.

⁶⁰Prucha, Policy in Crisis, 94, 97.

⁶¹Congressional Record, 45th Cong., 2nd sess., 7 (June 6, 1878):4192-94; "Transferring Indians to the Department of War," CF I:97; Mardock, Reformers and the Indian, 162; and Prucha, Policy in Crisis, 97.

⁶²"Transferring the Indians to the Department of War," CF I:97.

⁶³See for example, "Mistakes," CF I:53; and "Transferring Indians to the War Department," CF I:99.

⁶⁴"The Naion's Honor in Peril," CF I (May 1878):65.

⁶⁵"Rolling Back the Dark Cloud," CF I (April 1878):58; "To Churchmen," CF I:3; and "The Transfer Bill," CF I (June 1878):88.

⁶⁶"The Two Indian Policies," CF I (May 1878):76; "The Nation's Honor in Peril," CF I:65.

⁶⁷"Indian Notes," CF I (May 1878):79; and "Items," CF I (July 1878):111.

⁶⁸See for example, "Indian Notes," CF I:79; and "Bill to Enable Indians to Become Citizens," CF I:13.

⁶⁹T.A. Bland, "Abolish the Army," CF II (March 1879):36.

⁷⁰"The Press and Platform," CF I (April 1878):59.

⁷¹Mardock, Reformers and the Indian, 165.

⁷²"Our Petition Against the Change in the Indian Department," Voice of Peace 5 (February 1879):165; and Mardock, Reformers and the Indian, 164.

⁷³Loring Benson Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887 (New Brunswick, N.J.: Rutgers University Press, 1942), 22.

⁷⁴"The Transfer Bill," CF I (June 1878):88.

⁷⁵"Secretary Schurz Has Taken....," Nation, 27 (December 12, 1878):358. The Council Fire never mentioned Meacham's testimony, but did refer to that of others who testified that same day, "The Indians' Indian Policy." See CF II (January 1879):1.

⁷⁶Mardock, Reformers and the Indian, 165-66.

⁷⁷"The Transfer," CF II (February 1879):24.

⁷⁸Mardock, Reformers and the Indian, 167.

⁷⁹"It is probable....," CF II (February 1879):23. The Northern Cheyenne had been removed to Indian Territory in 1877, but were inadequately supplied there. In September 1878, a band of 300 Indians under the leadership of Dull Knife left the reservation to return to their Sioux friends in Dakota. When the army chased them, the natives split into two groups, one of them under Dull Knife. His band was captured and taken to Fort Robinson where the post commandant cut off their food, water, and fire wood in order to force the group to return to Indian Territory. On January 9, 1879, they broke out of their quarters and were pursued by troops who killed fifty to sixty men, women and children in flight. A later government investigation condemned the military's actions. See Prucha, Policy in Crisis, 120-22.

⁸⁰Congressional Record, June 6, 1878, 1493.

⁸¹"Will It Be Done?" CF I (December 1878):191.

⁸²"The Transfer," CF II:25.

⁸³Prucha, Policy in Crisis, 88. Prucha refers to Meacham as a one-man crusade to rectify government policy toward Native Americans.

⁸⁴Priest, Uncle Sam's Stepchildren, 27; and Mardock, Reformers and the Indian, 167.

⁸⁵See "Our Red Brethren--Extermination or Civilization--Which Shall It Be?" CF III (January 1880):1; "The Indian Situation," CF III (February 1880):18; CF VI (September 1883):143; and CF IX (December 1886):161.

⁸⁶Several new reform groups were created in the wake of the Ponca and transfer controversies. These included the Indian Hope Association (mid-1870s), one of the first groups credited with turning the Indian's plight into a national reform movement. The Boston Merchants' Indian Committee (1879) ultimately interested Henry Dawes in Indian issues, although Carl Schurz would not endorse the group. The New York Indian Peace Commission (1876) had been created to protest transfer of the Indian Bureau, and the Ladies National League to Protect the Indians (1878) elevated the importance of women in Indian reform. See Armand S. LaPolin, ed., Native American Voluntary Organizations (New York: Greenwood Press, 1987).

⁸⁷Mardock, Reformers and the Indian, 169-72. See also Priest, Uncle Sam's Stepchildren, 76-77; Valerie Sherer Mathes, "Helen Hunt Jackson and the Ponca Controversy," Montana Magazine of Western History 39 (Winter 1989):44-45; and Thomas Henry Tibbles, The Ponca Chiefs: An Account of the Trial of Standing Bear, ed. by Kay Graber, (Lincoln: University of Nebraska Press, 1972).

⁸⁸"The Poncas and Their Friends," CF II (June 1879):84; and T.A. Bland, "The Poncas and Their Friends," CF II (August 1879):120.

⁸⁹T.A.B., "The Last Ponca Sensation," CF III (August 1880):122. See also letter from William Whiting to Hon. R.E. Trowbridge, printed in CF III (August 1880):122.

⁹⁰Bland, "Poncas and Friends," CF II:120.

⁹¹T.A. Bland, "Zeal Without Correct Knowledge," CF IV (January 1881):12. The article contains excerpts of a letter from Secretary Schurz to Massachusetts Governor Long. For additional Bland criticism, see T.A. Bland, "Bright Eyes and Crooked Tongue," CF IV (February 1881):30.

⁹²"Wrongs of the Poncas," CF II (October 1879):146.

⁹³"Editorial Observations Among Indians," CF II (October 1879):145. See also "Wrongs of the Poncas," CF II:146. The term "Indian Ring" was used to refer to the apparent collusion among officials in the Indian Bureau, agents, and contractors on the frontier to defraud the government and the Indians.

⁹⁴"Editorial Observations," CF II:145.

⁹⁵Meacham did question exactly what was being done with receipts from the tour since no court cases were then pending, "Standing Bear," CF III (June 1880):9.

⁹⁶"The Conflict of Races," CF I (August 1878):113; "The Hope of the Indian," CF I (August 1878):120; and "Prospectus for 1880," CF III (January 1880):8.

⁹⁷"The Conflict of Races," CF I:113.

⁹⁸M. Cora Bland, "From Savage Life to Civilization," CF II (October 1879):150. For a statement of Bland's position, see T.A.B., "Consolidating Indian Agencies," CF IV (August 1881):120.

⁹⁹Although Meacham understood the need for--and favored--gradual assimilation, he was quite cognizant of the pressure on the Indian for immediate change. While serving on the Ute Commission in mid-1881, he wrote, "For two hours we sought to impress the Uintahs with the necessity for taking lands in severalty, while behind our teeth we felt that severalty was unnatural and unsuitable to the Indian. But this is the only hope for him. He must become a citizen of the United States and conform to law and usage or pass away forever." See CF IV (October 1881):156.

¹⁰⁰Bland, Pioneers, 10-13; and Phinney, "Meacham," 231.

¹⁰¹Bland, Pioneers, 13, 74; and Phinney, "Meacham," 231-32.

¹⁰²T.A. Bland, Farming as a Profession (Boston: Loring, Publisher, 1870).

¹⁰³T.A. Bland, M.D., Life of Benjamin Butler (Boston: Lee and Shepard, Publishers, 1879), 161-84.

¹⁰⁴T.A. Bland, Reign of Monopoly (Washington, D.C.: Rufus H. Darby, Printer and Publishers, 1881). Rufus Darby was the printer for the Council Fire during its years in Washington, D.C.

¹⁰⁵"Associate Editors of CF," CF II:138.

¹⁰⁶Phinney, "Meacham," 233; and T.A. Bland, People's Party Shot and Shell (Chicago: Charles M. Kerr and Co., Publishers, 1892), 11-12.

¹⁰⁷Phinney, "Meacham," 234.

¹⁰⁸Bland, Pioneers, 3, 10, 161.

¹⁰⁹T.A. Bland, "Oklahoma," CF I (April 1878):52.

¹¹⁰Bland, Reign of Monopoly.

¹¹¹T.A. Bland, "An Indian Council," CF I (March 1878):44; T.A.B., "Captain Church and His Indian Captors," CF I (March 1878):39.

¹¹²See for example, "A History of the Sioux Reservation: Some Facts Which Should Not Be Forgotten," CF XII (January 1889):1-10; and The Sioux Nation and The United States: A Brief History, (Washington, D.C.: National Indian Defense Association, 1891).

¹¹³James E. Murphy and Sharon M. Murphy, Let My People Know: American Indian Journalism, 1828-1978 (Norman: University of Oklahoma Press, 1981), 39-44; "To Indians," CF I:5; T.A. Bland, "American Indian Council," CF I (March 1878):44; and "We Wrote To Red Cloud....," CF VI (May 1883):70.

¹¹⁴It is doubtful that they moved from New York to Philadelphia. The 1878 journals were printed at 727 Jayne Street, Philadelphia, and the editor retained a post office box address, CF I (February 1878):24.

¹¹⁵"Particular Notice," CF I (March 1878):56; Bland, Meacham, 9-10; and "Our Objects and Plans," CF I (October 1878):152.

¹¹⁶F.B. Marbut, News From the Capitol: The Story of Washington Reporting (Carbondale: Southern Illinois University Press, 1971), 136-37.

¹¹⁷"Indian Council in the Capitol," CF I (December 1878):185; "Striking the Key Note," CF II (January 1879):13; and "A Veteran Indian Agent," CF III (December 1880):184.

¹¹⁸"Indian Council in the Capitol," CF I:85.

¹¹⁹"The Office Of....," CF III (October 1880):152.

¹²⁰"Death Song of Brave Heart," CF VII (June-July 1884):110; and Bland, Reign of Monopoly, 25. Bland spoke of a time between June and August, 1879 when four persons lived in his home. This would be part of the period in which Orpha Meecham had joined her husband in Washington. The journal's offices were on the home's second floor. See "Our Indian Councils," CF IV (September 1881):139.

¹²¹"A Special Epistle to Our Readers," CF VIII (November 1885):160; and "The Office Of....," CF IX (May 1886):73.

¹²²See for example, "Talk Around the Council Fire," CF I:24; "Our Red Brethren," CF I:39; and "Some More Square Talk," CF I (May 1878):72.

¹²³"Some More Square Talk," CF I:73; and "Attention Red Men," CF IV (November 1881):168.

¹²⁴"Attention Red Men," CF IV:168; and "In One Month More," CF III (November 1880):168. During the period in which the Blands were involved with the journal, they both had other occupations as well. The income from their outside professional work quite adequately covered their living costs as well as Council Fire expenses. "Mrs. Dr." Cora continued to practice medicine, while Bland was at various times on the staffs of other Washington newspapers, including the National Citizen/Soldier. See "A Good Understanding With Our Patrons," CF VI:184; and "Nearing the Third Mile Post," CF III:155. Bland also established the Spectator early in 1882, a monthly journal which was devoted to politics, literature, science, philosophy, and health. See "Dr. Bland's Paper, the Spectator," CF V (January 1882):30.

¹²⁵"Moccasins," CF II (March 1879):47; and "We Have Commenced....," CF IV (April 1881):55.

¹²⁶"Before Starting Out....," CF VI (December 1881):184; and "To Those Who Owe Us Money," CF VI (December 1883):175.

¹²⁷"To All Friends of The Council Fire," CF VI (November 1883):153.

¹²⁸"What Shall Be Done With the Indian?" CF I (February 1878):17.

¹²⁹"Editorial Chat With Our Patrons," CF I (June 1878):88.

¹³⁰"Before Starting Out....," CF IV:184.

¹³¹"A Good Understanding With Our Patrons," CF IV (December 1881):184; and "A Word to Advertisers," CF IV (December 1881):185.

¹³²"Nearing the Third Mile Post," CF III (October 1880):155; and Phinney, "Meacham," 258.

¹³³Meacham said in November, 1878 that he had distributed four to five times as many journals as he had subscribers. See "Drawing To A Close," CF I (November 1878):168. Bland reported that he distributed fifty per cent of the total copies to non-subscribers in October, 1884, and sixty-seven per cent free in mid-1886. See "Help Sustain the Council Fire," CF VII (October 1884):150; and CF IX (May 1886):74.

¹³⁴In December 1884, Bland reported that the journal had done better than ever before, "The Council Fire and Its Friends," CF VII (December 1884):168. Circulation that year included: 425 congressional members; 1,000 "leading newspapers, public libraries and reading rooms in different cities, clergymen and other influential persons;" at least 500 Indians, Indian Bureau officials; and several hundred paid subscriptions for individuals. See Biographical Directory of the American Congress, Senate Document no. 8, 92nd Cong., 1st sess. (serial 12938), 228-32; "Attention Red Men," CF IV (November 1881):168; "Trusting the Great Spirit," CF III (May 1880):74-75; "Help Sustain the CF," CF VII:150; and "The Council Fire and Arbitrator will be..." CF V (January 1882):31.

¹³⁵As early as March 1878, Meacham reported printing excess journals so that new subscribers could have all back issues, and in November, he reported that he had a "few hundred" of that year's volume on file, "From the First," CF I (March 1878):40; and CF I (November 1878):168. In April 1883, "hundreds" of full volumes were available, "We Are Printing..." CF VI (April 1883):70. The May 1884 issue was in such demand that it was "exhausted" and none were available, but "thousands" of extra copies of the special editions--such as the July-August, 1884 issue which contained the story of Bland's visit to the Pine Ridge Agency--were printed, "The Demand For..." CF VII (June 1884):103; and "The CF and Its Friends," CF VII:168.

¹³⁶The figure is more likely representative of total Council Fire distribution through the end of 1883, not just to Meacham's death in 1882. See "The Indian's Time Has Come at Last," CF VII (January 1884):3.

¹³⁷"Relative Reduction of Newspaper Postage," National Republican (January 22, 1885), 1.

¹³⁸"A Word About Our Work," CF VII (January 1884):3.

¹³⁹"National Indian Defence [sic] Association," CF VIII (December 1885):174.

¹⁴⁰"Injustice Sustained by Falsehood," CF X (April-May 1887):57-58. The NIDA had approved passage of the legislation if it included a provision which allowed each tribe to decide independently when it was ready to take individual ownership of tribal land. This topic will be covered separately.

¹⁴¹"Our Recent Lecture Tour," CF X (April-May 1887):64-65; and "Injustice Sustained by Falsehood," CF X:57-58.

¹⁴²"The Mohonkers Call a Halt," CF X (November 1887):79.

¹⁴³"Report of Work During the Summer," CF X (November 1887):73-74.

¹⁴⁴"Railroad Collision," Baltimore Sun (June 22, 1887), 1; and "Homeward Bound--A Railroad Collision," CF X (November 1887):77.

¹⁴⁵T.A.Bland, "A History of the Sioux Agreement," (n.p.), 34; and "The Council Fire Ten Years Old," CF X (December 1887):89-90.

¹⁴⁶"Then and Now--A Review of Indian Policies," CF XII (December 1889):97.

¹⁴⁷T.A. Bland, ed., A Brief History of the Late Military Invasion of the Home of the Sioux (Washington, D.C.: National Indian Defense Association, 1891). Bland probably also authored The Sioux Nation and The United States: A Brief History (Washington, D.C.: National Indian Defense Association, 1891).

¹⁴⁸Bland, Pioneers, 14. Bland's date of death is unknown, although both he and Cora were alive at the publication of Pioneers of Progress in 1906.

CHAPTER III

AFFIRMING THEIR RIGHT TO JUST COMPENSATION:
MEACHAM AND THE UTE AGREEMENT

I expect to go to Los Pinos. I shall do my duty, and if possible prevent a war with the Utes. The deep down spirit of all these schemes is to prevent a final consummation of the Ute agreement; to make the way easy for avaricious men to rush into and onto the Ute reservation and gobble up some supposed rich placer mining grounds . . . ; or, failing to defeat the payment and precipitate a war with the Utes, to effect a reorganization of the Ute commission, and thus "get an inside chance at the mines."

Alfred B. Meacham, Council Fire

December 1880

On September 29, 1879, a small group of Ute Indians under the leadership of Nicaagat (Captain Jack) attacked Major Thomas T. Thornburgh's regiment of the Fourth Infantry at Milk Creek, Colorado, not far from the White River Agency on the Ute Reservation. Almost simultaneously, Quinket (Douglas) attacked the nearby White River post. Over forty Indians and whites were killed in the skirmishes which resulted from nearly eighteen months of an unhappy relationship between Agent Nathan C. Meeker and the Indians at his White River Agency. Conditions at the agency had been deteriorating for several years, and had been recently aggravated by inflammatory newspaper accounts of problems between Utes and the rapidly increasing multitude of

white settlers and miners pouring into Colorado.¹

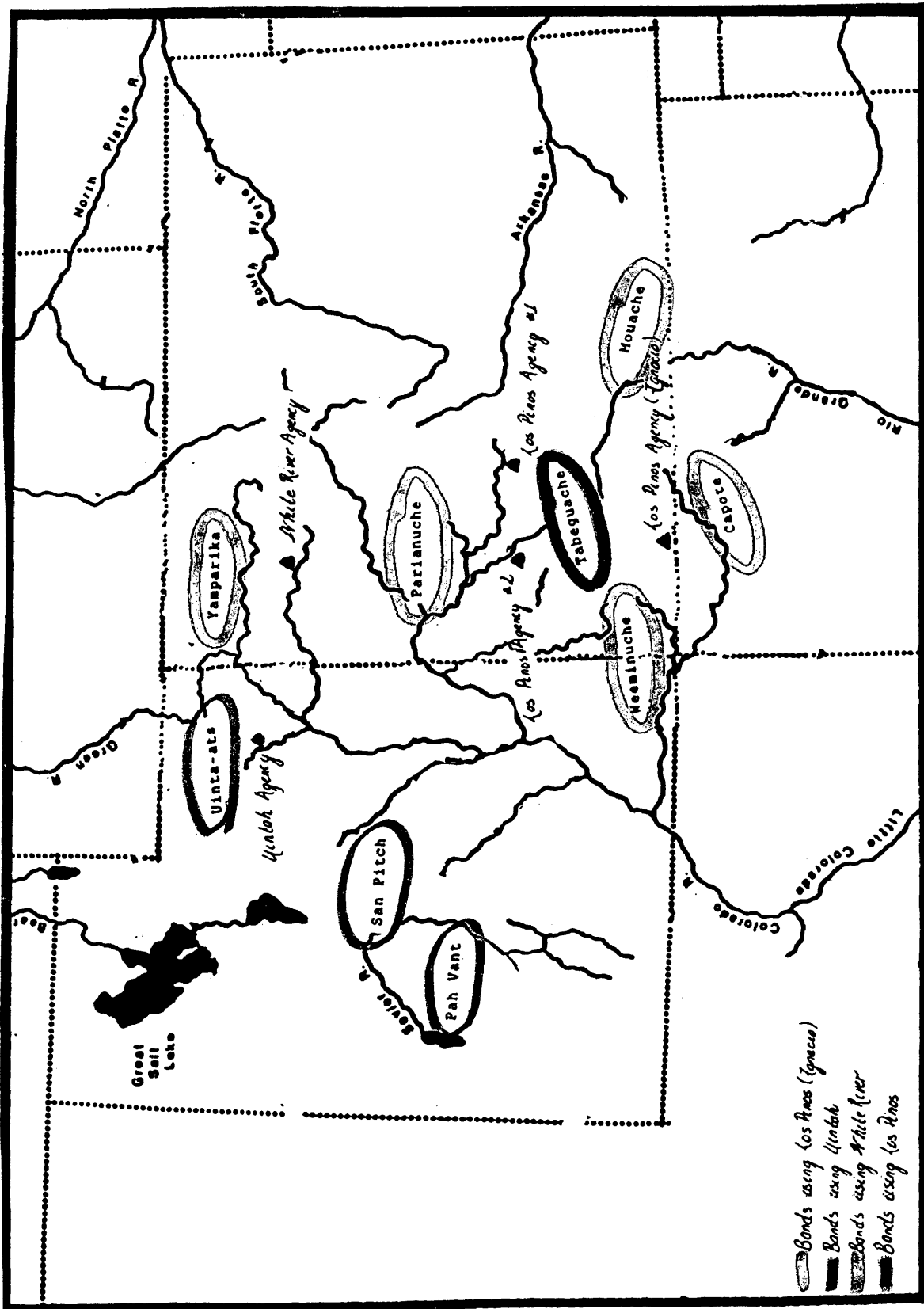
In the aftermath of the incident, thirteen Utes traveled to Washington, D.C. to reconcile their differences with federal administrators, and while there, they agreed to cede the majority of their Colorado lands to the United States government.² The legislation authorized establishment of a five-member commission to explain the proposed cession to the Utes, and among those appointed to the post was Alfred B. Meacham. This reformer's unflinching determination to carry out his duties in the best interests of the Ute people undoubtedly helped to preserve a shaky truce between the Indians and the residents of Colorado. But his staunch support for the natives also incurred the wrath of those Coloradans who sought total removal of the Utes from the state.





The Ute Indians are part of the family of American natives that includes the Shoshone and Comanche peoples. These early Coloradans called themselves *Nunt'z*, meaning "the People" and were referred to as Yuta by neighboring peoples of the southwest.³ The United States had acquired Ute lands from Mexico by the 1848 Treaty of Guadalupe Hidalgo. Friction between Indians and whites already existed in the region because of earlier Spanish land grants made to Mexican citizens without Indian consent. In agreeing to honor the Mexicans' titles to those lands, the United States inherited the complex problems.⁴ Not long after acquiring the Mexican Cession, the government created the territories of Utah and New Mexico (1850) and

Colorado (1861), and soon after the latter date, gold was discovered in the mountains of Ute country.⁵ Pressure on the tribal landbase had gradually compressed the principal bands so that by the time of Meacham's involvement with the Utes in 1880, they had consolidated into four large groups which were served by four agencies in Colorado and Utah: the Uintah reserve in Utah; and the Los Pinos Agency, the Southern Ute Agency near present-day Ignacio, and the White River Agency, all in Colorado (see map 1).

The Uintah Utes took their name from the Uintah Basin people of Northern Utah who called themselves Uinta-ats. Other groups who used the Utah agency were the Tumpanawach, the Pah Vant, and the San Pitch. Although Mormons originally had not considered the Uintah Basin suitable for settlement, by the 1860s, the growing Mormon population was applying pressure to Uintah lands. In 1869, the Indians' acknowledged leader Tabby-to-kwanah (Tabby) led the consolidated bands to the northern end of the Uintah Basin.⁶

The Los Pinos Agency was used by Utes who were referred to as the Uncompahgre peoples, so-named because the agency was located in the Uncompahgre Valley. The agency had been moved to its site in 1875 and was used primarily by the Tabeguache (Taviwach) band, largest of the Ute groups.⁷ The earliest treaty between the Tabeguache and Mouache bands and the United States government was signed in 1863, but the promised annuities were never delivered.⁸ A subsequent treaty with all



-  Bands using Los Pinos (Ignacio)
-  Bands using Uintah
-  Bands using Snake River
-  Bands using Los Pinos

Ute Bands and Their Agencies

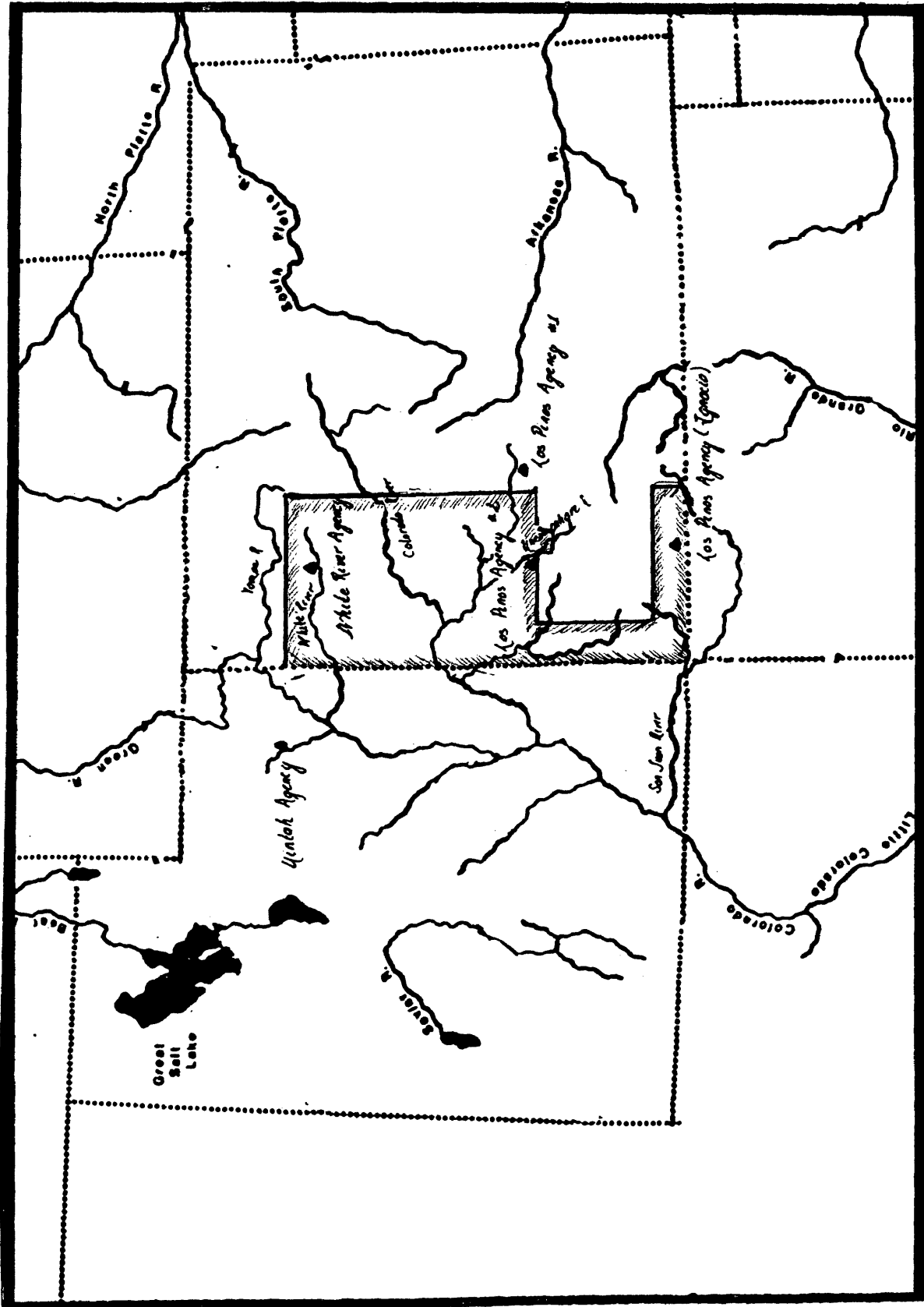
groups, signed in March, 1868, established a large Ute reservation in western Colorado. The treaty set aside 16,000,000 acres for the natives and provided annuities for thirty years. It also created two agencies; one for the northern Ute bands on the White River, and a second for the Tabeguache and three southern bands on the Los Pinos River near the reservation's southern boundary.⁹

The southern agency's proposed site was near the south boundary of the reserve so that it would be accessible to the three southern bands who were then supplied by New Mexico agencies. However, when the Tabeguache began to move toward their new agency in 1868, they stopped at a spot on Cochetopa Creek, a tributary of the Gunnison River and a site far to the north of the place designated in the treaty. Since the Tabeguache would go no further, the site was approved and Cochetopa Creek was renamed Los Pinos to conform to the treaty's specifications.¹⁰ The agency site was actually outside the reservation's eastern boundary at an elevation of 9000 feet. The area was snow-covered six months out of the year, thus making agriculture difficult and the freighting of supplies arduous.¹¹ In the summer of 1875, the agency was moved west to a better site on the Uncompahgre River, although it was still referred to as the Los Pinos Agency.¹² But because the agency was so far to the north, the three southern bands, the Mouache, Capote, and Weeminuche, continued to take supplies at Cimarron and Abiquiu agencies in northern New

Mexico.¹³

By 1872, the San Juan mountain region was being overrun with miners, and the government began negotiating with the Utes to acquire the area. The Utes, through their spokesman Ouray, flatly refused to sell their land.¹⁴ After a year of negotiations, government bargainer Felix Brunot was able to convince the chief to sign the agreement, but only after he had fulfilled a promise to locate Ouray's son who had been kidnapped some fifteen years earlier.¹⁵ Born in Taos about 1833, Ouray was the son of a Ute mother and Jicarilla Apache father. During childhood, he and his brother were left in Taos with a Spanish couple when their parents moved north to live on the Western Slope. Thus Ouray learned to speak both Spanish and his native Ute tongue fluently.¹⁶ Ouray's knowledge of two languages common to the area made him useful as an interpreter, and, in the mid-1860s, the government named him headman of all Utes.¹⁷

Ouray's support of the 1873 land cession led to its approval by all Utes. By the terms of the Brunot Agreement, the Utes ceded 4,000,000 acres, primarily the mineral-rich San Juan region, to the federal government.¹⁸ After selling the mountains, the southern portion of the reservation became a fifteen mile-wide strip which stretched 110 miles from west to east along the Colorado-New Mexico border (see map 2). The southern bands continued to draw annuities from the New Mexico agencies until 1878, when a new post was established on the Rio



Ute Reservation and Agencies in Colorado and Utah, 1880

de los Pinos, near present-day Ignacio, Colorado.¹⁹

The White River Utes took their name from the agency established on that river in 1868. The Parianuche--called the Grand River Utes--and the Yamparika were the primary bands using the White River post. The groups' previous agency at Middle Park, northwest of Denver, had been closed by the Treaty of 1868, and the agency was moved to the White River site in the northern portion of the reservation.²⁰ The agency's setting had been a problem from the beginning because it occupied primary hunting ground, and jeopardized the abundance of animals.²¹ Access to the site was also difficult. The agency was located 200 miles from the closest railhead in Rawlins, Wyoming, thus complicating the transportation of annuity goods to the post. The last sixty miles of the trip were particularly arduous, and contractors refused to haul supplies to the agency after October 15 because of winter snows.²²

From the agency's inception through 1870, Territorial Governor Edward M. McCook sent a succession of seven army officers to serve as agents at the White River post. However, none of them stayed very long after they saw the agency's locale.²³ McCook was cognizant of the site's problems: the soil was too alkaline to produce good cereal crops; the climate was too cold to keep livestock; and the timber supply was inadequate. Yet the governor believed that the strength of its poor location was that no whites would want to settle there.²⁴

Problems began to mount after Edward Danforth became agent at White River in 1874. Annuities had never been readily available at the agency, so Utes continued to maintain their traditional hunting patterns, freely coming and going from the reservation.²⁵ Not a single annuity good was distributed at White River between the summer of 1875 and August, 1878. The flour and oats shipments contracted for distribution in 1876 had been shipped to Rawlins, but the Union Pacific clerk there refused to release them after the contractor did not pay his freight bill.²⁶ Danforth was unable to disentangle the administrative dilemma, and when the grains were finally released in May, 1878, they were too badly spoiled to be edible. Annuity supplies were never ordered in 1877, and throughout the winter of 1877-78, 350-400 hungry Utes waited in Rawlins for the rotten 1876 supplies to be released.²⁷ Compounding the food problem was a ban on the sale of ammunition to the Utes, imposed on all Indians after the Custer debacle in 1876. Lack of ammunition reduced natives' ability to hunt wild game. When Nathan Meeker assumed the post of White River agent in early 1878, the crisis situation had been eased only by the natives' freedom to leave the agency area.²⁸

Like so many of his Indian service colleagues, Meeker had no background in Indian affairs prior to his appointment as White River agent. And like so many other Indian service appointments, his was a political one. Nathan Cook Meeker was a well-intentioned idealist, born in the Western Reserve along

Lake Erie in 1817. As a young adult, he became attracted to the idea of communal-style living as touted by the French socialist Charles Fourier. In 1844, Meeker and his bride, Arvilla Delight Smith, settled in a Fourier Phalanx in Braceville, Ohio, where they stayed until the settlement dissolved in 1847. During the following years, Meeker remained in Ohio, undertaking a variety of occupations.²⁹

Meeker had always had a penchant for writing, frequently submitting his essays and poems to newspapers and journals for publication. In 1856, he wrote a novel, The Adventures of Captain Armstrong, about a sailor shipwrecked on a South Pacific island who civilized the natives by introducing them to a Utopian, communally-based civilization. Meeker sent the manuscript to the New York Tribune, where its editor Horace Greeley found the novel to his liking and secured a publisher for the work. The two men thus became acquainted, although they were never close friends.³⁰

Long fascinated with the West, Meeker had studied John C. Fremont's reports on the Rocky Mountains, and in October, 1869, Greeley sent him to the Rockies to do a series of articles for the Tribune. Meeker quickly became infatuated with Colorado, and, with Greeley's financial assistance, he organized a group of New Yorkers in late 1868 to found a Utopian colony there which they named Greeley. Meeker had never been financially astute, and he often borrowed small amounts of money from his patron, who, likewise, was a financially inept businessman.

When Horace Greeley died in November, 1872, his estate called in Meeker's debts. The agent was able to stall repayment for several years, but in early 1877, the Greeley estate demanded its money.³¹

Meeker experienced even less political success than he had financial good fortune. After several futile attempts to hold political office, Meeker finally secured the appointment as Assistant Commissioner for Colorado to the 1876 Centennial Exposition in Philadelphia. New acquaintances made there, including that of influential Denver attorney Bela M. Hughes, became the keys to his entrance into Indian affairs.³² Meeker believed that the respectable salary and low overhead costs of the Indian agent's occupation made that job a perfect method to repay his debt to Greeley's estate, so he wasted no time in approaching Bela Hughes with his idea. Thus his name had already been suggested to Interior Secretary Carl Schurz for a position as Indian agent, when in April 1877, Ralph Meeker, reporter for the New York Herald and eldest son of the soon-to-be Indian agent, enlisted the help of his friend R.W.C. Mitchell, private secretary to Carl Schurz, to secure the position of Indian agent for his father.³³

The Interior Secretary held an intense personal dislike for Colorado Senator Henry Teller, whose choice for the White River agency post would have been Uriah N. Curtis.³⁴ To maintain party unity in the face of a probable defeat for the Democrats in the coming election year, Schurz endorsed Teller's

choice for the new Commissioner of Indian Affairs, Ezra T. Hayt.³⁵ Schurz's support of Teller's choice for Indian Commissioner was repaid by Teller's support for Schurz's nomination of novice Nathan Meeker as Indian agent at the White River Agency. The latter received his appointment on March 18, 1878 and left for White River on May 3.³⁶

The White River Ute groups had shown little interest in recent affairs between other Utes and Washington. They were not particularly concerned with the San Juan cession, nor did they take any payment for it.³⁷ Neither had they shown particular concern for the imminent intrusion of the railroad onto the reserve, nor for the attempts by the government to take Uncompahgre Park, a lovely four-mile-square tract of land which Ouray had especially sought to keep for the Utes, and which government surveyors deliberately surveyed out of the reserved lands.³⁸ They were concerned, however, about the lack of supplies. At Meeker's first meeting with the Utes, he labeled them stupid, dirty, and lazy. He disliked their penchant for begging, horse racing, and gambling, and he treated them like naughty children when they did not perform to his expectations.³⁹ Meeker tended to be brusque, curt, and impatient with the Utes, leading them to believe that he was angry with them all the time.⁴⁰ Although he wanted to be called Father Meeker, most of the time the natives called him "Nick," which he disliked intensely.⁴¹ Believing that the previous agents had not done a proper job with their wards,

Meeker was determined to teach the Utes to farm, even telling Teller that he would starve them if they did not work.⁴²

Meeker soon realized that the agency site was not suitable for agriculture, so he moved the post fifteen miles down river to Powell's Valley, a region with 3,500 acres of excellent land, less snow cover, good timber, and a coal mine. In spring 1879, the agent set his plans into motion. He and agency employees erected fences, planted vegetable gardens, cut 100,000 feet of lumber, built a road, and opened the coal mine.⁴³ Much of the work was done by Indians whom Meeker paid with extra rations, shoes, and money.⁴⁴

Despite their advances in farming techniques, most of the natives left the reserve when summer arrived to hunt and trade as they had always done. Since no trade restrictions were imposed upon them, the Utes could exchange the readily available antelope skins for guns, ammunition, or whiskey.⁴⁵ By late June, mountain residents began to complain that the Utes were killing antelope and other game "in the most wanton manner, merely for the sake of sport."⁴⁶ It was a dry summer with many severe forest fires, and soon the Colorado press reported that the Utes, not careless miners, were starting them.⁴⁷ Meeker became increasingly discouraged. The Utes were ignoring him, and reports about their off-reservation behavior led him to petition for military aid from Major Thomas T. Thornburgh at Fort Fred Steele. Thornburgh investigated the complaints against the Utes and concluded that they were

unsubstantiated. Brigadier General George Crook, commanding officer at Fort Omaha, concurred with Thornburgh's findings, so military assistance was not sent to the White River agency.⁴⁸

Mounting tensions were intensified by press reports in the Denver Tribune, formerly edited by William B. Vickers who, in 1879, was personal secretary to Governor Frederick W. Pitkin.⁴⁹ Vickers was a virulent Colorado nativist who had little use for the Chinese, Blacks, or Indians.⁵⁰ Beginning in the early summer of 1879, Tribune articles about the forest fires and killing of game took a decidedly anti-Ute stance, which culminated in an essay by Vickers that proclaimed "The Utes Must Go."⁵¹ Vickers labeled the Utes "actual, practical Communists," saying "the Government should be ashamed to foster and encourage them in their idleness and wanton waste of property." Vickers added that the natives should all be removed to Indian Territory, and that even their former friend N.C. Meeker had "accepted the truth of the border truism that the only truly good Indians are dead ones."⁵² The Indians at White River were convinced that Meeker had actually made that statement, and they accused him of writing Vickers' article. Angered about Vickers' groundless charges, as well as the accusations made by the press about the fires, Captain Jack and thirteen other Utes went to see Governor Pitkin in Denver where they asked him to remove Meeker.⁵³

A third, more critical quarrel between Agent Meeker and the White River Utes developed late in the summer of 1879.

Among Meeker's favorite, and seemingly most pliable, Utes was Johnson, brother-in-law to Ouray, and a Ute medicine man. Because Johnson had taken a real interest in farming, Meeker gave him a plot of land within the agency on which the Ute built a house.⁵⁴ Johnson also owned 150 ponies which he pastured on the land near his cabin and raced in the nearby corral.⁵⁵ Meeker had divided much of the agency land into small plots, which he intended to give to individual Indians for their home sites.⁵⁶ In early September, when the agent realized that Johnson was using the land to pasture his racing ponies, he decided to remove its desirability as grazing land by plowing the piece.⁵⁷

When the Utes objected to plowing the additional land, Meeker simply told them that they had too many horses, and that they should kill some of the animals so that they would not eat so much grass.⁵⁸ Dumbfounded by Meeker's statement, the Indians strenuously protested the loss of pasture land, and, when the agent refused to stop the plowing, the plowman was fired upon, whereupon the work was halted.⁵⁹ Two days later, on September 10, Johnson called on Meeker at his house, apparently angry that the agent was going to continue plowing the land despite Ute opposition. Johnson allegedly attacked Meeker, injuring him, after which Meeker promptly wired Hayt for military protection.⁶⁰

On September 21, 1879, Major Thomas Tipton Thornburgh left Fort Fred Steele in south-central Wyoming with 200 soldiers.

Five days later, five Ute leaders, including Captain Jack and Colorow, encountered the infantry group and sought to ascertain the intent of their march. When the Utes learned that Meeker had requested the military's presence, they returned to the agency to persuade him to petition Thornburgh to halt his advance. Meeker did so, and the major responded positively to the agent's request, saying that he would camp and come into the reservation with only five of his men.⁶¹ Unfortunately press reports had led the Utes to believe that Coloradans wanted to force their removal from the state into Indian Territory.⁶² Since it appeared to the natives that the most expedient way to undertake such action was to use the military, Thornburgh's approach was suspect and it greatly agitated the Utes.⁶³ Even Meeker was wary. Two days earlier, the women and children had been moved from the agency to a site twelve miles south of the post, and only four of the original ninety-four tepees remained at the agency.⁶⁴ Yet, when Thornburgh's messenger arrived at the agency about noon on September 29 with news of the major's new strategy to move the entire command closer to the agency, Meeker gave the plan his approval.⁶⁵

The Utes felt that the army was coming too close. Near mid-day on September 29, 1879, a group of forty to fifty Utes attacked Thornburgh's camp on Milk Creek.⁶⁶ A short time later, Douglas and his band attacked the agency.⁶⁷ Three white women and two children were taken captive at the agency and held for more than three weeks, during which time the Indians

allegedly "outraged" their persons.⁶⁸ Killed in the attacks were twenty-seven Utes, twelve soldiers, including Major Thornburgh, and ten agency employees.⁶⁹ The Utes had held Thornburgh's men at bay for six days when 350 soldiers under General Wesley Merritt arrived to rescue them.⁷⁰ Special Agent Charles Adams later concluded that the attack, while not unwarrented, was premeditated.⁷¹ Indeed, on the eve of the attack, Indians in Douglas' camp staged a war dance, and on Monday morning before the attack, Douglas was so agitated that the orders he gave to Utes at the agency compound could be heard for an unusual distance.⁷²

Coloradans were outraged by the events at White River. Many, including Governor Pitkin, were readily inclined to use the situation as an excuse to initiate a war against the Utes to forcibly remove them from the state. Accurate accounts of the skirmishes were unavailable for nearly a week, during which time Colorado citizens prepared to defend themselves. The state government distributed arms and ammunition, and "in less time than a week, the entire State was in arms."⁷³ In a letter to Schurz within two weeks of the skirmish, Pitkin implicated all Utes in the attack and urged the secretary to take military action against the natives.⁷⁴ At the behest of Pitkin, Vickers authored a wire to Secretary of War George McCrary which left the impression that Thornburgh's company had been nearly wiped out. Newspapers across Colorado and the West used the telegram as a basis for their stories on the incident, leading readers

to believe that all of Colorado's white population was in peril.⁷⁵ The articles variously estimated the number of Utes involved in the attacks upwards of 3,000, while more reliable estimates indicated that only fifty to 150 White River Utes participated.⁷⁶ Also, only the White River Utes were involved, as Ouray had kept the Uncompahgre peoples out of the situation, and the Southern Utes had no contact with Ouray's group until after the clash had ended.⁷⁷

Much credit for diffusing a tense situation goes to Interior Secretary Carl Schurz. He quickly appointed former Indian agent Charles Adams as Special Agent to investigate the episode. Adams' responsibilities were three-fold: rescue the captive women and children; secure the surrender of the guilty Utes; and resolve the Ute problem by encouraging the natives to take their land in severalty so that the main part of the reservation could be opened.⁷⁸ Adams and Schurz had met earlier in the fall of 1879 when Schurz had visited Colorado. The German-by-birth Adams had thoroughly enjoyed the secretary's visit during which time the men talked first about the "Old Country," and then about the Indians. Adams had a special admiration for Ouray due to the pressures he had withstood as the acknowledged leader of the Utes.⁷⁹

Schurz had responded quickly to Pitkin's baseless accusations that the entire Ute nation was involved in the skirmishes. The secretary had notified the governor as soon as he appointed Adams, reminding Pitkin that just a month earlier,

the latter had praised Adams as "a gentleman of excellent character, . . . intimately acquainted with the Utes, and eminently qualified to deal with them in an emergency." He also chastised the governor for what Schurz perceived to be the real intention of these accusations, saying, "We are endeavoring to prevent a general war with the whole Ute tribe, which will be a better way protect your border settlements than by a general attack upon the Indians by armed citizens, as your dispatch seems to suggest." He cautioned Pitkin not to take "inconsiderate action."⁸⁰ Schurz's underlying desire, beyond quieting the tension, was to settle the Ute problem by inducing the Indians to take their land in severalty, and he urged Adams "to make every possible effort in that direction."⁸¹

Investigators of the outbreak concluded that the incident could have been avoided if Thornburgh had approached the agency with only a small contingent of men.⁸² They also generally agreed that the perpetrators should be punished, but that they would only get a fair hearing in Washington, D.C.⁸³ Ouray suggested that he be part of a Ute delegation which would negotiate with Commissioner Hayt about annuity items, in addition to the problems at White River.⁸⁴ Federal officials agreed with the idea, and the Utes arrived in Washington on January 12, 1880.⁸⁵

Schurz saw the Indians' presence in the city as an opportunity to pressure them to take their lands in severalty. The secretary had wanted to use the Utes for his allotment

experiment even before the incident at White River.⁸⁶ In 1878, the government had again tried to further reduce Ute landholdings and consolidate all Ute bands into one agency on the White River.⁸⁷ But Schurz's plan to allot their lands would keep them in the state, and most Coloradans opposed their continued presence there. Indian Commissioner Hayt, Governor Pitkin, and Senator Henry Teller all rejected the idea, preferring instead to remove the Utes to Indian Territory.⁸⁸

Schurz's move to allot Ute lands marked a dramatic change in his Indian policy ideals. Coming on the heels of the Ponca problem, Schurz began to realize that giving Indians a large amount of land was no longer a viable plan. They were incapable of using it as whites intended, and protecting their right to hold it was becoming increasingly difficult. The best substitute system seemed to be severalty. Schurz believed that the government must teach Native Americans to work, must educate them, and then give them legal title to their individual landholdings.⁸⁹ The probability of making severalty into a key part of Indian policy created heated discussions among Indian Committee members in both houses of Congress.⁹⁰

Ultimately, the 1880 Agreement paid the Utes \$50,000 for their land, the White Rivers' portion thereof not to be paid until "the guilty parties are no longer living or have fled" the country. An annual pension for victims and families of those whites killed in the incident was to be paid out of the White Rivers' portion of the funds for twenty years. The

northern bands were to be removed to Utah, the Uncompahgre peoples to the Grand River area of Colorado, and the Southern Utes to the LaPlata River area.⁹¹ Ouray commented that he had not gone to Washington to negotiate a treaty, but "to settle the White River business and represent [his] people." He was not completely happy with the treaty's terms because he would have to move, and he liked his home in the Uncompahgre Valley. Nor did he believe that there was enough good agricultural land in the removal regions to allow all Utes to farm, but he agreed to let the Indians themselves decide on the agreement's validity.⁹² On March 6, 1880, Ouray and eight other Ute leaders signed the agreement.⁹³

Before the legislation could be presented to the Indians for their approval, it had to be ratified by Congress. Beginning with its first reading to the Senate, the legislation engendered lively discussions about the merits and drawbacks of land-in-severalty.⁹⁴ Even subsequent legislative proposals regarding severalty for all tribes were not so hotly discussed in an open congressional forum.⁹⁵ The legislation ultimately passed both houses of Congress on June 16, 1880, but had no collective support from any one faction.⁹⁶

Even Senators Hill and Teller of Colorado were split on the issue.⁹⁷ Teller's opposition seemed quite logical on the face of it. "Now will the wild Indian be civilized and Christianized in a twelve-month? . . . Theories worn out and disproved . . . are at once adopted by these neophytes and we

are promised an immediate solution of the problem," he argued in a Senate discussion of the bill.⁹⁸ Yet his underlying motive for opposing the measure was the act's intent to give the natives title to Colorado land.⁹⁹ The legislation's real proponents were Schurz and Senator Richard Coke, the lawmaker who would author the first severalty legislation one year later.¹⁰⁰ Coke saw the severalty aspect of the Ute bill as the means "to place [Indians] on the highway to American citizenship, and to aid them in arriving . . . as rapidly as can be done."¹⁰¹

Section two of the Ute Agreement authorized the president to appoint five commissioners to present the contract to the Utes for their approval. The act had to be signed by three-fourths of the adult males within four months of its approval. The responsibilities of the commission had three stages. First, the agreement had to be signed, and an accurate census, noting the names, ages, and family groups of all Utes, had to be taken. This would facilitate an accurate division of the land's cession price, and streamline the later allotment process. Second, the commission clerk was to apportion the sale price of the land. Last, the five commissioners were to choose and allot new lands to the Utes.¹⁰² Selection of the commission fell to Interior Secretary Schurz who included a mixture of Colorado and Indian supporters in the group. Appointed on June 21, 1880 were John J. Russell, John B. Bowman, George Manypenny, Otto Mears, and Alfred B. Meacham.¹⁰³

Schurz assumed that Russell would favor the government's interests since he was an employee of the Interior Department.¹⁰⁴ Bowman and Mears were Colorado supporters. A Teller defender, Bowman was a Kentuckian with Colorado mining interests and an aversion to Native Americans in general.¹⁰⁵ Otto Mears' support for Indian rights was also debatable. A Russian immigrant, Mears came to the United States about 1850.¹⁰⁶ Seeing a profit in the transport of goods in the southwest, he built several needed toll roads in the region, and took over the Indian trade at the Conejos, New Mexico agency.¹⁰⁷ A close friend of Governor Pitkin, Mears ultimately built over 400 miles of toll roads and rail spurs in the San Juan mineral belt.¹⁰⁸ Thus, his real interest in the Ute Agreement was undoubtedly an economic one, and his actions on the Commission finally led Commission Clerk John R. French to complain to Schurz that Mears had absolutely no interest in the Commission or the Utes.¹⁰⁹

Support for the Utes thus fell to Commission Chairman George Manypenny and Alfred Meacham. Manypenny had served as Commissioner of Indian Affairs from 1853 to 1857, and had retained a strong interest in Indian rights. Like Schurz, he supported allotment of Indian lands to individual natives and opposed military control of the Indian Bureau. He had elaborated extensively on the latter issue in Our Indian Wards (1880).¹¹⁰ His colleague Meacham had not solicited the appointment in any way, but his past staunch defense of the

Native American was clear not only to Schurz, but also to Coloradans in general.¹¹¹ Acknowledging that the Utes would probably lose their land because of the incident, Meacham reminded his readers of the natives' humanity when he wrote that the fallen warriors "with dusky skins" died "defending oppression, and their native soil against unwarrented invasion." Their "bleaching bones will be mute witnesses against the policy which robs the Indian first of his land and then of his life."¹¹² Such sentimentality and support for the Utes could not long be tolerated in Colorado.

The Ute incident had been nearly lost on reformers who, in mid-1879, were completely absorbed by the Ponca issue.¹¹³ Meacham had authored no essays about the Utes during their summer of turmoil with Nathan Meeker. In fact, the Council Fire first objectively reported the events at White River in November 1879, noting prophetically that, "We don't know how it will end, but probably as such wars generally do, the Indian will lose his country."¹¹⁴ While Meacham believed that fault for the incident lay with Meeker for regarding the natives as serfs, he also maintained that prior to Meeker's arrival as agent, the Utes had had no discipline.¹¹⁵ "They were," he wrote, "like spoiled children. They had never been subjected nor taught to recognize the authority of an agent. They had been humored, scolded, and petted by turns until they were anything but hopeful subjects for civilization."¹¹⁶ While the subsequent legislation to open Ute lands was undergoing fierce

congressional debate, Meacham offered no opposition and expressed the belief that, because of the amounts of land which could be individually taken, the Utes would fare better than many Indian groups.¹¹⁷ The fact that the natives had to give their consent before lands could be opened, also pleased the Council Fire editors.¹¹⁸

After a farewell reception on June 21, 1880, Meacham embarked on his mission to Colorado.¹¹⁹ On his arrival in Denver, he was interviewed by a reporter from the Denver Tribune who believed he would lend considerable support to the Commission in favor of the Native American.¹²⁰ Support for the Utes was hardly what most Coloradans wanted.¹²¹ What they did want, wrote Meacham, was a war to drive the Utes from the state. With the requisite large army contracts, an armed conflict would bring many government dollars into Colorado. Conflict would also bring glory and promotion for the soldiers. And other than the Utes, who did not count, only the settlers along the border would suffer.¹²² Pro-Indian Meacham was clearly riding into a hornet's nest.

The editor arrived in Denver during the first week in July, traveling on to the Los Pinos Agency where the first council between the Commission and the Indians was held on July 21, 1880. Ouray opened the council, explaining his reasons for signing the measure in Washington.¹²³ But the commissioners faced immediate, uniform resistance by the Utes who flatly refused to sign the measure. Several problems needed to be

resolved. The status of Douglas--implicated in the events, but not formally charged with an offense--was unclear. Neither did the Utes understand the severalty concept. Ouray had refused to discuss that aspect of the bill until the young men of the tribe had expressed their opinions. Most Utes saw severalty as a method to imprison them on a small piece of land. In addition, insufficient grass and timber existed in the Grand River region, to which the Uncompahgres were to be moved. And although the government promised to build houses and fences on their new land, the Utes did not believe it would happen, since all earlier promises had gone unfulfilled. A major hurdle was payment of the \$75,000. The government was refusing to pay for the land until the Utes signed the agreement, but the natives wanted their money first.¹²⁴

On July 28, after a week of intense discussion, forty-six Utes, led by medicine man Johnson, were the first to accept the agreement. Within three days, 145 had signed the measure at the Los Pinos Agency.¹²⁵ Because the White River Utes had scattered after the Meeker attacks, and since there was no one in residence at that agency, the White River Utes were to take rations, be counted in the census, and sign the agreement at the Los Pinos Agency.¹²⁶ And since most of the young men associated with both agencies were away, it was decided that only one commissioner was needed at Los Pinos to await the arrival of additional signers. Meacham volunteered to stay, and the remaining four men journeyed south to the agency on the

southern portion of the reserve.¹²⁷

The four men arrived at the southern agency on August 15, where tragedy immediately struck. Ouray, who had suffered from nephritis for several years, died on August 24, 1880, before any signatures had been secured.¹²⁸ While Ouray had held an influential leadership role among most Utes, his relationship with Ignacio and the Southern Utes had been strained in recent years.¹²⁹ The chief's death may, therefore, have had an inverse effect on ratification by the Southern Utes. In early meetings, the Weeminuche band had been vehemently opposed to the agreement. Nor had the other two southern bands expressed any interest in signing.¹³⁰ But within two days of Ouray's death, Ignacio's people announced their willingness to sign. Others followed, and by September 20, 1880, a total of 541 adult male Utes had ratified the measure, a number estimated to be greater than the three-quarters necessary to legally ratify the legislation.¹³¹

At Los Pinos, Meacham found the Utes reluctant to be counted in the census. He thought that perhaps they wanted to keep their numerical strength unknown in order to protect their influence among neighboring peoples. Their desire to maintain a strong image contributed to Meacham's conclusion that Utes were a crafty group.¹³² After spending over two months at Los Pinos, the editor wrote, "When I came here, I thought the Utes were next to the 'Diggers' in stupidity, but two months contact with them has convinced me that they are the keenest and

craftiest tribe of whom I have personal knowledge."¹³³

Colorow helped to confirm that attitude. A member of one of the bands authorized to use the White River Agency, Colorow had presented himself as an Uncompahgre in Meacham's census at Los Pinos.¹³⁴ Meacham feared that this would enable Colorow, and other Utes who succeeded in being enrolled at more than one agency, to be fraudulently paid twice from the \$75,000 fund. This led the editor to make some suggestions to Acting Indian Commissioner Alonzo Bell for use as guidelines in making the payment. Meacham suggested that silver or greenbacks only should be used and paid directly to the heads of households. The children for which they were being paid should be physically present at the time of payment, and a board of five chiefs or headmen should be in attendance to verify that the children actually belonged to the specific head of household, and had not been "borrowed."¹³⁵ Two weeks later, Meacham's suggestions were adopted by Carl Schurz as criteria for making payment to the Utes.¹³⁶

Meacham had been able to complete the census and agreement ratification by September 18 because he "pledged his honor" to stay at Los Pinos until the Uncompahgre were paid. He assumed the money would be sent reasonably quickly, by October 10 at the latest.¹³⁷ But the payment was not forthcoming, and the commissioner was greatly embarrassed.¹³⁸ On the other hand, removal of the Uncompahgre could not occur until the money was paid and a new location for occupancy selected. Delays in the

removal project, valid or otherwise, further agitated Colorado residents, and since Meacham was the strongest Ute supporter, it was be construed by area residents that he was deliberately stonewalling the natives' removal. Indeed, once it became known that the proper number of signatures had been secured, whites began unlawfully entering the reserve to make claims.¹³⁹ While Meacham bided his time at Los Pinos, an event occurred which Colorado citizens sought to use as a means for invalidating the entire Ute agreement, and for immediately forcing the natives from the state at gunpoint.

On September 29, 1880, exactly one year after the Ute attacks at White River, the son of Ute chief Shavaneux was killed by freighters along the wagon road which passed through the reserve. Three freighters, John H. Jackson, his nephew Andrew D. Jackson, and a man named Mannell, were hauling supplies--including whiskey--to Ouray, a small mining town just outside the reservation. They had stopped along the road to imbibe a little of their cargo when two Utes, Johnson Shavaneux and Indian Henry, approached the men, asking for food. The freighters' version of the story indicated that the Utes were drunk and demanded food, while the surviving Indian, Indian Henry, said the freighters were drunk, a fact later corroborated by other travelers.¹⁴⁰

In the freighters' version, the two Indians rode into their camp, demanded food, and called the white men vile names. The Jacksons refused to give them any and fired an empty shell

at the natives to scare them away. When the Utes fled, the younger Jackson fired at them, striking Johnson Shavaneux and killing him. According to the natives, however, they had ridden peacefully into the freighters' camp and asked for a biscuit. The request was denied, and the Indians were called names and fired upon by both Jackson men. Indian Henry and his horse were struck by bullets from the elder Jackson's rifle; those from Andrew Jackson's weapon struck and killed the young Shavaneux.¹⁴¹

The incident occurred nearly thirty miles from the Los Pinos Agency, so it was daybreak before Indian Henry arrived at Chief Shavaneux's camp.¹⁴² The chief and his Ute followers rode quickly to the home of Los Pinos Agent William Berry who conceded to the Utes' demand that he arrest the freighter.¹⁴³ Two business associates of Berry, Sam Hoyt and Charles Holmes, were visiting him at the time, and Berry sent the two men ahead with Shavaneux and the Utes, who wanted to arrive at the freighters' camp ahead of Berry. However, the Utes had agreed that the agent should make the arrest. Agent Berry and Meacham headed for the ranch of H.C. Cline, near the site of the incident, with Captain Louis R. Stella and fifteen soldiers as escort. Four camps of infantry under Major Offley were also camped near Cline's Ranch, to which the freighters had gone when the Utes rode away the day before.¹⁴⁴

Upon his arrival, Berry immediately placed Jackson under guard. The whites refused to turn the freighter over to the

Utes, and the natives refused to allow him to be taken to the agency because they feared he would never be brought to trial.¹⁴⁵ Jackson asked Major Offley for protection, but was denied the request.¹⁴⁶ About noon the next day, young Jackson was placed in the custody of Cline, Hoyt, Holmes, and Indian Henry, who set out to take the prisoner to Gunnison to be tried for murder.¹⁴⁷ Jackson and Cline were on horseback, followed by Holmes and Hoyt in a buggy. Indian Henry rode behind.¹⁴⁸ Captain Stella and his men then left the ranch, and Berry and Meacham returned to the agency.¹⁴⁹ About three miles from the ranch, Jackson and his escort were overtaken by a group of about sixty riders, both Indian and white.¹⁵⁰ After the escort fled, Jackson was taken by his captors to a bluff, shot in the chest, and his body tossed into a nearby gully.¹⁵¹ Jackson died instantly; he was not tortured, nor was his body mutilated as was later alleged.¹⁵² But, because Jackson was not seen again, and it was two months before his body was located, the local press had a field day with the events surrounding his demise.¹⁵³

The episode created a near panic on the Western Slope. Rumors circulated that the events had been intentionally planned to heighten tensions.¹⁵⁴ Whether that fact was true or not, 1880 was an election year, and the out-of-office Democrats were looking for campaign issues. Area settlers believed that Berry had deliberately betrayed Jackson. On October 4, Saguache residents demanded that state and federal authorities

take action to punish Berry and Cline, and they organized the Saguache County Jackson Aid Society which began raising funds for legal efforts. Residents of Alamosa and Del Norte took similar action, adding Meacham, Hoyt, and Holmes to their list of offenders.¹⁵⁵ Realizing that tensions were rapidly rising, Meacham had wired Schurz on October 1, asking him to send a lawyer who was unafraid of Colorado prejudice.¹⁵⁶ By October 11, warrants had been issued for the arrest of Berry, Hoyt, Holmes, and Cline. Four days later, subpoenas to testify for the state of Colorado were issued to Meacham and Captain Stella, but none of the "wanted" men could leave the agency because of the armed mobs which had gathered to lynch them.¹⁵⁷

In issuing the warrants, the State of Colorado was illegally asserting its authority over affairs on an Indian reserve.¹⁵⁸ Pitkin had even authorized Gunnison authorities to organize three companies of militia to invade the reservation.¹⁵⁹ To protect Berry and avoid alienating Colorado voters in an election year, a federal warrant was issued in Gunnison City for Berry's arrest. Deputy Marshall J.D. Smith was sent to the agency to take Berry to safety, but the agent refused to leave. Because the state had claimed jurisdiction over the reserve, Schurz feared a clash between the Utes and Colorado militia.¹⁶⁰ Meacham did not want to leave until the Uncompahgres had been paid, but on October 21, he, along with Berry, Hoyt, government representatives Aaron Bradshaw and J.D. Smith, the agency trader, and several Indian guides, slipped

away from the agency, arriving in Denver on November 2.¹⁶¹

Meacham returned to Washington, D.C. seven days later, where he met with Secretary Schurz who pledged to secure the money to pay the Uncompahgres.¹⁶² The Commissioner had promised to return to Los Pinos within two months, and he was soon on his way back to Colorado.¹⁶³ On November 4, Berry and Hoyt were arraigned in Denver on murder charges.¹⁶⁴ Two days after his return to Denver on November 20, 1880, Meacham was also arrested. Since neither the body of Johnson Shavaneux or Andrew D. Jackson had yet been located, the prosecutor felt he had no case. So at Meacham's arraignment, the case was deferred to a federal Grand Jury set to convene on April 27, 1881.¹⁶⁵ Motives for Meacham's arrest seemed obvious to the Council Fire's editors. By arresting Meacham, he was unable to defend Berry, and could have been jailed, thus preventing him from making payment to the Utes. Greedy whites were already gathered at the reservation boundaries, ready to stake their claims as soon as the land was ceded. A delay in the process would have allowed them to move onto the lands before they were officially opened, and might have ultimately nullified the Ute Agreement.¹⁶⁶

Commission members scattered as winter settled into the mountains and the holiday season approached. Clerk John R. French was embarrassed that no other members were present in Denver when Meacham was arraigned.¹⁶⁷ By November 26, only Bowman had arrived, and he indicated that he was going back to

Washington. French stated that he would go alone to Los Pinos to make the payment if he had to.¹⁶⁸ Meacham posted bail on November 24 and left the Denver jail. Three days later, he and Commission Clerk French left Denver with nineteen boxes of silver coin, totaling \$37,500, for payment to the Uncompahgre Utes. The next day at Alamosa, they were joined by Lt. Thomas G. Townsend, thirty men, six wagons, and an ambulance. The weather was bitterly cold, and the trip over the mountains arduous. During much of the nine day trip, Meacham rode in the ambulance, bundled in buffalo robes.¹⁶⁹ On December 8, 1880, the Uncompahgre Utes were paid \$34,800 in cash, their portion of the \$75,000.¹⁷⁰

Once the money had been paid, the Commission had to quickly decide whether to immediately move the Utes to a temporary point near Gunnison, or wait until the following summer and remove them to a permanent home. Mears and Bowman favored immediate removal, while Berry, Meacham and French believed it was in the best interests of the Utes to wait. French and Meacham agreed that undelayed removal would serve only the miners who did not want to wait for an official opening of the reservation.¹⁷¹

On December 17, 1880, a group of Utes began complaining about their impending removal from the Uncompahgre region. Commissioner Mears had apparently told them several months earlier that they were not actually selling the valley and could stay in the area. The Utes reported that Mears had, in

fact, told them they could take homes in the valley. Mears denied the charges, and responded that the natives had indeed sold their land as far as the mouth of the Gunnison River, whereupon he climbed on a stage and left Los Pinos.¹⁷² What exactly had happened was very unclear to Meacham, who, before returning to Washington a week later, told the concerned Utes that he would pass the information on to Secretary Schurz.¹⁷³

Mears' refusal to explain the circumstances only compounded the friction among Commission members. French was embarrassed that no other members were present in Denver "at this critical time" when Meacham was arrested.¹⁷⁴ From Los Pinos, French complained to Schurz about the behavior of Mears and Bowman, saying:

I have never witnessed an act or word on the part of either Bowman or Mears that evinced the least interest in the trust which they have accepted. They have no appreciation of this Indian problem, in any of its relations, and apparently care as little for the welfare of the Indian as they do for the barking Coyotes. . . . Their only interest in the Commission is the hope that it may give them *earlier* opportunity than the outside world for pushing this or that speculation.¹⁷⁵

Bowman apparently returned to Washington in November because he had resigned from the Commission following a quarrel with Meacham. To Commission members, Meacham seemed particularly uncompromising on Indian issues, and he had a reputation for "Meachamizing," i.e. continually arguing for the support of Native American rights. On one occasion, after Bowman had tolerated more of Meacham than he desired to, he deliberately knocked the editor down. The result was Bowman's resignation

from the Commission.¹⁷⁶

Meacham may well have been trying to ease the dissension by not making a major issue out of what Mears might have told the Utes. The editor reported that Mears emphatically denied the stories, and he called the situation a misunderstanding in translation. The disputed clause allowed those already on farms to remain on them, or to be paid for any improvements if they chose not to stay on those plots.¹⁷⁷ The other story surrounding the Utes' complaints was that Mears paid every Ute who signed the agreement two dollars from his personal funds. When Manypenny learned of Mears' actions, the story says, he refused to endorse the agreement, and filed a complaint against Mears with Secretary Schurz. In 1881, new Secretary of the Interior Samuel J. Kirkwood offered to repay Mears' investment with government funds.¹⁷⁸ There are no official records, however, to substantiate these allegations.¹⁷⁹

Whatever the reason for the misunderstanding, Schurz attempted to correct it by bringing four Uncompahgre leaders and Agent Berry to Washington, D.C. during March 1881. In conferences with Secretary Kirkwood, the Utes explained that they had not knowingly sold the Uncompahgre Valley. The government replied that the commissioners had not intentionally misled the Indians, and that if misinterpretations had occurred, they happened outside the council meetings. And their charges were "strenuously denied by the party accused of misleading them."¹⁸⁰

The Ute Commission's work had not yet been completed, and, in late April, 1881, Meacham returned to Colorado. Bowman had resigned and was replaced by Colorado Judge Thomas McMorris. Manypenny had also resigned, but was persuaded by Secretary Kirkwood to withdraw his resignation.¹⁸¹ Coloradans were still adamantly opposed to having any Utes remain in the state, and Senator Hill had been pressuring for legislation to drive them out.¹⁸² Meacham reported that anti-Ute sentiment was so high that no crime against an Indian by a white was punishable. One man reportedly offered to initiate a Ute war within thirty days for a fee of \$3,000. Given the scenario, Meacham doubted that the Ute Commission could be entirely successful. Most Utes would, he felt, live peaceably with the endorsed agreement, but they did not like it. Many of the natives believed that they had been paid the money to keep them quiet because whites feared the Indians. Meacham felt that the Utes had not been subdued and were still insolent. Only a firm hand and fairness by the government would prevent a war.¹⁸³

Upon his arrival in Colorado, Meacham's first task was to appear before the Grand Jury, where on May 4, 1881, he was charged as an accessory before the fact in the murder of Andrew D. Jackson. Also charged with the same offense were H.C. Cline and William Berry. Ute Indians Shavaneux, Coho, Piah, Indian Henry, and Uniquia were indicted as principals in the case. Charles Holmes and Sam Hoyt were acquitted.¹⁸⁴

Since the principals had to be tried first, Berry, Meacham, and the others were released until their trials could be held in the fall of 1881.¹⁸⁵ One resident told Meacham that his troubles had been due to his speaking out in favor of the Utes and his criticism of white residents, all of which might cause the Utes to become more antagonistic towards Coloradans.¹⁸⁶ Meacham's last court appearance in the matter came on October 2, 1881, just before he returned to Washington, D.C. The U.S. District Attorney was not ready to proceed and told the editor he need not appear again until notified.¹⁸⁷ The Justice Department eventually ordered the charges dismissed.¹⁸⁸

Meacham's 1881 commission responsibilities were to enroll and pay the White River Utes at their new home on the Uintah reserve.¹⁸⁹ None of them were in camp at White River when he arrived there in late May, 1881. Few Indians had returned to their old agency after the Meeker incident. However, on May 29, Colorow and eighteen others came in to talk to Meacham.¹⁹⁰ The Commissioner sent runners out to bring in the head men for a meeting to be held on June 25, and at the council, the Utes reluctantly accepted the agreement.¹⁹¹ Only sixty-one White River Indians had previously signed the agreement, and most still felt victorious in the wake of the agency attack.¹⁹² Meacham had to convince them that they had forfeited their land by their actions, and that they must go peaceably to Utah.¹⁹³

The editor traveled on to Uintah, reaching there on July

22.¹⁹⁴ By late summer, only half of the White Rivers had been enrolled at Uintah, and the government vowed to pay only those listed on the census¹⁹⁵. Only a mock buffalo hunt carried out on three head of newly arrived cattle stimulated the White River Utes to sign the agreement.¹⁹⁶ Finally content that enrollment was adequate, Meacham paid the 669 White River Utes at Uintah on August 26, 1881.¹⁹⁷ The editor's goal had been to provide the White Rivers an income from hauling their own subsistence rations. He wanted the government to provide them with fifty horses and harness for 200 animals. But the other Commissioners objected partly on the grounds that white freighters would oppose the idea.¹⁹⁸ Instead, those Indians who so desired were to be given plows and seed in the fall.¹⁹⁹

No one was satisfied. The White Rivers were angry because the Uncompahgre had made the agreement and had been paid, while the White Rivers had done the fighting.²⁰⁰ The Uintah Utes were to share their land with the removed White River Utes. They were not upset at having to do so, but were unhappy because, despite relinquishing part of their land and living peaceably as they had promised Washington, they received no money and few goods.²⁰¹ The Uncompahgre were unwilling to leave their valley, and the Southern Utes had no interest in farming their own land.²⁰² The commissioners agreed that an insufficient quantity of land suitable for allotment existed on the southern portion of the reserve.²⁰³

Commissioner Otto Mears, Judge McMorris, and J.J. Russell

were assigned the task of finding a new permanent home for the Uncompahgre, and then removing them. This task fell to them, in part, because they were the youngest and most limber of the quintet.²⁰⁴ Despite Ute opposition to removal, Mears intended to force them from the state with troops, provided that Meacham and Manypenny were not in Colorado when he did it.²⁰⁵ The agreement had stipulated that land along the Grand River near the mouth of the Gunnison River be selected as the new home for the Uncompahgre--if sufficient quantity of land existed.²⁰⁶ Because Mears, McMorris, and Russell agreed that land along the Grand River would become too valuable after white settlement, the commissioners used the "sufficient quantity" clause as an excuse to remove the Uncompahgre from Colorado. They selected a site on the Green River at the mouths of the Duchesne (or Uintah) and White Rivers in Utah.²⁰⁷

While the site looked good on paper, it was arid and contained little tillable land.²⁰⁸ In describing the new Ute land, Agent J.F. Minniss wrote, "The bottom lying along Green and White Rivers contains all of the farming lands within the line of the reservation. There is not a stream outside of the two mentioned that has running water in it two months during the year; . . . it is nothing but a desert."²⁰⁹ Commission Chairman Manypenny protested the choice of lands, but because Kirkwood agreed with Mears, the site was approved.²¹⁰

The Uncompahgre resisted their removal as long as

possible. The government was tired of waiting, and on August 27, 1881, Captain Joseph Parker issued three weeks rations to all Indians, and positioned six pieces of field artillery on a hill overlooking their camp.²¹¹ Nine companies of cavalry and nine of infantry were encamped a short distance away. General Ranald S. MacKenzie prepared an order for immediate removal, signed by Mears and McMorris, and the Utes had two hours to leave the area.²¹² As the military assembled, whites gathered along the reservation's borders, waiting to move onto the land.²¹³ In fact, the military was needed more for restraining settlers than for forcing out Indians. As the laden Ute parties filed out of the valley, one witness reported, "Twould be impossible to convey an idea of the grief of these poor squaws when they bade their children kiss the ground amid the wild lamentations and cries of anguish too great for utterance."²¹⁴ By October 20, most had arrived at the Uintah reserve.²¹⁵

In the meantime, Manypenny had gone to the Southern Utes. Arable land there was clearly insufficient to allot the specified 160 acres to individual Indians. Even whites who settled in the region were content to find thirty or forty acres of agricultural land for their homesite because plenty of grazing land existed.²¹⁶ Thus, the Southern Utes were not allotted in 1881, and Coloradans continued to work for their removal throughout the next two decades. After several unsuccessful attempts at finding suitable land for them, the

Southern Utes were finally granted individual titles to their lands in southwestern Colorado in April, 1896. The Weeminuche band refused allotment and settled on the west end of the original southern portion of the reserve, taking title in common to those lands in 1897. The land is known today as the Ute Mountain Reserve.²¹⁷

Exhausted, Meacham returned to Washington on October 15, 1881.²¹⁸ Already enfeebled by his Modoc War wounds and the subsequent rigors of his life, the editor's health continued to fail. He worked slowly and with great difficulty; some days he was unable to either read or write. The Council Fire issues for November and December, 1881, as well as those of January and February, 1882, were all delayed because of his health. Meacham died quietly on February 16, 1882.²¹⁹

Alfred B. Meacham's last earthly effort had been for Native Americans. Without his input, the Ute Commission would have deteriorated into a rubber stamp of Colorado politics, resulting in, at best, a fraudulently signed agreement, and, at worst, a war which would have left countless dead and the Utes with no landbase. Secretary of the Interior Carl Schurz had acknowledged the editor's levelheaded, forthright integrity in their communications following the Jackson murder. Pitkin had wanted to move the Utes beyond the military camps, so Schurz asked Meacham if it could be done without difficulty. "I want your judgement," the secretary had wired.²²⁰

Meacham's final view of the legislation was that it had been a "blunder," created without regard for practical results. Had congressional formulators of the legislation understood the character of Ute country, they would not have allotted farming lands in an area where they did not exist. It was also absurd to believe that, at the command of the government, the Indian would "abandon the uses of ages suddenly, and take upon himself new duties of which he knows so little, . . . The change from free life to circumscribed forms of civilization must of necessity be gradual." Comparing the Utes' title to their landholdings in Colorado with the government-honored titles to Mexican landgrants in New Mexico, Meacham wrote, "The Ute is not to blame for living where his fathers left him. He was there before white man set foot on the land, and he has a right to stay there until he consents to live elsewhere."²²¹

The editor was aware that his sentiments were generally unpopular with the American people, but he also had some strong supporters. After his death, a group of Colorado residents petitioned President Chester A. Arthur to fill Meacham's position on the Commission with their nominee. They wanted someone who could "take up and carry out the methods and principles of the late Colonel Meacham better than any man now available."²²²

Unfettered by political constraints on his opinion, Meacham had begun a philosophy of moderate reform for Indian

policy which would have to be continued by his co-editors, Cora and Thomas Bland. Meacham's absence from the Council Fire's offices during his tenure on the Ute Commission had gradually seasoned the pair to the work of supporting the Indians as an exceptional minority. Under the Blands, Council Fire's position on gradual assimilation became more clearly defined as public agitation increased over the issue of Native Americans' title to their land. During Carl Schurz's tenure as Interior Secretary, severalty had become the desired goal of government-directed Indian policy, and the first congressional-level debates on the issue occurred in conjunction with the passage of the Ute Agreement. The heated debates continued on the pages of the Council Fire and in Indian Rights Association literature between advocates and opponents of the severalty concept. Under the editorship of Thomas and Cora Bland, Meacham's legacy of undaunted support for the Native American race continued in his journal as the Council Fire became the voice of the "practical philanthropists" who saw Native Americans as an exceptional minority not yet ready to receive title to their land as individuals.²²³

NOTES

¹Excellent accounts of the events preceding the tragedy, as well as the incident itself, can be found in "Agreement with Ute Indians of Colorado," House Report [HR] no. 1401, 46th Cong., 2nd sess. (serial 1937); "White River Ute Commission Investigation," House Executive Document [HED] no. 83, 46th Cong., 2nd sess. (serial 1925); "Testimony in Relation to the Ute Indian Outbreak," House Miscellaneous Document [HMD] no. 38, 46th Cong., 2nd sess. (serial 1931); "Correspondence Concerning the Ute Indians in Colorado," Senate Executive Document [SED] no. 31, 46th Cong., 2nd sess. (serial 1882); "Report of the Ute Commission," Senate Executive Document [SED] no. 31, 46th Cong., 3rd sess. (serial 1943); and Marshall Sprague, Massacre: The Tragedy at White River (Boston: Little, Brown and Company, 1957).

²"Ute Agreement," in Charles J. Kappler, ed., Laws and Treaties (Washington, D.C.: Government Printing Office, 1904) I:180-86; Testimony of Ouray, March 18, 1880, in "Ute Indian Outbreak," HMD no. 38, 187; and letter from C. Schurz to Gen. Hatch, December 9, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 32.

³Robert Emmitt, The Last War Trail: The Utes and the Settlement of Colorado (Norman: University of Oklahoma Press, 1954), 29.

⁴James Jefferson and Robert W. Delaney, The Southern Utes: A Tribal History, Floyd A. O'Neil, editor, (Ignacio, Colo.: Southern Ute Tribe, 1972), 17-18; and Fred A. Conetah, A History of the Northern Ute Peoples, Kathryn L. MacKay and Floyd A. O'Neil, editors (Salt Lake City: Uintah-Ouray Tribe, 1982), 35.

⁵Gold had first been discovered in 1852, although the first expedition of gold seekers did not arrive at Cherry Creek until June, 1858. The first gold-bearing lode was uncovered in Gilpin County (near Central City) on May 6, 1859. See W.B. Vickers, "Colorado," in The Great West: Its Attractions and Resources (Bloomington, Ill.: Charles R. Brodix, 1880), 99-100; and Conetah, Northern Ute People, 35.

⁶Conetah, Northern Ute Peoples, 77-79, 89-90.

⁷Conetah, Northern Ute Peoples, 103.

⁸Jefferson and Delaney, Southern Utes, 21; James Warren Covington, "Relations Between the Ute Indians and the United States Government, 1848-1900," (Ph.D. dissertation, University of Oklahoma, 1949), 102, 110; and "The Utes," CF I (June 1878):82-83.

⁹Conetah, Northern Ute Peoples, 57; Covington, "Relations Between the Utes and the Government," 112. See also, Jefferson and Delaney, Southern Utes, 22; and Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976), 234.

¹⁰Conetah, Northern Ute Peoples, 106; Jefferson and Delaney, Southern Utes, 22-23; and Sprague, Massacre, (78).

¹¹Covington, "Relations Between the Utes and the Government," 157.

¹²Conetah, Northern Ute Peoples, 109.

¹³Jefferson and Delaney, Southern Utes, 29-31.

¹⁴Covington, "Relations Between the Utes and the Government," 154.

¹⁵Jefferson and Delaney, Southern Utes, 22, 31; Conetah, Northern Ute Peoples, 60-61; and Prucha, Policy in Crisis, 110, 234-35. For an account of the successful retrieval of Ouray's son, see Ann Woodbury Hafen, "Efforts to Recover The Stolen Son of Chief Ouray," Colorado Magazine 16 (March 1939):53-62.

¹⁶Thomas F. Dawson, "Major Thompson, Chief Ouray, and the Utes," Colorado Magazine 7 (May 1930):119. Major Thompson provided a very Spanish-sounding name for Ouray's father, Guera Murah. But sources are equally divided on Ouray's parentage. Some say his father was Apache, his mother Ute; others say exactly the opposite. See also Sprague, Massacre, 75-78; "Chief Ouray," CF III (February 1880):27; and Conetah, Northern Ute Peoples, 106.

¹⁷Thomas Fulton Dawson and F.J.V. Skiff, The Ute War: A History of the White River Massacre and the Privations and Hardships of the Captive White Women Among the Hostiles on Grand River (Denver: Tribune Publishing House, 1879), 164; and Jefferson and Delaney, Southern Utes, 22.

¹⁸For assisting the government in securing the land cession, Ouray received an annual salary of \$1,000 to be paid for ten years. See "Brunot Agreement," in Laws and Treaties, Charles J. Kappler, ed., (Washington, D.C.: Government Printing Office, 1904), I:153; and Conetah, Northern Ute Peoples, 61.

- ¹⁹Jefferson and Delaney, Southern Utes, 31-32.
- ²⁰Conetah, Northern Ute Peoples, 93, 94-95.
- ²¹Covington, "Relations Between the Utes and the Government," 122.
- ²²Testimony of E.A. Hayt, Commissioner of Indian Affairs, January 17, 1880, in "Ute Indian Outbreak," HMD no. 38, 33.
- ²³Sprague, Massacre, 102-3.
- ²⁴George W. Manypenny, Our Indian Wards (Cincinnati: Robert Clark and Co., 1880), 401-2.
- ²⁵Conetah, Northern Ute Peoples, 96.
- ²⁶The contractor was Nebraska City freighter Dwight J. McCann, imprisoned for defrauding the government with his Indian Bureau contracts in the mid-1870s. See testimony of E.A. Hayt, December 12, 1878, in "Testimony Taken by the Joint Committee on Transfer of the Indian Bureau," Senate Miscellaneous Document no. 53 (serial 1835), 382-84, 393-94; and George H. Phillips, "The Indian Ring in Dakota Territory, 1870-1890," South Dakota History 2 (Fall 1972):356. See also Sprague, Massacre, 133.
- ²⁷Testimony of E.A. Hayt, HMD no. 38, 36-38. See also Covington, "Relations Between the Utes and the Government," 224-226; Conetah, Northern Ute Peoples, 96; Sprague, Massacre, 133.
- ²⁸Covington, "Relations Between the Utes and the Government," 225-26.
- ²⁹Sprague, Massacre, 3-9.
- ³⁰Sprague, Massacre, 4-10. See also Prucha, Policy in Crisis, 235.
- ³¹Sprague, Massacre, 9, 12-21, 25-26, 49-50.
- ³²Covington, "Relations Between the Utes and the Government," 227.
- ³³Sprague, Massacre, 50, 52-56.
- ³⁴Sprague, Massacre, 52-53; and Elmer Ellis, Henry Moore Teller: Defender of the West (Caldwell, Idaho: Caxton Printers, Ltd., 1941), 104.

³⁵Commissioner of Indian Affairs John Q. Smith had been deemed an incompetent manager of the Bureau's record-keeping and accounting practices in the 1877 investigation of the Bureau of Indian Affairs. Although he was not guilty of any criminal activity, he was removed from office in early 1878. See Edward E. Hill, "John Q. Smith," in The Commissioners of Indian Affairs, 1824-1977, Robert M. Kvasnicka and Herman J. Viola editors, (Lincoln: University of Nebraska Press, 1979), 151-52.

³⁶Sprague, Massacre, 56-58, 130.

³⁷Jacob Piatt Dunn, Jr., Massacres of the Mountains: A History of the Indian Wars of the Far West, 1815-1875 (New York: Harper Brothers, 1886; reprint ed., New York: Archer House, Inc., n.d.), 592.

³⁸Dunn, Massacres of the Mountains, 592; and Covington, "Relations Between the Utes and the Government," 164; and Conetah, Northern Ute Peoples, 107. Article I specifically stated "that if any part of the Uncompahgre Park shall be found to extend south of the north line of said described country, the same . . . is hereby reserved and retained as a portion of the Ute Reservation," "Brunot Agreement," in Laws and Treaties, Charles J. Kappler, ed., (Washington, D.C.: Government Printing Office, 1904), 152.

³⁹Conetah, Northern Ute Peoples, 98.

⁴⁰Covington, "Relations Between the Utes and the Government," 228.

⁴¹Dee Brown, Bury My Heart at Wounded Knee (New York: Holt, Rinehart and Winston, 1970), 374.

⁴²Covington, "Relations Between the Utes and the Government," 229, 230.

⁴³Covington, "Relations Between the Utes and the Government," 229-31; Conetah, Northern Ute Peoples, 98. See also Prucha, Policy in Crisis, 236.

⁴⁴Conetah, Northern Ute Peoples, 98; and Covington, "Relations Between the Utes and the Government," 231. For an account of a labor strike by the Indians at White River, see "Indian Farming," Denver Tribune (May 16, 1879), 4.

⁴⁵Covington, "Relations Between the Utes and the Government," 231-32; Conetah, Northern Ute Peoples, 98; and Dunn, Massacres of the Mountains, 597.

⁴⁶"Indians in North Park," Denver Tribune (June 27, 1879), 1. See also Covington, "Relations Between the Utes and the Government," 232.

⁴⁷The Denver Tribune (May 25, 1879), p. 2, in writing of a fire near Leadville, said, "Doubtless they were caused by campers who are never careful about extinguishing their campfires after their hurried meal had been prepared and eaten." On June 1, the paper reported that Indians had started several fires near Pagosa Springs. See "San Juan," Denver Tribune (June 1, 1879), 2. See also Sprague, Massacre, 167.

⁴⁸Covington, "Relations Between the Utes and the Government," 232; and Dunn, Massacres of the Mountains, 594-96. Copies of the testimonial letters sent to Thornburgh, which verified that the Utes were not participating in the fires and depredations, are located in "Report of the Ute Commission," SED no. 31 (serial 1943), 57-61.

⁴⁹Sprague, Massacre, 159.

⁵⁰The Tribune supported the then-prevalent anti-Chinese propanganda with articles such as those entitled "The Chinese Must Go" on March 22, and again on April 18, 1879. See "The Chinese Must Go," Denver Tribune (March 22, 1879), 3 and (April 18, 1879), 1. The editors were concerned about the Black exodus from the south and the number of that race who might emigrate to Colorado and "cheapen labor." See for example, "Tribe of Ham," Denver Tribune (May 11, 1879), 6; and "The Colored Emigrants," Denver Tribune (May 13, 1879), 2. A headline on April 6, 1879 outlined the paper's stance on Indians. Entitled "Poor Lo!," its subheadings include "Sioux Scoundrels Raiding Thorough the Yellowstone Region," and "Robbing and Murdering as they had Always Done." The headings were more dramatic than the story, a six-line article about the Sioux off-reservation encounters, entitled "The Red Devils Again" buried deep in a column of other news. See Denver Tribune (April 6, 1879), 1. See also Sprague, Massacre, 159-64.

⁵¹The first strongly anti-Indian articles appearing in mid-1879 on these two topics were "Indians in North Park," Denver Tribune (June 27, 1879), 1; and "San Juan," Denver Tribune (June 1, 1879), 2. Vickers' editorial commentary began with a portion of Alexander Pope's 1732 "An Essay on Man" which sees the Native American in a romantic context by focusing on his relationship with nature. The native was seen as being intellectually unable to comprehend nature's laws, understanding them only through passion and impulse. See Alexander Pope, "An Essay on Man," in The Complete Works of Alexander Pope, Bliss Perry, editor (Boston: Houghton, Mifflin and Company, 1902), 139; and Robert F. Berkhofer, Jr., The

White Man's Indian: Images of the American Indian from Columbus to the Present (New York: Alfred A. Knopf, 1978), 78-79. See also Sprague, Massacre, 161-63.

⁵²Passage from "The Utes Must Go," quoted in Sprague, Massacre, 163-64.

⁵³Sprague, Massacre, 164, 173); and Dunn, Massacres of the Mountains, 599.

⁵⁴Sprague, Massacre, 152-54; Dunn, Massacres of the Mountains, 599; and Testimony of Johnson, Chief of the White River Utes, November 14, 1879, in "White River Ute Commission Investigation," HED no. 83, 7.

⁵⁵Covington, "Relations Between the Utes and the Government," 233; and Dunn, Massacres of the Mountains, 599. Sprague indicates that Johnson had a racetrack, but its location within agency perimeters is unclear, Sprague, Massacre, 151; and Map of the White River Agency, in "White River Ute Commission Investigation," HED no. 83, 5.

⁵⁶Testimony of Douglas, Chief of the White River Utes, November 13, 1879, in "Ute Commission Investigation," HED no. 83, 3.

⁵⁷Covington, "Relations Between the Utes and the Government," 233; and Dunn, Massacres of the Mountains, 600.

⁵⁸Testimony of Douglas, HED no. 83, 3; and Conetah, Northern Ute Peoples, 99.

⁵⁹Testimony of Douglas, HED no. 83, 3; N.C. Meeker to Hon. E.A. Hayt, September 8, 1879, in "White River Ute Commission Investigation," HED no. 83, 53; Covington, "Relations Between the Utes and the Government," 233-34; and George W. Manypenny, "The Ute Troubles," CF III (February 1880):28.

⁶⁰Meeker to Hayt, HED no. 83, 54; and N.C. Meeker to Hon. E.A. Hayt, September 10, 1879, in "White River Ute Commission Investigation," HED no. 83, 54. See also Covington, "Relations Between the Utes and the Government," 234; Manypenny, "Ute Troubles," CF III:28; Dunn, Massacres of the Mountains, 600; and Conetah, Northern Ute Peoples, 99.

⁶¹See copies of correspondence between Agent Meeker and Major Thornburgh, September 25-28, 1879, in "White River Ute Commission Investigation," HED no. 83, 37-39; Testimony of Jack, a Ute Chief, March 19, 1880, in "Ute Indian Outbreak," HMD no. 38, 192; and Covington, "Relations Between the Utes and the Government," 234.

⁶²Testimony of Ouray, March 22, 1880, in "Ute Indian Outbreak," HMD no. 38, 204.

⁶³N.C. Meeker to Major Thornburgh, September 27, 1879, in "White River Ute Commission Investigation," HED no. 83, 38. See also Dunn, Massacres of the Mountains, 605.

⁶⁴Elmer R. Burkey, "The Thornburgh Battle With the Utes on Milk Creek," Colorado Magazine 13 (May 1936):96.

⁶⁵T.T. Thornburgh to Meeker, September 28, 1879, in "White River Ute Commission Investigation," HED no. 83, 39; and Meeker to Major T.T. Thornburgh, September 29, 1879, in "White River Ute Commission Investigation," HED no. 83, 39-40.

⁶⁶This is an often-told story. See for example, Testimony of Jack, HMD no. 38, 194-96. See also Covington, "Relations Between the Utes and the Government," 235; and Conetah, Northern Ute Peoples, 99.

⁶⁷See for example, Statement of Mrs. A.D. Meeker, November 4, 1879, in "White River Ute Commission Investigation," HED no. 83, 22.

⁶⁸Charles Adams to Secretary Carl Schurz, October 21, 1879, located "Ute Indians in Colorado," SED no. 31 (serial 1882), 13; Statement of Mrs. A.D. Meeker, HED no. 83, 25-26; Statement of Josephine Meeker, November 4, 1879, in "White River Ute Commission Investigation," HED no. 83, 43-44; and Statement of Mrs. S.F. Price, November 4, 1879, in "White River Ute Commission Investigation," HED no. 83, 17-18.

⁶⁹Testimony of Jack, HMD no. 38, 192; and Covington, "Relations Between the Utes and the Government," 235. The body of an unknown white, perhaps a Mormon sympathizer, was found in the agency compound, Dawson and Skiff, The Ute War, 52; and Dunn, Massacres of the Mountains, 611. Bodies of four whites who lived in the area were also found on the surrounding landscape, Dawson and Skiff, The Ute War, 52.

⁷⁰Covington, "Relations Between the Utes and the Government," 235; and Burkey, "Thornburgh Battle," 109-10.

⁷¹Charles Adams to Secretary Carl Schurz, October 24, 1879, located "Ute Indians in Colorado," SED no. 31 (serial 1882), 14.

⁷²Exactly what Douglas said could not be completely understood, and Mrs. Meeker's conjecture that Douglas was yelling orders about the uncoming attack on the agency was an assumption made later, statement of Mrs. A.D. Meeker, HED no. 83, 22. See also Dunn, Massacres of the Mountains, 604.

⁷³Dawson and Skiff, The Ute War, 6-7.

⁷⁴Governor Pitkin to Secretary Schurz, October 15, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 7; and Governor Pitkin to Secretary Schurz, October 22, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 11. See also Prucha, Policy in Crisis, 236.

⁷⁵Sprague, Massacre, 145-47.

⁷⁶Sprague, Massacre, 246. Captain Jack believed that about fifty Utes had been involved in the fighting at Milk Creek, testimony of Jack, HMD no. 38, 192. Josie Meeker thought that 150-175, certainly not more than 200, Utes had been involved in either attack. The entire population of Utes at the White River agency totaled only 800 Indians, including women and children, testimony of Josephine Meeker, January 27, 1880, in "Ute Indian Outbreak," HMD no. 38, 90. See also Gregory C. Thompson, "The Unwanted Indians: The Southern Utes in Southeastern Utah," Utah Historical Quarterly 49, no. 2 (1981):191.

⁷⁷Testimony of Ouray, HMD no. 38, 185-86; Testimony of Josephine Meeker, HMD no. 38, 90; and Secretary Schurz to Governor Pitkin, October 23, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 12.

⁷⁸"Agreement with the Ute of Colorado," HR no. 1401, 2.

⁷⁹Sprague, Massacre, 240-41; and Covington, "Relations Between the Utes and the Government," 158.

⁸⁰Schurz to Pitkin, October 23, 1879, in SED no. 31 (serial 1882), 12.

⁸¹Secretary Schurz to Charles Adams, October 27, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 16. See also Prucha, Policy in Crisis, 237.

⁸²Adams to Schurz, October 24, 1879, SED no. 31 (serial 1882), 13; and Covington, "Relations Between the Utes and the Government," 237.

⁸³Sidney Jocknick, Early Days on the Western Slope of Colorado and Campfire Chats with Otto Mears (Glorieta, New Mexico: Rio Grande Press, Inc., 1913; reprint ed. 1968), 197; and Conetah, Northern Ute Peoples, 71-72.

⁸⁴Agent Stanley to Commissioner Hayt, October 13, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 268; Charles Adams to Secretary Schurz, November 17, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 24; Carl Schurz to General Hatch, December 9, 1879, in "Ute Indians in Colorado," SED no. 31 (serial 1882), 32.

⁸⁵"Chief Ouray," CF III (February 1880):27. Jefferson and Delaney say the delegation arrived on January 16, 1880, Southern Utes, 33.

⁸⁶Schurz to Adams, October 27, 1879, SED no. 31 (serial 1882), 16; Loring Benson Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887 (New Brunswick, N.J.: Rutgers University Press, 1942), 189; Hans L. Trefousse, "Carl Schurz and the Indians," Great Plains Quarterly 4 (Spring 1984):115; and Sprague, Massacre, 241.

⁸⁷20 Statutes 48. See also "The Ute Indians of Colorado," CF I (June 1878):85; and "Another Speck in the Western Sky," CF I (June 1878):82.

⁸⁸Testimony of E.A. Hayt, HED no. 38, 60-61; Sprague, Massacre, 159, 241; and Prucha, Policy in Crisis, 240.

⁸⁹"Agreement with the Utes of Colorado," HR 1401, 2-3.

⁹⁰"The Utes," CF III (January 1880):10.

⁹¹"Ute Agreement," 180-83.

⁹²Testimony of Ouray, March 18, 1880, HMD no. 38, 187.

⁹³"Ute Agreement," 183.

⁹⁴See for example, Congressional Record (April 2, 1880, 2058-2069. The bill was discussed daily in the Senate from April 1 to April 12, 1880, when it passed that legislative body.

⁹⁵Priest, Uncle Sam's Stepchildren, 189-91.

⁹⁶"Ute Agreement," 186; and Priest, Uncle Sam's Stepchildren, 189.

⁹⁷Priest, Uncle Sam's Stepchildren, 188-90.

⁹⁸Congressional Record (April 2, 1880), 2059. See also Prucha, Policy in Crisis, 238-39.

⁹⁹Prucha, Policy in Crisis, 240.

¹⁰⁰Prucha, Policy in Crisis, 238-39; and Frederick E. Hoxie, "The End of the Savage: Indian Policy in the United States Senate, 1880-1900," Chronicles of Oklahoma 55 (Summer 1977):167. Coke reintroduced legislation proposed in 1879, but which never came to a vote, Wilcomb E. Washburn, ed., The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887 (Philadelphia: J.B. Lippincott, 1975), 9.

¹⁰¹Congressional Record (April 2, 1880), 2059. See also Prucha, Policy in Crisis, 238-39.

¹⁰²"Ute Agreement," 183, 184, 186.

¹⁰³Edward Sterl Phinney, "Alfred B. Meacham, Promoter of Indian Reform," (Ph.D. dissertation, University of Oregon, 1963), 279.

¹⁰⁴Sprague, Massacre, 313.

¹⁰⁵Jocknick, Early Days on the Western Slope, 211; and Sprague, Massacre, 313.

¹⁰⁶Sprague, Massacre, 100.

¹⁰⁷Jocknick, Early Days on the Western Slope, 235, 237; and Sprague, Massacre, 100-2. Sprague implies that the first and most unsatisfactory site selected for the Los Pinos Agency was made out of deference to Mears, so that he could continue his trade with the Utes at their new agency. The site was closer to an existing wagon road and easier to utilize for both Utes and white contractors than was the treaty-proposed site.

¹⁰⁸Sprague, Massacre, 107.

¹⁰⁹J.R. French to Secretary Schurz, December 8, 1880, quoted in Priest, Uncle Sam's Stepchildren, 225.

¹¹⁰Robert M. Kvasnicka, "George W. Manypenny," in The Commissioners of Indian Affairs, 1824-1977, eds. Robert M. Kvasnicka and Herman J. Viola, (Lincoln: University of Nebraska Press, 1979), 59, 62-65. See also Priest, Uncle Sam's Stepchildren, 225; and Sprague, Massacre, 313.

¹¹¹"Gone to the Front," CF III (July 1880):105.

¹¹²"The Slain Warrior," CF II (December 1879):192; and "To Our Indian Subscribers," CF II (November 1879):169.

¹¹³Mardock, Reformers and the Indians, 195.

¹¹⁴"To Our Indian Subscribers," CF II:169.

¹¹⁵"The Utes--What Shall Be Done With Them," CF II (December 1879):185; and "Editorial Observations in the Ute Country Continued," CF IV (July 1881):99.

¹¹⁶"Editorial Observations in the Ute Country Continued," CF IV:99.

¹¹⁷"The Ute Question....," CF III (April 1880):57.

¹¹⁸"Indian Bills in Congress," CF III (January 1880):7.

¹¹⁹"A Farewell Reception for Colonel Meacham," CF III (July 1880):106.

¹²⁰Phinney, "Meacham," 280-81.

¹²¹At a November 1879 meeting in Greeley, Colorado, residents established a series of resolutions outlining their animosity toward the Ute peoples. They concluded "that the Indians within the limits of our State are a hindrance to its proper development, and a constant menace to the safety of the people; that by their recent unprovoked and inexcusable depredations they have forfeited all claims to remain among us; and we insist as our ultimatum in this matter that the death penalty be inflicted upon the fiendish murderers of our friends; and that the Utes be speedily removed beyond the borders of Colorado." See Dawson and Skiff, The Ute War, 182-84.

¹²²"Editorial Observations Continued," CF III (October 1880):145.

¹²³"Report of the Ute Commission," SED no. 31 (serial 1943), 3.

¹²⁴"Editorial Observations Continued," CF III (September 1880): 129-30.

¹²⁵"Report of the Ute Commission," SED no. 31 (serial 1943), 3-4; and "Editorial Observations Continued," CF III:130.

¹²⁶A.B. Meacham to A. Bell, September 28, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 22-23.

¹²⁷"Report of the Ute Commission," SED no. 31 (serial 1943), 3-4; and "Editorial Observations Continued," CF III:130.

¹²⁸"Report of the Ute Commission," SED no. 31 (serial 1943), 3-4; and "Editorial Observations Continued," CF III:145. The commission had already experienced the death of its first clerk, William Stickney, on July 17 at Los Pinos.

- ¹²⁹Dawson and Stiff, The Ute War, 167.
- ¹³⁰"Report of the Ute Commission," SED no. 31 (serial 1943), 4.
- ¹³¹"Report of the Ute Commission," SED no. 31 (1943), 4-5; and Jefferson and Delaney, Southern Utes, 35. See also Sprague, Massacre, 313.
- ¹³²"Editorial Observations Continued," CF III:129.
- ¹³³Meacham to Bell, SED no. 31 (serial 1943), 24.
- ¹³⁴"Editorial Observations in Colorado and Wyoming," CF IV (June 1881):83.
- ¹³⁵Meacham to Bell, SED no. 31 (serial 1943), 24.
- ¹³⁶C. Schurz to Hon. George W. Manypenny, October 11, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 25.
- ¹³⁷"Editorial Observations Continued," CF III (November 1880):161.
- ¹³⁸"Success of the Commission," CF III (October 1880):152.
- ¹³⁹Geo. W. Manypenny to Hon. C. Schurz, dated October 2, 1880, located in "Report of the Ute Commission," SED no. 31 (serial 1943), 26.
- ¹⁴⁰Two slightly different versions of the incident can be found in "Editorial Observations Continued," CF III:161-65; and Jerome W. Johnson, "Murder on the Uncompahgre," Colorado Magazine 43 (Summer 1966):209-24.
- ¹⁴¹Johnson, "Murder on the Uncompahgre," 211-12.
- ¹⁴²"Editorial Observations Continued," CF III: 162; and Johnson, "Murder on the Uncompahgre," 211.
- ¹⁴³"Editorial Observations Continued," CF III:162.
- ¹⁴⁴"Editorial Observations Continued," CF III:162; and Johnson, "Murder on the Uncompahgre," 212-13.
- ¹⁴⁵"Editorial Observations Continued," CF III:163; and Johnson, "Murder on the Uncompahgre," 213.
- ¹⁴⁶"Editorial Observations Continued," CF III:163.

¹⁴⁷"Editorial Observations Continued," CF III:163; and Johnson, "Murder on the Uncompahgre," 213.

¹⁴⁸R.H. Offley to General Sheridan, October 13, 1880, in CF III (November 1880):170-71.

¹⁴⁹"Editorial Observations Continued," CF III:163; and Johnson, "Murder on the Uncompahgre," 214.

¹⁵⁰Berry to editor of Ouray Times, in CF III (November 1880):169; Johnson, "Murder on the Uncompahgre," 214-15; "Editorial Observations Continued," CF III:163; and Jocknick, Early Days on the Western Slope, 214. Jocknick wrote that the escort party was overpowered by a group which included only Indians, and that the story of Jackson's capture was corroborated by David Day, passenger on a stage. Since no other witnesses on the "stage" ever came forward, it is probable that Day's "corroborating testimony" stemmed from the fact that he was proprietor of the Solid Muldoon, Ouray's only newspaper. See Jocknick, Early Days on the Western Slope, 214.

¹⁵¹"The Fate of Don Jackson," CF IV (January 1881):11-12; and Johnson, "Murder on the Uncompahgre," 215.

¹⁵²"Fate of Don Jackson," CF IV:11-12.

¹⁵³"Fate of Don Jackson," CF IV:11; and "Editorial Observations Continued," CF III:164.

¹⁵⁴Meacham to Secretary of Interior, October 5, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 21.

¹⁵⁵Johnson, "Murder on the Uncompahgre," 210, 215-16..

¹⁵⁶Meacham to Secretary of Interior, October 1, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 27.

¹⁵⁷"Editorial Observations Continued," CF III:164; and Johnson, "Murder on the Uncompahgre," 217.

¹⁵⁸"Editorial Observations Continued," CF III (December 1880):177. Federal jurisdiction had traditionally been extended to military posts and Indian reservations under Section 5339 of Federal Statute 70, Chapter 3. See Clare V. McKenna, Jr., "Life Hangs in the Balance: The U.S. Supreme Court's Review of *Ex Parte Gon-Shay-Ee*," Western Legal History 3 (Summer/Fall 1990):198.

¹⁵⁹"Editorial Observations Continued," CF III:165.

¹⁶⁰Johnson, "Murder on the Uncompahgre," 217-18, 224.

¹⁶¹"Editorial Observations Continued," CF III:164-65; and Johnson, "Murder on the Uncompahgre," 219. See also Phinney, "Meacham," 288-89.

¹⁶²Meacham to Secretary of Interior, November 8, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 34.

¹⁶³T.A. Bland, Life of Alfred B. Meacham (Washington, D.C.: T.A. and M.C. Bland, Publishers, 1883), 11.

¹⁶⁴"Editorial Observations Continued," CF III:166; and Johnson, "Murder on the Uncompahgre," 219.

¹⁶⁵John R. French to C. Schurz, November 22, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 35; "Editorial Correspondence," CF III (December 1880):178; and Johnson, "Murder on the Uncompahgre," 220.

¹⁶⁶"Editorial Correspondence," CF III:178; "Civilization Triumphant," CF III (November 1880):171-72; T.A. and M.Cora Bland, "Close of Third Year," CF III (December 1880):186; and "Colorado Justice," CF IV (June 1881):88.

¹⁶⁷French to Schurz, November 22, 1880, in SED no. 31 (serial 1943), 35.

¹⁶⁸J.R. French to C. Schurz, November 26, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 36.

¹⁶⁹"Editorial Observations," CF IV (January 1881):2-3.

¹⁷⁰Editorial Observations," CF IV:2-3; and John R. French to C. Schurz, December 6, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943):37. See also Phinney, "Meacham," 282.

¹⁷¹J.R. French to C. Schurz, December 8, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 40. The Southern Utes had been paid on November 4, J.J. Russell to Carl Schurz, November 9, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 34; and J.R. French to C. Schurz, November 8, 1880, SED no. 31 (serial 1943), 40.

¹⁷²"Editorial Observations," CF IV:4-5; and "Editor's Talk," CF IV (January 1881):10.

¹⁷³"Editorial Observations," CF IV:5; and Bland, Life of Meacham, 11.

¹⁷⁴French to Schurz, in SED no. 31 (serial 1943), 35.

¹⁷⁵J.R. French to Secretary Schurz, December 8, 1880, quoted in Priest, Uncle Sam's Stepchildren, 225.

¹⁷⁶Jocknick, Early Days on the Western Slope, 211.

¹⁷⁷"Editorial Observations in the Ute Country Continued," CF IV:100.

¹⁷⁸Jocknick, Early Days on the Western Slope, 215-16.

¹⁷⁹Sprague, Massacre.

¹⁸⁰"Calls on the Council Fire Lodge," CF IV (April 1881):57-58. See also "Editorial Paragraphs," CF IV (February 1881):22.

¹⁸¹"Editorial Observations in Colorado and Wyoming," CF IV:82.

¹⁸²"Editors Talk," CF IV:10.

¹⁸³"Editorial Observations Continued," CF IV (August 1881),:114.

¹⁸⁴"Editorial Observations in Colorado and Wyoming," CF IV:81; and Johnson, "Murder on the Uncompahgre," 220-21.

¹⁸⁵"Colorado Justice," CF IV:88; and Johnson, "Murder on the Uncompahgre," 220-21.

¹⁸⁶"Editorial Observations in Colorado and Wyoming," CF IV:81; and Johnson, "Murder on the Uncompahgre," 220-21.

¹⁸⁷"In Answer To...", CF IV (November 1881):174.

¹⁸⁸Johnson, "Murder on the Uncompahgre," 223.

¹⁸⁹"A Card By the Editor," CF IV (May 1881):72.

¹⁹⁰"Editorial Observations in the Ute Country Continued," CF IV (July 1881):97.

¹⁹¹"Editorial Observations in the Ute Country Continued," CF IV:97; "Editorial Correspondence," CF IV (July 1881):102; and "Editorial Observations Continued," CF IV:113.

¹⁹²"Editorial Correspondence," CF IV:102; and Conetah, Northern Ute Peoples, 100.

¹⁹³"Editorial Correspondence," CF IV:102.

¹⁹⁴"Editorial Observations Continued," CF IV (September 1881):130.

¹⁹⁵"Editorial Correspondence," CF IV (September 1881):140.

¹⁹⁶"Editorial Observations Continued," CF IV:131.

¹⁹⁷"Editorial Observations Continued," CF IV (October 1881):147.

¹⁹⁸"Editorial Observations Continued," CF IV:114.

¹⁹⁹"Editorial Observations Continued," CF IV:147.

²⁰⁰ "Editorial Observations in the Ute Country Continued," CF IV:98.

²⁰¹"Coming to an Understanding," CF IV (September 1881):132.

²⁰²"Editorial Observations in Ute Country Continued," CF IV:100; and "Work of the Ute Commission for 1881," CF IV (November 1881):161.

²⁰³"Work of the Ute Commission for 1881 Continued," CF IV (December 1881):178-79.

²⁰⁴Jocknick, Early Days on the Western Slope, 217.

²⁰⁵Jocknick, Early Days on the Western Slope, 217; and "The Utes Must Go," CF IV (June 1881):88-89.

²⁰⁶"Ute Agreement," 181.

²⁰⁷Jocknick, Early Days on the Western Slope, 217, 219. See also Conetah, Northern Ute Peoples, 111.

²⁰⁸Conetah, Northern Ute Peoples, 119. The Ute Commissioners report said the land contained "a wealth of natural resources." See "Work of the Ute Commission for 1881 Continued," CF IV:179.

²⁰⁹Annual Report of the Commissioner of Indian Affairs (1883), in Annual Reports of the Interior Department 48th Cong., 1st sess, 2:195.

²¹⁰Jocknick, Early Days on the Western Slope, 220.

²¹¹Conetah, Northern Ute Peoples, 112.

²¹²Rockwell, Uncompahgre Country, 29, 31; and Jocknick, Early Days on the Western Slope, 225.

²¹³"Work of the Ute Commission for 1881 Continued," CF IV:178.

²¹⁴"Work of the Ute Commission for 1881," CF IV:163. See also Emmitt, Last War Trail, 294.

²¹⁵"Work of the Ute Commission for 1881 Continued," CF IV:178.

²¹⁶"Work of the Ute Commission for 1881 Continued," CF IV:178.

²¹⁷See Jefferson and Delaney, Southern Utes, 41-42; and Thompson, "Unwanted Utes," 194-97.

²¹⁸Bland, Life of Meacham, 12.

²¹⁹"Supplement to the Council Fire and Arbitrator," CF V (February 1882):64a.

²²⁰Schurz to Meacham, October 16, 1880, in "Report of the Ute Commission," SED no. 31 (serial 1943), 28.

²²¹"Work of the Ute Commission for 1881 Continued," CF IV:177-78.

²²²Letter from a group of Colorado citizens to President Chester A. Arthur, March 13, 1882, quoted in Phinney, "Meacham," 293.

²²³"Truth and Justice Must Triumph," CF IX (February 1886):21.

CHAPTER IV

CONSERVING POOR LO'S TRADITIONS: COUNCIL FIRE AND THE STRUGGLE
OVER PASSAGE OF A LAND-IN-SEVERALTY BILL

If land is given to the Indians in severalty, the mass of Indians will soon be deprived of its possession, even though their power of alienating their title is taken away for many years to come, and they will inevitably become pauperized.

. . . There are portions of tribes and individual Indians that are capable of self-support as agricultural laborers, but that number is relatively small, the mass being as yet unfit.

. . . The natural step for the Indian is from the hunter to the herdsman. . . . To accomplish this purpose they must have land sufficient to maintain themselves by herding as well as by agriculture.

Thomas A. Bland, Council Fire

August-September 1886

The concept of having Indians hold title to their lands as individuals rather than jointly through their tribes was not new among Americans in the last quarter of the nineteenth century. Land in severalty had always been seen as a necessary element in the natives' acculturation process, and severing tribal relations was one of the fundamental reasons for allotting their lands. Yet the idea had few adherents early on, because most allotment attempts had resulted in the rapid alienation of land from natives who had not learned to farm

during severalty experiments, or whose lands had been quickly overrun by whites. During the colonial era, rules existed within each colonial government permitting Indians to possess their lands.¹ In 1749, the Housatonic Indians of Massachusetts had received individual titles to their allotments, and, through various schemes used by whites to acquire the Indian lands, the tribe was nearly landless within thirty years.² Despite this and other calamitous examples, in 1816, Secretary of War William Crawford had recommended that Native Americans be given individual titles to their land.³ President James Monroe had seconded the notion three years later, and Secretary of War John C. Calhoun had concurred in 1822.⁴ During his tenure as Commissioner of Indian Affairs (1853-57), George Manypenny had written the concept into several Indian treaties, but the results had been disastrous.⁵ Nonetheless, when President Ulysses S. Grant constructed his Peace Policy in 1869, among the fundamental principles incorporated into his acculturation formula were the dual notions of Native American citizenship and individual land ownership.⁶

But Grant's policy was much more than an allotment method. The underlying attitude reflected in all aspects of the Peace Policy was that Native Americans were an "exceptional minority" who needed to be educated into civilization. While Grant's education plan primarily utilized civilian missionaries, the government's failure to support the schooling policy with adequate funds insured its failure.⁷ As white demands for

Indian-held western lands increased, the number of Americans willing to educate the Native American into citizenship and the gradual abandonment of his tribal relations decreased. Meanwhile, the number seeking to legislate this upgrade in his status through a non-optional severalty law sharply increased. United States government policy toward its natives has always been driven by congressional legislation, periodically influenced by reformers. So it was during the 1880s severalty battle, when civilian groups such as the Indian Rights Association, the National Indian Defense Association, and leaders of the Lake Mohonk Conference joined the legislative battle. However, the movement's direction and its results were not directed by its civilian participants, but rather were orchestrated by a single legislator, Massachusetts Senator Henry Laurens Dawes.

The opening civilian salvos on the government's Indian land policies were fired by Bishop Henry Whipple during the Civil War. The government was not directing sufficient effort toward the individual's assimilation, he said, but rather was treating "a heathen community living within our borders as an independent nation, instead of regarding them as our wards." In the meantime, he added, the United States was not allowing them to exercise any elements of that power.⁸ Whipple's view was ultimately legislated in the Appropriations Act of March 4, 1871 whereby the president began dealing with the Indians as domestic dependent nations and, instead of treaties, issuing

Executive Agreements to be ratified by both houses of Congress.⁹ The action was actually a move by the House to achieve greater influence in the treaty-making process since, constitutionally, only the Senate could ratify treaties. The House effort had little immediate significance, however, because the process of negotiating agreements with the natives changed very little in the years which followed.¹⁰

The theory that Native Americans should be regarded legally as individuals rather than as members of a tribe surfaced again in 1875 legislation to extend provisions of the Homestead Law to the Indian population. It was also a move calculated to break the Indian's tribal bonds, because adult heads of families were eligible for land only if they severed those ties.¹¹ Prior to the severalty law's passage in 1887, few Indians took title to their lands by either the Homestead Act or treaties into which optional severalty clauses had been written. Only after the government took a strong stand on the matter under Interior Secretary Carl Schurz did the notion take root that severalty was a desirable goal.

Schurz had initially favored consolidation of all Indians onto several large reserves, but he soon came to believe that the Native American should be assimilated, not isolated. This meant leaving the natives in their traditional locales, educating them, and eventually giving individuals fee simple title to their lands, thus breaking their tribal relations.¹² By the late 1870s, the secretary's view of using allotment as a

method of civilizing the Indians was gaining momentum in other quarters as well.¹³

Schurz initiated his idea in legislation affecting the resettlement of Colorado's Ute Indians following the Meeker incident in September 1879.¹⁴ Despite Coloradans' demands that the Utes leave the state, the Ute bill passed with clauses which would resettle them on individual plots of land along the Grand River.¹⁵ The resulting discussions in Congress, which Senator Richard Coke (Texas) believed would take only one day, lasted ten days. The debated topics included: (1) the right of the natives to approve an agreement, given that the United States no longer considered them independent nations; (2) determination of who actually held title to the lands being ceded; (3) protection, or abandonment, of former treaty provisions; and (4) the division of jurisdiction between tribal and United States government authority under a severalty plan.¹⁶ The general attitude was that, by attacking Nathan Meeker's agency and Thomas Thornburgh's troops, the Utes had broken their treaty rights and should therefore have terms dictated to them. But many were unsure if the bill's intent to force allotment on the Utes was legitimate.¹⁷ However, nearly all agreed with the bill's premise that, at some future date, all Native Americans would finally have to live like whites, holding title to their lands as individuals.¹⁸

Little more than a month later, Representative A.M. Scales of North Carolina, Chairman of the House Indian Committee,

introduced the first general severalty bill in the House. The Indian Committee divided on the measure, with six supporters and three dissenters. The majority generally upheld the bill's severalty standards, believing that Indian land titles had not been adequately protected in earlier allotment efforts.¹⁹ Although the bill ultimately failed, the views of the minority were noteworthy. In the opinion of the dissenters, the primary problem was that the legislation left the Indian with few freedoms, despite the bill's premise that the native was responsible for his own life. He could not sell, mortgage, or lease his land, and the only economic activity which he could undertake on his allotment was farming. Giving the Indian his own small plot of land would not necessarily make him a farmer, and would enact an idea which was still too experimental in nature. If the Indian was really able to take care of himself, as the legislation intimated, he did not need the protections written into it.²⁰ The law was not for the Indian, said Council Fire, but rather was an attempt to open much of the reservation land to whites.²¹

Early in 1881, another piece of allotment legislation was introduced, this time in the Senate. While this measure also had flaws, Meacham noted that "this or some similar bill will be passed later in the session or at the next session of Congress." Meacham advocated the concept of severalty, since the United States government had been founded on the principal of land ownership, and, as such, holding title to his land was

essential for the Native American's permanent advancement in civilization.²² But Meacham's support was conditional. In an early essay on allotting Indian lands, the editor had written that proper preparation for severalty was mandatory or "pauperism and vagrancy" would result, and he cautioned against trying to write one piece of legislation to cover all natives at all stages of their development.²³ To force severalty on those who did not want it or were not ready for it, would be completely wrong.

While a few tribes had requested allotment by the early 1880s, Native Americans were overwhelmingly opposed to the idea.²⁴ Following introduction of the 1881 measure, representatives of the Five Civilized Tribes had gone to Washington, D.C. to protest the prospect of being required to take allotments on their communal holdings. These Indians believed that they should be permitted to ask for severalty instead of having it forced upon them. The Council Fire noted that it was the government's responsibility to give individual Indians a perfect title to their land, but only to those properly prepared, and stated that Indians had as much right to hold their lands in common as did "the hundreds of corporations and communities" across the United States.²⁵ The 1881 Senate bill was approved late in the third session of the 46th Congress, but saw no action in the House. It was reintroduced and approved in the Senate early in 1882, during the first session of the 47th congress.²⁶ Meanwhile, as Congress worked

on passage of severalty legislation, the Interior Department suspended the taking of land in severalty by treaties which lacked non-alienability clauses "until a general law should insure to all titles of greater security."²⁷

By the early 1880s, the solution to the "Indian problem" was being hotly debated by several civilian groups interested in Indian policy reform.²⁸ These groups were almost exclusively Eastern in locale and, until the late 1870s, were led primarily by women.²⁹ The Indian Rights Association [IRA], a major force in the Indian policy reform movement, expanded the concepts begun by the Women's National Indian Association.³⁰ Foundations for the group's Indian rights ideals were laid in the spring of 1882 when two young Philadelphians, Herbert Welsh and Henry Pancoast, traveled among the Sioux of Dakota at the invitation of Episcopal Bishop William Hobart Hare, who was then seeking help for his Dakota missions. Both young men were "Proper Philadelphians." Welsh had been born into a family of upper-middle-class merchants and had enough independent wealth to pursue his avocations ahead of business. He was also the nephew of philanthropist William Welsh who had been instrumental in the 1869 formation of the Board of Indian Commissioners. William's wife Mary was the founder of the Indian Hope Association, an organization of Episcopal women who volunteered their support to the church's Indian missions.³¹ The two Philadelphians' general views of the Native American were reflected in their opinions of Indian

ceremony, for despite both men's overt religiosity, Welsh scorned the natives' religion, even calling the Sun Dance a "heathen festival," and seeking to replace it with a "Fourth of July picnic, [to] offer some servicable reward to those who had proved themselves industrious during the year past, . . . and [which would] entirely prohibit the degrading spectacle of self-torture."³²

In published reports of their trip, circulated the following year, both men acknowledged the faults of government policy toward the natives.³³ As to the necessary course of action to be taken, Pancoast wrote, "We must either butcher them or civilize them, . . . and quickly." One method he suggested was education; the other was to give them fee simple title to their land.³⁴ Among Welsh's major misconceptions were that Indians were receptive to changes in their lifestyle, and that the government should therefore hasten the assimilation process. The young reformer believed that three aspects of change had to be considered immediately: granting land in severalty; creating a code to protect the Indian before the law; and educating the natives.³⁵

In the months following his return, Welsh delivered numerous lectures, gradually becoming convinced that a group of private citizens was needed to pressure congressional lawmakers on matters of Indian policy. To create a powerful group, Welsh needed greater political influence than he personally had, so he asked his father, former ambassador to Britain John Welsh,

to invite a noteworthy group of Philadelphians to meet for this purpose. Thus, in December, 1882, the Indian Rights Association was born, and Herbert Welsh and Henry Pancoast became instrumental figures in the organization's growth.³⁶ Through the use of full-time lobbyist Charles C. Painter, the IRA became a master at playing the political game with capital lawmakers.³⁷ Bland, who was less politically astute and was as yet unaware of the fundamental differences between himself and the fledgling group on issues such as Indian land titles and the timetable for change, welcomed the creation of another association focusing on the rights of Native Americans, and he offered his journal as a medium of communication among all reform groups.³⁸

The sessions of the 48th Congress in 1884 and 1885 proved to be the turning point on the severalty issue for many Americans and lawmakers who had previously viewed the Native American as an exceptional minority. Interest in legislation to reduce Sioux landholdings had occupied the remaining short session of the 47th Congress, so the severalty topic did not again surface on congressional agendas until early 1884. At that time, Senator Richard Coke introduced a modified version of his earlier severalty bill. Council Fire approved the language of the measure, which exempted the Five Civilized Tribes and did not force allotment, but rather provided a method to apportion only the land of those tribes which asked for individual land titles.³⁹ The Board of Indian

Commissioners, meeting on January 22-23, 1884, brought many reform-minded individuals together, and the Coke bill inspired much discussion. In the main, everyone present supported the measure, but a motion was made for creation of a commission to ascertain the wishes of the Indians on the matter. The Council Fire, in reporting the meeting, again noted it would prefer to see lands patented to tribes, not individuals.⁴⁰

Thomas and Cora Blands' view that Indians should be consolidated onto large reservations, with patents issued to the tribes thereon, was rapidly becoming a fundamental tenet of the Council Fire's position on severalty. Meacham had always linked the civilizing process to the reservation system and he felt strongly that Indians must be trained to accept citizenship on their own protected "spot of earth."⁴¹ Bland had rearticulated the idea in mid-1881, favoring the removal of more tribes from southern climes to Indian Territory, and the creation of a similar area in the north for natives accustomed to colder weather. The government's role would then be to protect the Indians on their land until they asked for severalty.⁴² Coke's bill did not win approval in the first session of the 48th Congress (early 1884), but its discussion among lawmakers refined the Council Fire's opposition to immediate allotment. The journal held fast to its tribal patent ideal. At a reception by the Blands on March 21, 1885, Justice A.J. Willard of South Carolina articulated the Council Fire's matured stance on severalty, saying Native Americans

needed a permanent interest in the soil and the freedom to use their own judgment in decisions affecting their future. If permitted, he said, Indians would gradually become civilized through their own institutions, but "time should be allowed for the consumation of those transformations."⁴³

Senator Coke's bill of the first session, to which Council Fire had not strenuously objected because of the clause allowing natives to request allotment, was rewritten and entered the legislative process early in the second session (December 1884). The journal was strongly opposed to changes made in the legislation, such as omission of a clause which would have allowed Indians to take larger allotments of land than the 160 acres recommended if a prior treaty had granted such, e.g. 320 acres in the 1868 Ft. Laramie Treaty with the Sioux.⁴⁴

At the January 8, 1885 meeting of the Board of Indian Commissioners, severalty discussion was lively among the reformers in attendance. Most supported the newest version of Senator Coke's bill, and approved a motion urging Congress to adopt it. The Blands could not countenance the resolution, but were unable to voice their objections, having arrived at the meeting so late that the statement of support had already passed. The couple also strongly objected to a Board proposal which would have allowed Indian lands to be leased through a bidding process. Their objections won removal of the clause portion which advocated use of the leasing income to support

the Indians on whose reservation the resources were located. However, the other reformers present refused to disallow the part of the resolution which permitted the leasing of such lands through a bidding process.⁴⁵ Distinct differences in the severalty opinions among reformers were rapidly becoming more pronounced. The 1885 measure passed the Senate and moved on to the House where it was defeated. In writing about the bill's failure, Council Fire noted that it would support the legislation if tribes could hold patents to their lands until the individual Indians were ready to take allotments.⁴⁶

Although the 1885 legislative session had been short and ended without the passage of severalty legislation, the split between reformers who continued to see the Native American as an "exceptional minority," and those who favored his rapid assimilation became more sharply defined. Among those who opposed immediate severalty were many Quakers, who favored issuing patents to tribes until they were ready to become citizens.⁴⁷ Most Indians and some of their agents took a stand against the measure as well.⁴⁸ But most outspoken among the "exceptionalists" was Thomas Bland, whose editorials and choice of materials reprinted in the Council Fire reflected his position. The editor blamed the legislation on the pressures exerted by greedy outsiders who wanted reservation lands, and he continued to press for the placement of more natives in Indian Territory, as well as the creation of a similar region in the northwest for northern tribes. Eventually, Bland hoped

that these two territories would be admitted as states.⁴⁹ The transitional solution which he reiterated time and again was education, and that required time.⁵⁰

It became apparent to Bland that two distinct groups of Indian policy reformers were emerging.⁵¹ In addition to the Indian Rights Association, whose views seemed diametrically opposed to those of the exceptionalists, another loosely organized group of reformers with views similar to those of the IRA had begun developing an annual platform of opinion on Indian policy. The Lake Mohonk Conference of Friends of the Indian was hosted annually from 1883 to 1916 by Albert K. Smiley at his resort in the Shawangunk Mountains, ninety miles north of New York City. Attendance at the fall conference was always by Smiley's invitation only, and in October, 1883, twelve men met to discuss Indian issues, primarily those surrounding the cession of Sioux lands in Dakota.⁵²

The conference grew, and in 1885, forty-three reformers attended.⁵³ Bland regarded the 1885 Mohonk platform as "unscrupulous," although he applauded their planks on education and training for self-support. The conference took a decidedly pro-severalty stance, favoring the immediate allocation of all Indian land, the prompt sale and opening of remaining lands, and modification of any treaty which had prohibited severalty without consent.⁵⁴ Soon after the 1885 meeting, a committee from the Mohonk Conference visited President Grover Cleveland, seeking his support for the conference position in his next

message to Congress.⁵⁵ Thankfully for Bland and other exceptionalists, the president declined to take an immediate severalty stance, saying the legislation advocated by the latter group could not force whites to mingle with the Indians. Cleveland added that the natives should not be forced from their reservations either, but rather should be educated toward civilization there.⁵⁶

Grover Cleveland had assumed the presidency in March, 1885. Like Chester Arthur before him, Cleveland had only general ideas about what should be done regarding Indian policy, leaving the specifics to his Secretary of the Interior. Cleveland had, in fact, sought Bland's advice on the allotment issue, and the latter's opinions were reflected in the president's later view that Native Americans would eventually hold individual titles to their land, but that goal would take many years to reach.⁵⁷ The president was keenly aware, however, that Indian policy must reflect Indian needs, as well as white demands for the opening of reservation lands. Cleveland's Secretary of the Interior, Lucius Q.C. Lamar, also believed that Native Americans must *gradually* accept civilization. For the present, however, they should remain on their reservations, taking collective titles to their lands. Even after the reservations were allotted, Lamar believed, large areas should remain tribally controlled.⁵⁸ Because they were not yet prepared, the new secretary believed it would be fatal to Indians if their tribal relations were severed.⁵⁹ He did agree

that some reservations contained more land than the Indians needed. These reserves should be reduced, but only through fair terms, with titles to the reduced reservations then given to the Indians living on them.⁶⁰

While Bland obviously applauded Lamar's position on Indian issues, Herbert Welsh and the IRA did not. Welsh saw Lamar as an "amicable, well-disposed gentleman" who lacked control of his department's affairs.⁶¹ Relations between Lamar and the IRA were already strained when the secretary refused to endorse the association's position on severalty after a special committee for the reform group visited him to urge the adoption of allotment legislation.⁶² However, Lamar tried to appease the IRA since he needed their support for his efforts to reduce the Sioux Reservation.⁶³ Welsh was not alone in the criticism of Lamar's management of the department, but Bland characterized the situation best when he called Lamar more a scholar and less a politician.⁶⁴ Lamar's opinions reflected those of a fairly large body of Americans who took a scholar's approach to Indian issues, scientifically researching all aspects of Indian legal status and needs, and who generally drew the same conclusion on the most pressing policy issue-- that immediate severalty would be a mistake.

For some time, opponents of immediate severalty and the destruction of tribal relationships had been airing their opinions among themselves, leaving Council Fire to circulate their contentious views. However, while proponents of the

issue were working to turn the opinions of politicians in their favor, the exceptionalists held a formal conference on November 9, 1885 to consider forming an organization of like-minded people. On November 28, 1885, the National Indian Defense Association [NIDA] was born. From its inception, the group's membership was comprised more of scholars than of politicians. Contained within their numbers were some prominent late-nineteenth century intellectual figures as well as general lay-sympathizers. NIDA members included Rev. Byron Sunderland, former abolitionist and pastor to Grover Cleveland at First Presbyterian Church in Washington, D.C.⁶⁵ Celebrated anthropologist Owen Dorsey of the Smithsonian was a member, as were Judge A.J. Willard, former Chief Justice of the South Carolina Supreme Court, and Superintendent of Indian Schools John Oberly.⁶⁶ Former Assistant Commissioner of Indian Affairs Alonzo Bell joined their ranks, as did abolitionist Samuel F. Tappan, and former Indian Commissioners Francis A. Walker of Massachusetts Institute of Technology, and George Manypenny.⁶⁷

In their official stance, the group opposed the increasing white pressures on the Indian land base. They also sought to correct "a misdirected sentiment . . . that, if prevalent, would at once destroy the tribal authority and influence" and force the native to compete with all interests diametrically opposed to his own. The best way to conserve the Indians' future as a race, said the NIDA, was through education.⁶⁸ General James W. Denver became the group's first president,

and, in July, 1886, they named Judge A.J. Willard as attorney to assist the Native American in procuring his rights.⁶⁹

The NIDA fundamentally opposed immediate severalty since part of the policy's intent was to dissolve Native American tribal rights. To the scholarly NIDA, severalty thus became an impediment to the Indians' civilization process because, without tribal government, the natives lacked the ability to preserve order among themselves. NIDA's second tenet was derived from the logical conclusion that granting the Indian title to his land would not give him either the motive or means to contend with the disadvantages of his reservation status. On the other hand, the reasons to part with his land would be numerous and irresistible. Making the title inalienable for a long time or forever only placed the Indian in an anomalous position. He would not be able to transfer or lease the very property which purported to make him part of America's captitalistic civilization. The association's third belief was in education. However, schooling could not immediately help the native, but would have an impact only for future generations. Thus, immediate severalty would only bring about the loss of the native's land before he acquired the capacity to manage it.⁷⁰ Instead, the NIDA believed that Native Americans should have the right to maintain self-government, with United States laws extending over them, and that they should communally control their lands with patents issued to the tribes.⁷¹ When it reported the NIDA's creation and its

list of officers, the Washington, D.C. Republican optimistically concluded that the Native American was likely to have his interests better protected than he had in former years.⁷²

The NIDA certainly did intend to look out for the Indian's long-term interests. The severalty bill had been introduced in the Senate again on December 8, 1885. Taking an opponent's stance, the NIDA defined and refined their platform against immediate severalty, using a scientific approach to develop their opposition planks.⁷³ At their first public meeting on January 26, 1886, the group established committees to gather research on all aspects of contemporary Indian culture.⁷⁴ Most Americans, said Council Fire, did not understand the principles of Native American land tenure. There was nothing in the native's land system to prohibit him from becoming a farmer. Within the communally-held lands, each Indian had exclusive rights to cultivate some tract. Thus, the native became an "owner" of the land while he used it. The areas commonly held could also be used for timber cutting, herding or hunting. On the other hand, American principles of land ownership allowed the common areas to be monopolized by a few who enriched only themselves.⁷⁵

The NIDA's formula for assimilating the native within his system of land tenure made immediate severalty unthinkable. Society, they reasoned, advanced in stages. From the hunting stage, man had progressed into the pastoral stage, thence to

agriculture. The premise of the land in severalty bill was to take Indians from the hunting stage directly into the farming stage, skipping this important transitional step.

Historically, the development of agriculture led to formal land ownership with titles, but nowhere did the granting of land in severalty bring the development of agriculture.⁷⁶ The best way to get to agriculture was through the intermediate step of herding. The occupation had grown into an important industry and would be a good alternative to farming, especially for Indians unprepared for agriculture. NIDA feared that the majority of natives were not yet ready to farm and would rapidly become paupers. Thus, instead of becoming more independent as farmers, they might become an even greater burden on society.⁷⁷

Herding would require the removal and consolidation of tribes, something which should be done voluntarily and not by force. NIDA believed that most Indians would welcome the opportunity to move closer to their brethren. Consolidation had numerous advantages, including: (1) decreased governmental costs through the maintainence of several tribes in one locale; (2) attitudinal influence, because temperments of the peaceful tribes would "rub off" on even the most hostile elements; (3) development of Indian institutions because of greater tribal independence and the freedom to create them; (4) reduction of negative influences by bad whites; and (5) stronger self-government through maintainence of tribal traditions. Just as

immediate severalty inferred a breaking up of tribal relations, taking individual land titles, and becoming a farmer, consolidation implied maintaining tribal ties, taking title to land in common, and learning to herd cattle.⁷⁸

The group saw its members as "practical philanthropists" who believed that the Indian problem was difficult, but not impossible to solve. They viewed the Native American as an exceptional minority who should be protected within his tribal culture until he could be educated into an "intellectual recognition of the superiority of civilization," with its attendant political institutions and modes of life. Other opinions about Native Americans were held by the "pessimists," who believed quite simply that the Indian must perish. The third public view on Indian policy was subscribed to by the "optimists," whose ideals had evolved about five years earlier. Optimists believed that civilization could surround and envelop the Native American all at once. Since these latter enthusiasts fully accepted their view as correct, they felt empowered to force the Indians to accept white man's ways as quickly as possible.⁷⁹

Strategy for the final severalty push had been laid by the optimists at a July, 1885 meeting called by Dr. Lyman Abbott in preparation for the October Lake Mohonk Conference. Abbott, editor of the Christian Union, convened the meeting at the paper's offices in New York. Eight individuals, including Abbott, as well as Welsh and Dr. James Rhoads of the Indian

Rights Association, Indian Commission Board members General E. Whittlesby and Albert K. Smiley, educators General Samuel C. Armstrong, and Captain Richard H. Pratt, as well as anthropologist Alice Fletcher, met to discuss the severalty issue. The consensus reached at the meeting was that severalty could wait no longer.⁸⁰ To formulate their allotment program, the group decided that: (1) treaties which prohibited allotment must be changed or abrogated; (2) Indians should be given three years to select lands as prescribed by the 1885 version of the Coke Bill; and (3) a government severalty commission should name agents to carry out allotment. They further believed that all Indians should be educated through a comprehensive, industrial education system. All aspects of the policy were to be paid from the sale of surplus lands.⁸¹ While Abbott's belief that treaties should be abrogated was generally not supported at the 1885 Conference, the majority of his views were reflected in the Lake Mohonk Conference Platform for 1885 which Bland had so detested.⁸² The battle lines between groups had been drawn. One other factor became a critical element in the severalty fight--the clash between Bland and Senator Dawes.

Identical pieces of the 1886 severalty legislation had been submitted to the Senate twice on the second day of the 49th Congress' opening session (December 8, 1885), once by Senator Richard Coke, once by Dawes.⁸³ By then, Dawes was chair of the Senate Subcommittee on Indian Affairs.⁸⁴ Henry Laurens Dawes had begun his congressional career as a member of

the House in 1857.⁸⁵ As late as 1869, when Indian issues were becoming increasingly prevalent in Congress, Dawes admitted that he lacked any real knowledge of the Indian situation or the course of policy best pursued.⁸⁶ But by 1871, he had come to regard severalty as the panacea to the "Indian problem." "Let each one of them know," said Dawes, "that this spot is his to be defended by him, to be protected by him, and next to be adorned and beautified by him"⁸⁷

First elected to the Senate in 1875, Dawes had gained a reputation as a "friend" of the Indian, beginning with his criticism of Carl Schurz and the government's treatment of the Poncas in 1879.⁸⁸ He became a member of the Boston Merchants Indian Committee, a group of some fifty Bostonians who organized to support due process for Native Americans in the wake of the 1879 Ponca incident.⁸⁹ Dawes had initiated legislation in 1883 to reduce the Sioux Reservation, and in 1884, to grant citizenship to every Indian.⁹⁰ Bland had generally supported Dawes' earlier position on Indian issues, such as the 1883 Dawes Sioux bill, in which the senator had favored issuing patents to tribes.⁹¹ Animosity between the two men began over the reappointment of Agent Laban John Miles in 1883, and was exacerbated by the senator's support of despotic Agent Valentine McGillicuddy, as well as Dawes' apparent capitulation to Mohonkers' severalty views in 1885.⁹²

The Council Fire had received serious complaints about Osage Agent John Miles as early as 1881.⁹³ Miles' personal

mission had been to "kill much of the 'Indian' in the Indians" with schools in which he insisted on haircuts, separation of families, use of the English language and Anglo names. He issued his students military uniforms, disciplined them by using military drills, and advocated destruction of the buffalo.⁹⁴ Bland had contacted Indian Commissioner Hiram Price about complaints against Miles. Special Agent Smith was sent to investigate, and his report showed wrongdoing by the agent. Miles confessed to his errors, but Price returned the agent to his post, which greatly angered Bland.

Near the end of Miles' tenure in early 1883, Bland contacted Dawes as chairman of the Senate Indian Committee and suggested that he investigate Miles' character and the reports of wrongdoing before reappointing him. Despite Bland's efforts, Dawes' committee reappointed Miles on February 15, 1883. When queried by Bland some two weeks later, every other member of the Indian Committee professed to having seen or heard nothing of Miles' case, and stressed that they had not voted on it. When Bland approached Dawes about the matter, the senator ignored him. Knowing that Dawes' committee must approve Miles' reappointment, it appeared to Bland that the senator had not only used bad judgment in supporting Miles, but that he had sanctioned the reappointment in a secretive manner and then had lied about it.⁹⁵ Thereafter, Bland was able to support Dawes' ideas when they were valid, but he found much fault with the man.

Throughout the 49th Congress, severalty became almost a peripheral issue in the battle for influence in government Indian policy issues between the Mohonkers, the Indian Rights Association, and Dawes on one side, and the National Indian Defense Association and Bland on the other. Legislation began in congressional committees, which were characterized as "little legislatures" led by "petty barons." Once a bill had been scrutinized by a committee, its members felt that their findings should be upheld. The committee chair usually had sufficient power to do as he wished, and thus committee influence often overrode any attempt to amend legislation outside of committee.⁹⁶ Council Fire and NIDA understood that Dawes and his committee were their Goliath on the severalty matter. The supporters of immediate, forced severalty were politicians wanting to be reelected, and since the Indian had no vote, their political futures lay with white voters who wanted Indian lands opened.⁹⁷ In the face of such strong political influence, "the power of right" was the only hope of victory for the NIDA.⁹⁸

Bland and the NIDA appeared to make some early inroads in their opposition to the bill. At the January 21, 1886 Board of Indian Commissioners meeting, Bland, Dr. Charles Painter of the IRA, and Rev. M.E. Strieby of the American Missionary Association were named to a committee on resolutions. They brought in two reports on the issue of land titles. Bland wrote the minority view, stating that titles should be issued

in common until the Native American was ready for allotment by virtue of education. The other two men held that education should follow allotment. The views were discussed, and Bland agreed to drop his report and endorse the majority view after the resolution was reworded to say that treaty rights should be upheld, and the natives elevated to civilization before dissolving those tribal relations and dividing their land.⁹⁹

Dawes severalty bill faced its first congressional debate on February 19, 1886. So vociferous were objections to the legislation by Senators Henry Teller, Preston Plumb, John Ingalls, Charles Manderson, and Samuel Maxey, that Dawes finally decided they all lacked an understanding of his intentions. Council Fire said the bill simply needed rewording, and the journal did not strenuously object to the legislation because it contained the critical provision requiring that the natives on any reservation first approve the allotment of their lands.¹⁰⁰ Unfortunately, this clause was dropped when the bill passed the Senate, and Council Fire could only hope for its defeat in the House.¹⁰¹ However, at the request of the NIDA, the bill was amended in the House to require approval by two-thirds of the affected adult males, and Council Fire pronounced the legislation "practically harmless" as severalty approached its third congressional failure.¹⁰²

In the spring of 1886, it seemed to Thomas Bland that the influence of the Eastern optimists calling for immediate severalty was ebbing, whereas one year earlier, the issue had

been swept forward on the tide of their unanimity. Dr. James Rhoads, president of the IRA and editor of the Friends Review, had begun advocating that native lands not be opened until the Indian was ready, and Easterners seemed to be turning against severalty since less than five percent of the Indians had asked for it, and only a similar number were qualified to take it.¹⁰³ Indeed, a less resolute public may have seemed in evidence to all reformers, because a reactionary and determined resolve to push their measure through Congress existed among those seeking approval for immediate severalty. And it was primarily in the halls of Congress, not on mainstreet America, that such resolve was needed, since it was the elected legislators whose voting power turned bills into law.

The IRA undoubtedly felt that it had lost political ground during the spring and summer months. The NIDA had opposed the IRA and Dawes on the Sioux bill in March, and the legislation had failed again in Congress.¹⁰⁴ In mid-June, when the severalty bill was stalled in the House, Welsh had circulated copies of the legislation to various citizens and IRA members, urging them to encourage their Representatives to press for congressional passage of the bills before the end of the session.¹⁰⁵ But IRA efforts were unsuccessful and the bill did not come up for a vote in the House before the session ended on August 5.¹⁰⁶

A major defeat for the IRA had occurred on May 18, 1886, when Agent Valentine McGillycuddy was removed from office.¹⁰⁷

Council Fire had been agitating for McGillicuddy's removal since December, 1882, during which time Dawes and the IRA blindly defended the despotic agent.¹⁰⁸ To the IRA, the agent's dismissal undoubtedly appeared to be a rejection by the Cleveland administration, as well as a vindication of Council Fire, whose reform position lay far to the right of that of the Indian Rights Association. In part to protect their image, Welsh authored and circulated a defense of McGillicuddy, as well as a criticism of the administration which removed him.¹⁰⁹ In fact, objections by President Cleveland to the IRA's position on immediate severalty probably made Welsh and his membership, together with Dawes and the Mohonkers, absolutely driven in their desire to force the bill through Congress.¹¹⁰

While in 1886, it may have appeared to reformers that non-progressive elements were beginning to hold sway on the severalty issue, historian Frederick Hoxie's research of Senate voting patterns on exceptionalist legislation showed that conservative elements were losing control for a variety of reasons. The Republicans, who controlled the White House for much of the late-nineteenth century, favored federal power and a large budget. Gradually, the Democrats came to stand for "limited government" and "individual liberty" as they moved to unify their party and attract voters tired of Republican rule. Sectionally, Southern opposition to Indians' rights was linked with that of Westerners on matters such as rights-of-way for railroads. Thus, the exceptionalists on Indian matters

gradually lost their influence both politically and sectionally. In the 46th and 47th Congresses (March 1879-March 1883), the greatest percentage of Republicans favored exceptionalist laws, while the Democrats divided on most issues. During the 48th and 49th Congresses (December 1883-March 1887), exceptionalist legislation lost favor among Republicans, and only New England lawmakers clung to exceptionalism among the Democrats.¹¹¹ It is apparent that severalty legislation of some sort would certainly have passed in the 50th Congress had reformers not been successful in 1887. But the pressure to succeed led Dawes, Welsh, and the Mohonkers to circulate false accusations against Bland and the NIDA.

Forces favoring immediate severalty amassed for their final battle at Lake Mohonk in mid-October, 1886. Discussions among attendees were spirited, most everyone agreeing that the Dawes bill would transform the Indian from savage to farmer.¹¹² Bland, who had been invited to the conference but could not attend, would have clearly been in the minority among the reformers, most of whom had become non-exceptionalists.¹¹³ Welsh expressed the general feeling among attendees in the opening of his address on October 14, when he said, "There are three-hundred-thousand Indians, roughly speaking, in the United States, who must be brought quickly under the same conditions of life as those which control the vast Anglo-Saxon population about them."¹¹⁴ Council Fire condemned the conference resolutions which urged Congress to cease treating "the Indians

as incapable, and compelling them to undertake the same responsibilities imposed upon all other human beings competent to distinguish right and wrong." Nonetheless, wrote Bland, the status of the severalty bill prior to the opening of the legislative session was "relatively powerless," with its amendment requiring native approval, attached by the NIDA, intact.¹¹⁵

The war of words escalated as the congressional session opened. When the severalty bill passed on December 17, the NIDA amendment had been altered to say only that no reservation could be *abolished* until a majority of males over 21 years had consented. The change in the amendment's wording meant that severalty was again permitted without Indian consent.¹¹⁶

Outsiders in the media, who had been watching the friction intensify, reported the verbal battles without taking sides on the matter.¹¹⁷ Even President Cleveland was perplexed that the two factions could not agree. In an interview with Indian activist Huldah H. Bonwill of Philadelphia, Cleveland said that, while he supported the concept of allotment, he opposed immediate severalty, but that he had nonetheless been besieged by visits from groups favoring the latter proposal. The president reportedly asked the visitors to offer practical suggestions for keeping the "worst class of whites" from rushing onto the newly opened lands--but they offered none.¹¹⁸

The interview was reprinted by many newspapers around the country, including the Boston Herald. The views of the

administration appeared to be in line with those of the NIDA. However, it had become extremely important to the optimists that the administration *not* be in agreement with the NIDA's practical philanthropists. Thus, after the story appeared in the Herald, Dawes allegedly authored a rebuttal in which he used the president's statements out of context to make it appear that Cleveland's opinions agreed with those of the mainstream reform groups, and were in opposition to "an organization with headquarters at Washington, and which prints a newspaper called the Council Fire."¹¹⁹ In January, the IRA printed and circulated Welsh's letter in the same paper which defended the IRA position that it was Bland who was misleading the public by saying that the severalty act broke tribal relations.¹²⁰

At the Board of Indian Commissioners meeting on January 9, 1887, Bland resigned from the program committee when another member of the same committee, Dr. Charles Painter, put forth a resolution endorsing the allotment bill. Bland was replaced by General Pleasant Porter of the Creek Nation. The latter's minority report, which included an affirmation of the natives' right to hold their lands in the traditional manner, was accepted and endorsed, along with the Dawes bill. Dawes spoke for an hour about his legislation, acknowledging that the measure would be successful only if "administered honestly by incorruptable and intelligent men." If not, said the senator, the Indian would be "robbed and ruined." Dawes also reiterated

his belief that allowing natives to consent to allotment would defeat the purpose of the bill, but he denied that the legislation forced severalty. Yet, when Bland challenged him to find the clause which would refute the opposition's position that it forced allotment, Dawes did not respond.¹²¹

Another heated exchange occurred after Dr. Byron Sunderland, incoming NIDA President, spoke at the group's annual meeting on January 17, 1887.¹²² Again Sunderland criticized the measure for forcing severalty, to which Dr. Charles Painter erroneously responded that Indians would be allotted only "upon application."¹²³ Lyman Abbott's editorial in his Christian Union of January 13, 1887 heartily endorsed immediate severalty, and intimated that the NIDA, which opposed the severalty measure, had but a few members in Washington, D.C. Bland retorted with a list of some of the more illustrious intellectuals who were members, and he asserted that NIDA's influence was "being felt at the Capital and throughout the whole country."¹²⁴

The legislation finally passed both houses of Congress without any amendment affecting Indian consent. Dawes sought removal of the clause from the House version, because any reference to Indian consent would have destroyed the bill's intent.¹²⁵ Immediately after Cleveland signed the bill on February 8, 1887, the NIDA met to discuss its course of action. A committee was established to write a public statement of the group's objections to the legislation and the kind of legal

action which might be considered. When presented, the objections reflected the NIDA position on immediate severalty. The legislation affected internal tribal structure, effectively destroying it, and made fundamental changes in the Indians' way of life without asking their consent. In their judgment, "The present law is, therefore, confessedly a despotic act . . . It is in manifest disregard of the acknowledged right of Indian tribes--rights which . . . have been asserted over and over again in the courts of the United States." The reformers' intended course of action was to ask the Congress convening in December to "repeal the objectionable features of the law," or to add an amendment giving the Native American a choice in the matter. The first time the president attempted to force allotment on any tribe under provisions of the law, the group vowed to test its constitutionality in the Supreme Court.¹²⁶

While the IRA based the legality of the new law simply on the fact that severalty had been written into so many treaties, the NIDA put forward a series of legal arguments against the bill.¹²⁷ Citing numerous cases affecting Indian land title which had been heard by the Supreme Court, NIDA attorney A.J. Willard called the natives' title a "vested interest in land, securing to tribes the right to possess, use, and occupy the lands to which it relates, so long as the tribe continues to exist, and to hold such land in possession." Tribal land rights, then, were similar to the land rights of private corporations and municipalities. If Congress could usurp and

divide Indian lands, it would also be able to do so with corporate landholdings.¹²⁸

The citizenship clause left individual Indians' rights in a tenuous position. By terms of section six of the Dawes Act, as soon as an Indian received his allotment, he became a citizen of the state or territory in which his land lay. If his allotment was in a territory, the native came under congressional authority, because territories remained under the control of the national government. If his land lay within a state, however, he must comply with state laws while simultaneously losing government protection of his rights. In the case of allotments made in Indian Territory, the natives came under Kansas laws. This conflicted with the portion of the act which said that his land was held in trust by the government. The law also stated it would deal with the tribe for the sale of remaining lands after allotment, but by the very act of allotment, the tribe ceased to exist. This effectively allowed confiscation of Indian lands under the law.¹²⁹

Using prior Supreme Court cases, such as *Ex Parte Crow Dog* (1883), the NIDA also contended that the courts had previously upheld the rights of the natives to govern themselves.¹³⁰ They also argued that the government had no authority to establish itself as trustee over Indian lands because it did not own them. Attorney Willard argued that a trustee must be impartial, amenable to the courts, and able to offer security

for the funds of its ward. The United States government was unable to fill any of those requirements.¹³¹ Furthermore, while NIDA understood the legal reasons for exempting certain groups, such as the Five Civilized Tribes, from the severalty act, their omission made the law seem discriminatory, because these were the very tribes best suited for allotment.¹³² The severalty law was unconstitutional, as written, said the NIDA, because it took private property for a public cause without due compensation.¹³³ Therefore, they hoped to defeat the law's execution by defending in court any tribe which requested their legal assistance in avoiding allotment.¹³⁴

In the face of NIDA's threat, President Cleveland promised he would not force severalty on any tribe without their consent, and he kept his word.¹³⁵ Secretary Lamar reversed his earlier opinion on the severalty issue by becoming a supporter of the legislation. Thus, he refused to allow the NIDA to test the constitutionality of the law by enforcing it only on those small reservations created by executive order, or those reserves with treaties which contained a clause permitting the Secretary of the Interior to allot their land. In those situations, allotment was clearly legal and the NIDA had no test case.¹³⁶

Since the optimists did not want a court test of their legislation, the war of words continued between the two groups. The IRA circulated their defense of the NIDA's assertion that the Peoria, Pankeshaw, and Wea tribes had been granted titles

to their reservations, and were justified in not wanting to be allotted by the law.¹³⁷ Welsh used as an example a Peoria chief who wanted allotment. Bland contended that the "chief" was not an Indian at all, but a whiteman adopted into the tribe in his youth.¹³⁸ When Bland acknowledged that funds were needed for a court fight, and organized a lecture tour to raise them, the IRA countered by accusing Byron Sunderland of asking the Indians to donate funds to defend them against the bill. The accusations were made by a Kiowa theology student, Joshua Given, but Sunderland had not even attended the Blands' reception when the alleged request was made.¹³⁹

The IRA followed by printing and circulating the accusation that the Five Civilized Tribes were paying the NIDA "\$6,000 for the good cause" of impeding the implementation of the law.¹⁴⁰ In a letter by Given to Richard Pratt, which was circulated by General Whittlesey at Post Office expense, the IRA made additional accusations that Bland had encouraged a young Kiowa not to accept Christianity.¹⁴¹ These may have been prompted by Bland's criticism of Pratt after the "educator" admitted to harsh punishment for an Indian youth's "petty crime" at Carlisle Industrial School. The student was whipped on his bare back in front of his peers, chained to a block of wood in the school yard for thirty days during daylight hours, and confined to a dungeon at night.¹⁴²

As in the pre-severalty battles, many major newspapers printed both sides of the conflict, including the Catholic

Columbian, the Boston Post, and the Boston Pilot, which took a decidedly pro-NIDA stance.¹⁴³ Others did not. A correspondent to the St. Paul Pioneer Press admitted concocting a story about the NIDA's attempts to incite western tribes against the law. When confronted about his lies, the correspondent said, "you are fighting our Western Indian policy, and we propose to fight you, and fight you to the death." Despite proving the story false, other papers picked up the article and lambasted the NIDA for its "actions."¹⁴⁴

Probably the most harmful accusations against the NIDA originated within the organization itself. The IRA began circulating a story which said that the reform group was no longer unified in its opposition to the severalty law. They pointed out that three prominent NIDA members had endorsed the new law in a letter to Cleveland. After investigating the allegations, Bland concluded that the "endorsements" were signatures on a letter of affirmation written by NIDA member Samuel Tappan, who apparently had changed his opinion on severalty to favor the majority view. Tappan had taken the letter to the three NIDA members when each was busy, told each that his letter contained a statement of NIDA position on the legislation, and ask each to sign, saying in each case that some other member had already endorsed the statement.¹⁴⁵ All the negative publicity convinced the Blands that they must "go into the lecture field and make a determined effort to correct public opinion on this question," and raise funds for a court

test as well.¹⁴⁶ On May 7, 1887, the Blands left Washington, D.C. bound for Boston, Philadelphia, and New York.¹⁴⁷

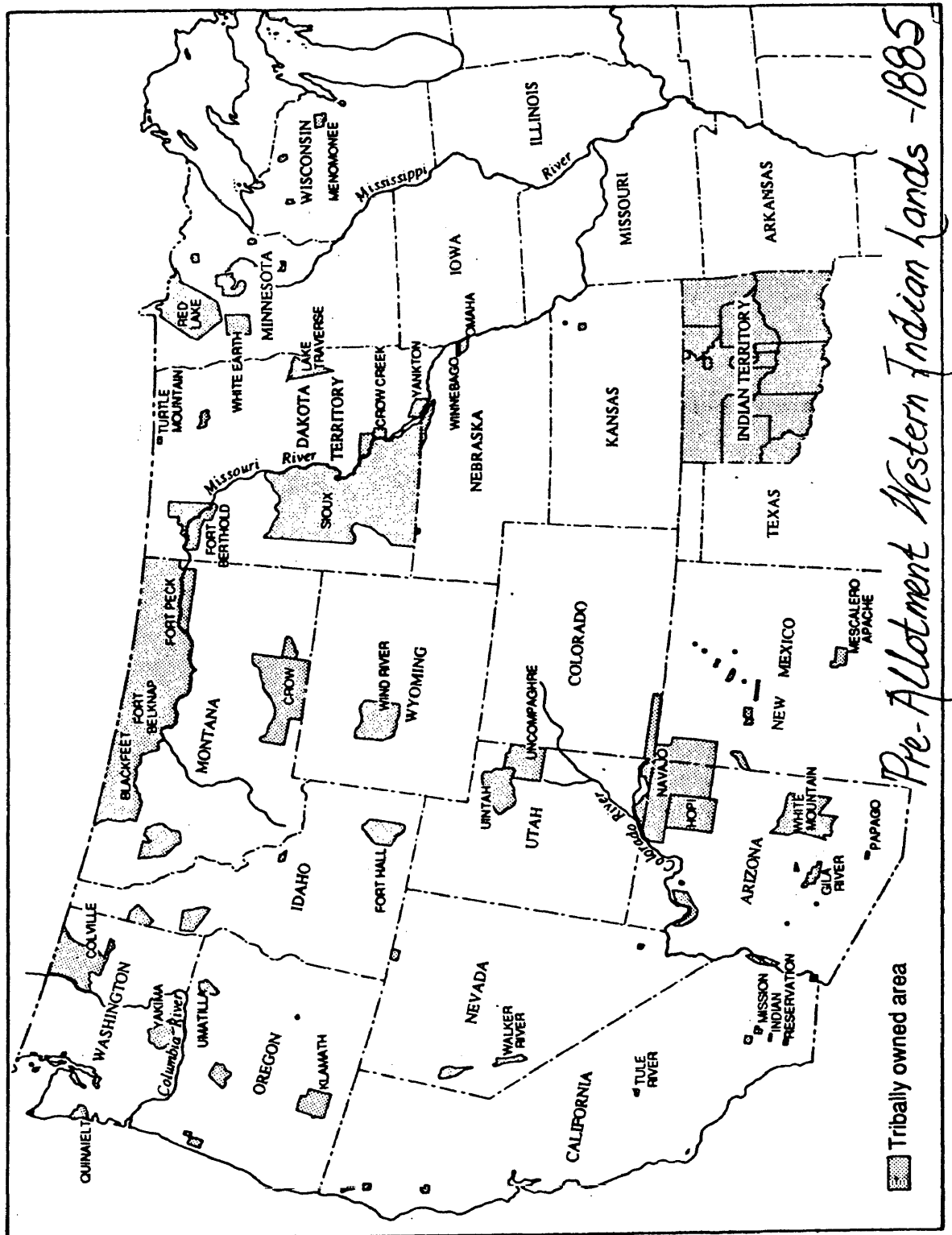
The couple spent the next two months in eastern cities, and they felt that press reports of their lectures had been recorded "freely and fairly." In Boston, Dawes attacked their viewpoint in local newspapers, to which the Blands replied "so effectively that our critic soon ceased his attacks, allowing us to have the last word in each case." Despite the Blands' successes in the lecture hall, the trip ended most unfortunately for the forces opposing severalty.¹⁴⁸ On June 22, 1887, as they returned to Washington, D.C., the couple was severely injured in a deadly railroad accident near Havre de Grace, Maryland. Bland was badly scalded on his head and right arm, finally escaping through the window of the mangled train car.¹⁴⁹ After the initial healing, the couple spent the remainder of the summer regaining their strength on Massachusetts' southern coast.¹⁵⁰ Because Bland himself was the nucleus of communication among practical philanthropists (just as was Herbert Welsh to the optimists and the IRA), the forward momentum to test the law in the courts ground to a halt. Council Fire was not printed, and, overall, the malevolence directed toward the NIDA was quieted.

As fall approached, however, even those who had supported severalty so enthusiastically backed away from their position. At the Lake Mohonk Conference in late-September, the cohesiveness and animated spirit of the previous year were

gone. In his speech to the conference, even Dawes admitted that the law would not change the Indian but would only permit him a new opportunity. Unless the government was willing to help the native make a new start, said the senator, it would be better if the bill had not passed. Among the conference resolutions in 1887 was one which suggested further legislation to implement the severalty act "to prevent his new liberty and opportunity from becoming a curse instead of a blessing." Even Harvard Professor James Thayer, who had adamantly opposed the NIDA for their criticism of the Dawes Act, found fault with the law for trying to mix whites and Indians.¹⁵¹

Unfortunately, Bland, the NIDA, and other practical philanthropists were correct in their continuing assertion that Indians were an exceptional minority, not yet ready to hold title to their lands in the same manner as America's "salad bowl" of capitalists.¹⁵² While Dawes may have initially assumed that Indian lands would be allotted slowly, the sad truth was that, by 1899, 55,067 natives had already taken allotments.¹⁵³ At the time of the bill's passage in 1887, Native Americans held 138 million acres; but, by 1934 when the allotment process was halted forever, 91 million acres had been lost (see maps 3 and 4).¹⁵⁴ Of all lands held in trust by the government for the twenty-five year period, two-thirds were lost by sale, just as the NIDA had prophesied!¹⁵⁵

The NIDA had accurately predicted that, if the assimilation process were undertaken too hastily, such losses



Pre-Allotment Western Indian Lands - 1885

Samuel A. McDowell, *The Dispossession of the American Indian, 1887-1934*
(Bloomington: Indiana University Press, 1991)

and vagabondage would result. Yet, a dozen years after its passage, Dawes was still defending his legislation from the stale standpoint that the bill did much for the Native American.¹⁵⁶ The optimists simply could not wait for the Indian to change for himself, and when the optimistic reformers were forced to acknowledge that the Indian was not at all like the white, they chose to ignore and belittle the practical philanthropists who held those views.

Severalty may have been the most calamitous event facing Native Americans during the late nineteenth century, but it was not the sole issue needing the attention of Council Fire during the 1880s. The Sioux Reservation in Dakota was an area of 43,000 square miles, six separate agencies, and over 20,000 Indians. The Sioux, like all other Native American groups, were under pressure to reduce the amount of land they occupied while simultaneously changing their lifestyle from hunter to farmer. Because they were regarded as a largely hostile group, the government appreciated an agent who could maintain order. Yet on the Pine Ridge Reservation, Indian Agent Valentine McGillicuddy allegedly went beyond the strongarm tactics of maintaining order to outright despotic corruption. Appropriately, Council Fire became the primary organ for relating the Indians' charges against McGillicuddy and attempting to secure his dismissal.

NOTES

¹In the Massachusetts Colony in 1633, natives were permitted to take allotments and live among the English. Any subsequent purchase of that land required a license from the General Court, a rule upheld again in 1665. How much land the Indians actually retained under those laws is unclear, but it was generally believed that if the natives were not occupying a particular tract of land, as happened when "God . . . consumed the natives with a miraculous plague," it was available to whites. See Charles C. Royce, ed., Indian Land Cessions in the United States (Washington, D.C.: Government Printing Office, 1900), 602-3; and Howard W. Paulson, "The Allotment of Land in Severalty to the Dakota Indians Before the Dawes Act," South Dakota History 1 (Spring 1970):132-153.

²"Land in Severalty to Indians 150 Years Ago," CF X (December 1887):94-95.

³Loring Benson Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887 (New Brunswick, N.J.: Rutgers University Press, 1942), 177; and Robert Winston Mardock, The Reformers and the American Indian (Columbia: University of Missouri Press, 1971), 211.

⁴Laurence F. Schmeckebier, The Office of Indian Affairs: Its History, Activities and Organization (Baltimore: Johns Hopkins Press, 1927), 58; Priest, Uncle Sam's Stepchildren, 177; and Mardock, Reformers and Indians, 211.

⁵Robert M. Kvasnicka, "George W. Manypenny," in The Commissioners of Indian Affairs, 1824-1977, Robert M. Kvasnicka and Herman J. Viola, editors (Lincoln: University of Nebraska Press, 1979), 62-64. See Manypenny's own account of the failure of his allotment policy for the Wyandotts in "Shall We Persist in a Policy That Has Failed?" CF VIII (November 1885):155-56.

⁶Robert M. Utley, "The Celebrated Peace Policy of General Grant," North Dakota History 20 (July 1953):124; Robert H. Keller, Jr., American Protestantism and United States Indian Policy, 1869-82 (Lincoln: University of Nebraska Press, 1983), 151; and Mardock, Reformers and Indians, 211.

⁷Frederick E. Hoxie, "The End of the Savage: Indian Policy in the United States Senate, 1880-1900," Chronicles of Oklahoma 55 (Summer 1977):163-64.

⁸Bishop Henry E. Whipple, quoted in Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976), 64.

⁹Markku Henriksson, The Indian on Capitol Hill: Indian Legislation and the United States Congress, 1862-1907 (Helsinki: Finnish Historical Society, 1988), 72-73; Utley, "Peace Policy of General Grant," 131-32; and Congressional Globe, July 14, 1870, 5606-9.

¹⁰Priest, Uncle Sam's Stepchildren, 101; and Utley, "Peace Policy of General Grant," 131.

¹¹Henriksson, Indian on Capitol Hill, 134-35; and Schmeckebier, Office of Indian Affairs, 76.

¹²Hans L. Trefousse, Carl Schurz: A Biography (Knoxville: University of Tennessee Press, 1982), 242-44.

¹³See Nation 25 (October 4, 1877):204; and Report of the Commissioner of Indian Affairs, 1877, in Annual Reports of the Interior Department, 45th Cong., 2nd sess. I:397 (I1.1).

¹⁴Marshall Sprague, Massacre: The Tragedy at White River (Boston: Little, Brown and Company, 1957), 241; and "Correspondence Concerning the Ute Indians in Colorado," Senate Executive Document [SED] no. 31, 46th Cong., 2nd sess. (serial 1882), 15-16.

¹⁵Sprague, Massacre, 159-68; Prucha, Policy in Crisis, 237; and "Ute Agreement," in Charles J. Kappler, ed., Laws and Treaties (Washington, D.C.: Government Printing Office, 1904) I:180-86.

¹⁶"Ute Indians in Colorado," Congressional Record 10 (April 2, 1880):2058; and Congressional Record 10 (April 1-12, 1880).

¹⁷See for example, Senator Samuel J. Kirkwood (Iowa), Congressional Record 10 (April 7, 1880):2189; and Senator Henry Teller (Colorado), Congressional Record 10 (April 2, 1880):2061.

¹⁸See for example, Senator George G. Vest, (Missouri) Congressional Record 10 (April 9, 1880):2252; and Senator Blanche K. Bruce, (Mississippi) Congressional Record 10 (April 7, 1880):2195; and Priest, Uncle Sam's Stepchildren, 191.

¹⁹"Lands in Severalty to Indians," House Report [HR] 1576, 46th Cong., 2nd sess. (serial 1938), 1-6.

²⁰"Views of the Minority," in "Lands in Severalty to Indians," HR 1576, 7-10.

²¹"How Shall the Indians Hold their Lands?" CF VIII (October 1885):140.

²²"Lands in Severalty to Indians," CF IV (February 1881):19-20.

²³"Wrongs of the Poncas," CF II (October 1879):146; "Circumstances Alter Cases," CF II (April 1879):62; and "Lands in Severalty to Indians," CF IV:21.

²⁴"The Indian Question in the Senate," CF IV (February 1881):28-29.

²⁵"Lands in Severalty to Indians," CF IV:21.

²⁶Hoxie, "End of the Savage," 167.

²⁷Commissioner of Indian Affairs Report, 1880, in Annual Reports of the Interior Department, 46th Cong., 3rd sess., I:12 (I20.1).

²⁸For a chronological list of reform groups, see Armand S. LaPolin, ed., Native American Voluntary Organizations (New York: Greenwood Press, 1987), 172-73.

²⁹Priest, Uncle Sam's Stepchildren, 81-82.

³⁰Prucha, Policy in Crisis, 138.

³¹William T. Hagan, The Indian Rights Association: The Herbert Welsh Years, 1882-1904 (Tucson: University of Arizona Press, 1985), 1-4.

³²Herbert Welsh, Four Weeks Among Some of the Sioux Tribes of Dakota and Nebraska, Together with a Brief Observation of the Indian Problem (Germantown: Horace F. McCann, 1882), 18, in Indian Rights Association Papers, reel 102, A2.

³³Henry S. Pancoast, Impressions of the Sioux Tribes in 1882, with Some First Principles in the Indian Question (Philadelphia: Franklin Printing House, 1883), 10, in Indian Rights Association Papers, reel 102, A1; and Welsh, Four Weeks Among the Sioux, 27.

³⁴Pancoast, Impressions of the Sioux in 1882, 9.

³⁵Welsh, Four Weeks Among the Sioux, 28, 30-31.

³⁶Hagan, Indian Rights Association, 14-17. The IRA made overtures to purchase the Council Fire late in 1882 or early 1883, but was unable to consummate the transaction due to liabilities the journal had previously incurred. See Hagan, Indian Rights Association, 21.

³⁷Prucha, Policy in Crisis, 142.

³⁸"Indian Rights Associations," CF VI (June 1883):84.

³⁹"Land in Severalty--Senator Coke's Bill," CF VII (January 1884):7.

⁴⁰"Meeting of the Indian Commissioners," CF VIII (February 1884):4-5.

⁴¹"Our Red Brethren--Extermination or Civilization--Which Shall it Be?" CF III (January 1880):3.

⁴²T.A.B., "Consolidation of Indian Agencies," CF IV (August 1881):120. Consolidation had also been the position of the Commissioner of Indian affairs in his 1881 report. See "Report of the Secretary of the Interior," CF IV (December 1881):181.

⁴³"Our Reception to Chief Red Cloud," CF VIII (April 1885):55. See also "Red Cloud's Reception," National Republican (March 23, 1885), 1; and "Red Cloud Holds a Reception," Washington Post (March 23, 1885), 1.

⁴⁴"Why Not Profit By Experience?" CF VIII (January 1885):1-2; and "Ft. Laramie Treaty," in Charles J. Kappler, ed., Laws and Treaties (Washington, D.C.: Government Printing Office, 1904) II:999.

⁴⁵"Meeting of the Indian Commissioners," CF VIII (February 1885):19-20. See also, "How the Indian Problem May Be Solved," Washington Post (January 10, 1885), 2.

⁴⁶"The Allotment Bill Before the House," CF VIII (February 1885):26-27.

⁴⁷"The Severalty Bill--Views of Representative Quakers," CF VIII (February 1885):24-25.

⁴⁸"Why Not Profit By Experience?" CF VIII:2; and "The Indian Council," CF VIII (February 1885):20-22.

⁴⁹"The Question Of...", CF VIII (July 1885):119; "How Shall the Indians Hold Their Lands?" CF VIII (October 1885):137; and "Senator Ingalls Was Interviewed...", CF VIII (July 1885):115.

⁵⁰"Meeting of the Indian Commissioners," CF VIII:20; and "Intemperate and All-Directed Zeal," CF VIII (September 1885):121-23.

⁵¹"Formerly There Were But Two....," CF VIII (May 1885):73.

⁵²Larry E. Burgess, The Lake Mohonk Conference of Friends of the Indian: Guide to the Annual Reports (New York: Clearwater Publishing Company, Inc., 1975), viii, 1-3.

⁵³Burgess, Lake Mohonk Conference, 3.

⁵⁴"The Mohonk Platform," CF VIII (November 1885):157-58.

⁵⁵"The New York Independent....," CF VIII (December 1885):186.

⁵⁶"The Administration Does Not Accept the Mohonk Platform," CF VIII (December 1885):174.

⁵⁷"Chief Red Cloud and President Cleveland," CF VIII (April 1885):53; and "The Administration Does Not Accept the Mohonk Platform," CF VIII:174.

⁵⁸"The Administration Does Not Accept the Mohonk Platform," CF VIII:174; and Priest, Uncle Sam's Stepchildren, 124.

⁵⁹"A Strange Coincidence," CF VIII (December 1885):177; and Priest, Uncle Sam's Stepchildren," 104.

⁶⁰"Secretary Lamar on the Indian Problem," CF IX (January 1886):7; and Hagan, Indian Rights Association, 80.

⁶¹"Secretary Lamar on the Indian Problem," CF IX:7; and Hagan, Indian Rights Association, 80.

⁶²"A Strange Coincidence," CF VIII:177.

⁶³Hagan, Indian Rights Association, 80.

⁶⁴"By No Means a Dreamer," Washington Post (April 19, 1885), 2; and "Hon. L.Q.C. Lamar, Secretary of the Interior," CF VIII (April 1885):57.

⁶⁵"Rev. Byron Sunderland, D.D....," CF VIII (February 1886):31.

⁶⁶"The Constitution of the National Indian Defence Association," CF IX (June 1886):98.

⁶⁷"The Constitution of the National Indian Defence Association," CF VIII:98; "A Pleasant Visit to Boston," CF X (January 1887):3-5; and "Hon. Alonzo Bell to Dr. Bland," CF VIII (April 1885):51-52. See also "Claiming a Patent on an Unjust Policy," CF X (February 1887):24.

⁶⁸"The National Indian Defence [sic] Association," CF VIII (December 1885):174-75.

⁶⁹"Annual Meeting of the N.I.D.A.," CF X (February 1887):17-18.

⁷⁰"The National Indian Defense Association," CF VIII (December 1885):175; and Prucha, Policy in Crisis, 166.

⁷¹"The National Indian Defence [sic] Association," CF VIII:175.

⁷²"The Sunday Republic...", CF IX (January 1886):14.

⁷³Prucha, Policy in Crisis, 248.

⁷⁴"The National Indian Defence [sic] Association," CF IX (February 1886):23-26.

⁷⁵"Indian Land Tenure Not Understood," CF X (March 1887):42.

⁷⁶"Indian Land Tenure Not Understood," CF X:43.

⁷⁷"Congress Laid the Bad Bills Bare," CF IX (August-September 1886):120.

⁷⁸A.J. Willard, "A Brief of Objections to the Sioux Bill," CF IX (January 1886):93-94.

⁷⁹"Truth and Justice Must Triumph," CF IX (February 1886):21-22.

⁸⁰"Proceedings of Informal Indian Meeting Held by Request of Dr. Lyman Abbott," in Wilcomb E. Washburn, The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887 (Philadelphia: J.B. Lippincott Company, 1975), 53-55; and "A History of the Policy of Coercion," CF X (December 1887):91.

⁸¹"Proceedings of Informal Indian Meeting," in Washburn, Assault on Indian Tribalism, 54-55.

⁸²"The Mohonk Platform," CF VIII:157-59; and Prucha, Great Father II:657-58.

⁸³"A History of the Policy of Coercion," CF X (December 1887):91.

⁸⁴Prucha, Policy in Crisis, 248.

⁸⁵Dictionary of American Biography (New York: Scribner's Sons, 1930) s.v. "Dawes, Henry Laurens," by H.W. Howard Knott.

⁸⁶Congressional Globe (March 19, 1869), 165.

⁸⁷Congressional Globe (January 25, 1871), 735.

⁸⁸Prucha, Policy in Crisis, 117; Priest, Uncle Sam's Stepchildren, 79; and Knott, "Dawes," Dictionary of American Biography, 149.

⁸⁹LaPolin, Voluntary Organizations, 49-50.

⁹⁰"A History of the Sioux Reservation," CF XII (January 1889):3-4; and "A Bill Declaring Indians Citizens," CF VIII (January 1885):9.

⁹¹"A History of the Sioux Reservation," CF XII:3-4.

⁹²Thomas A. Bland, "A Frank Confession By Mohonkers," CF X (January 1887):2-3; and "Speeches of White Swan and Wannatar," CF VII (October 1884):152-53.

⁹³"Turn Out the Bad and Sustain the Good Agents," CF VI (March 1883):34.

⁹⁴Keller, American Protestantism, 152.

⁹⁵"Turn Out the Bad and Sustain Good Agents," CF VI:34-35; and "A Frank Confession by Mohonkers," CF X: 2-3.

⁹⁶Congressional Quarterly's Guide to Congress (Washington, D.C.: Congressional Quarterly, 1991), 449-50.

⁹⁷"On the 13th of April...", CF VIII (May 1885):73.

⁹⁸"The Sinews of War Are Needed," CF X (February 1887):27.

⁹⁹"Conference of Indian Commissioners," CF IX (February 1886):28; and "The Recent Indian Meetings...", CF IX (February 1886):31.

¹⁰⁰"The Bill to Allot Lands," CF IX (March 1886):48; and "Senator Dawes Bill to Allot...", CF IX (March 1886):49.

¹⁰¹"Senator Dawes Bill to Allot...", CF IX:49.

¹⁰²"The General Severalty Bill....," CF IX (May 1886):74; "There Is At This Date....," CF IX (July 1886):110; "A History of the Policy of Coercion," CF X:92; and Hagan, Indian Rights Association, 65.

¹⁰³"A Sermon to Our 'Red Brethren' Criticized," CF IX (February 1886):32.

¹⁰⁴"Opposing the Dawes Bill," CF IX (April 1886):55-60.

¹⁰⁵Letter from Herbert Welsh, dated June 16, 1886, in Indian Rights Association Papers [hereafter cited as IRA Papers], reel 102, A58.

¹⁰⁶"There Is At This Date....," CF IX:110; and Hagan Indian Rights Association, 65.

¹⁰⁷"Agent McGillycuddy Removed From Office," CF IX (June 1886):86.

¹⁰⁸"Agent McGillycuddy and Chief Red Cloud," CF V (December 1882):326. Council Fire articles explaining Dawes and Welsh's support for McGillycuddy are too numerous to list here, but the topic of McGillycuddy and the suspicions of graft during his tenure as agent at Pine Ridge Agency are covered in the upcoming chapter.

¹⁰⁹The Honorable Commissioner of Indian Affairs and the Census at Pine Ridge Agency, Dakota (Philadelphia: Indian Rights Association, October, 1886), IRA Papers, reel 102, A61; and The Suspension of Dr. V.T. McGillycuddy, United States Indian Agent, Pine Ridge Agency, Dakota (Philadelphia: Indian Rights Association, July, 1886), IRA Papers, reel 102, A59.

¹¹⁰"Miss Bonwill's Talk With the President," CF IX:160; and Hagan, Indian Rights Association, 78-79.

¹¹¹Hoxie, "The End of the Savage," 163, 165-66, 169.

¹¹²"The Mohonkers Call a Halt," CF X:79.

¹¹³"We Acknowledge Receipt of Invitation....," CF X (November-December 1886):164; "A Full Confession By Mohonkers," CF X (January 1887):1; and "Among the Fragments of Speeches....," CF X (January 1887):7.

¹¹⁴Address of Herbert Welsh Delivered Before the Mohonk Indian Conference, October 14, 1886 (Philadelphia: Indian Rights Association, n.d.), 1, in IRA Papers, reel 102, A60.

¹¹⁵"The Mohonk Platform For 1886," CF IX (November-December 1886):158-59.

¹¹⁶Letter by Herbert Welsh to Editor of the Boston Herald, December 31, 1886, printed as The Indian Problem (Philadelphia: Indian Rights Association, n.d.), 3, in IRA Papers, reel 102, A70. Council Fire was unaware of the wording change in their amendment. See "The Indian Severalty Bill Passed...", CF X (January 1887):6.

¹¹⁷"The Two Policies," CF IX (April 1886):68; and "We Quote the Following...", CF IX (October 1886):146.

¹¹⁸"Mrs. Bonwill's Talk With the President," CF IX (December 1886):160. See also "What President Cleveland Recommends," CF X (January 1887):5-6.

¹¹⁹"Misrepresenting the President's Policy," CF X (January 1887):10-11.

¹²⁰Welsh, The Indian Problem.

¹²¹"Annual Conference of Indian Commissioners," CF X (February 1887):21-22.

¹²²"Annual Meeting of the N.I.D.A.," CF X (February 1887):17-20.

¹²³"Annual Meeting of the N.I.D.A.," CF X:18-19; and "Dr. Sunderland Defends His Speech," CF X (February 1887):28.

¹²⁴"Claiming a Patent on An Unjust Policy," CF X (February 1887):23-24. Bland placed membership in the NIDA at between 700 and 1000, with the higher membership figure in 1887. See "Annual Meeting of the N.I.D.A.," CF X:18; and "The National Indian Defense Association," CF XII (January 1889):11.

¹²⁵"Injustice Sustained by Falsehood," CF X (April-May 1887):57-58; and "Then and Now--A Review of Indian Policy," CF XII (December 1889):97.

¹²⁶"An Address to the Friends of Justice," CF X (March 1887):37-40; and "The New Indian Policy: Land in Severalty," American 14 (May 21, 1887):73-74.

¹²⁷"Injustice Sustained by Falsehood," CF X (April-May 1887):58-59.

¹²⁸Hon. A.J. Willard, "The Dawes Land-In-Severalty Bill," CF (January 1887):13.

¹²⁹A.J. Willard, "Annual Report of Judge Willard," CF (December 1887):99-100; and A.J. Willard, "Indian Jurisdiction After Division in Severalty," CF XII (March 1889):46-47.

¹³⁰"The Right of Indians to Govern Themselves," CF IX (November-December 1886):168-69; and A.J. Willard, "Status of the Indians, Political and Proprietary," CF IX (October 1886):136.

¹³¹Willard, "A Brief of Objections to the Sioux Bill," CF IX:91-92; and "Annual Meeting of the N.I.D.A.," CF X:19.

¹³²"A Brief of Objections to the Sioux Bill," CF IX:92; "Annual Meeting of the N.I.D.A.," CF X:19; and "A Delegation of Sac and Fox...", CF X (March 1887):49.

¹³³"An Address to the Friends of Justice," CF X:38-39; and "The New Indian Policy," American, 74.

¹³⁴"The New Indian Policy," American, 74; "The National Indian Defense Association," CF (January 1889): 12; and "An Interesting Letter From President Kent," CF XII (February 1889):30.

¹³⁵"The National Indian Defense Association," CF XII:12; and "An Interesting Letter From President Kent," CF XII:30.

¹³⁶"A History of the Policy of Coercion," CF X:92.

¹³⁷"The Peorias Protest Land in Severalty," CF X (February 1887):35-36.

¹³⁸"Injustice Sustained by Falsehood," CF X:58-59.

¹³⁹"Injustice Sustained by Falsehood," CF X:59; and "A Special Word to Our Readers," CF X (April-May 1887):66.

¹⁴⁰Friendship That Asks for Pay (Philadelphia: Indian Rights Association, n.d.), IRA Papers, reel 102, A75.

¹⁴¹"Injustice Sustained by Falsehood," CF X:58-59; and "Fighting Us By Unlawful Means," CF X (April-May 1887):62.

¹⁴²"Progress of Indian Education," CF X (February 1887):27; and "Fighting Us By Unlawful Means," CF X:62-64.

¹⁴³"Herbert Welsh Wrote...", CF X (April-May 1887):67.

¹⁴⁴"Injustice Sustained by Falsehood," CF X:60-61.

¹⁴⁵"Injustice Sustained by Falsehood," CF X:59-60.

¹⁴⁶"A Special Word to Our Readers," CF X:66.

¹⁴⁷"Report of Work During the Summer," CF X (November 1887):73.

- ¹⁴⁸"Report of Work During the Summer," CF X:73-77.
- ¹⁴⁹"Homeward Bound--A Railroad Collision," CF X (November 1887):77; and "The Railroad Accident," Baltimore Sun June 23, 1887, Supplement:1.
- ¹⁵⁰"Homeward Bound--A Railroad Collision," CF X:77.
- ¹⁵¹"The Mohonkers Call A Halt," CF X:79-80.
- ¹⁵²Carl N. Degler, Out of Our Past: The Forces That Shaped Modern America, 3rd ed. (New York: Harper and Row, 1984), 322.
- ¹⁵³Hoxie, "End of the Savage," 168; and H(enry) L(aurens) Dawes, "Have We Failed the Indian?" Atlantic Monthly 84 (August 1899):283.
- ¹⁵⁴Wilcomb E. Washburn, The Indian in America (New York: Harper and Row, 1975), 243; and Elizabeth S. Grobsmith, "The Plains Culture Area," in Native North Americans: An Ethnohistorical Approach, Daniel L. Boxberger, ed., (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1990), 189.
- ¹⁵⁵Washburn, Indian In America, 243.
- ¹⁵⁶Dawes, "Have We Failed the Indian?" 282.

CHAPTER V

COUNTERING CORRUPTION: COUNCIL FIRE'S OPPOSITION
TO AGENT VALENTINE MCGILLYCUDDY

People at a distance wonder that Senator Dawes should champion the cause of corrupt and despotic Indian agents. Residents of Washington find little difficulty in understanding the matter. They know that the Indian ring has its attorneys, not only in the Indian Office, but in both Houses of Congress. When I strike a member of that ring the ring attorneys defend him with all the skill they possess. This ring is a powerful organization of unscrupulous men, and but few men dare to make open war upon it. I have enlisted in this war, and shall not surrender or desert.

Thomas A. Bland, Council Fire

April 1885

It seemed to Thomas Bland that Pine Ridge Agent Valentine McGillycuddy must surely be part of the long-alleged "Indian Ring" which flourished at military posts and reservations throughout the Northern Plains.¹ The term Indian Ring had long been loosely applied to a group of contractors, freighters, suppliers, agents, and government officials who fraudulently used the government's huge contracts for Indian annuities to reap profits in the hundreds-of-thousands of dollars. The abuse thrived at numerous agencies for a variety of reasons,

but in Dakota, the alleged fraud had grown out of the notion that the Sioux should remain in the territory and be quietly controlled, because the income derived from supplying their annuities was an important source of revenue for the region. To white Dakotans, a good Indian was not a dead one, but rather a potential target for exploitation.² It had become readily apparent to Bland and the Council Fire that Valentine McGillycuddy, agent at Pine Ridge in Dakota, was exploiting the Sioux at his agency. However, McGillycuddy's defenders, Senator Henry Dawes and the Indian Rights Association, countered that the agent was simply pushing the Indians down the road to civilization, and they applauded his determination.

The Indians of Dakota had been placed on the Great Sioux Reservation in 1868. Their numerous bands had long been collectively referred to as the Sioux, because they all spoke various dialects of the Siouan language family. As early as 1640, the title had been applied to the three large divisions of Woodland natives living in the region west of the Great Lakes. Both the United States and Canada labeled them Sioux Indians, using a word they derived from a corruption of the Ojibwa term *Natoweswck*, meaning "snakes" or "adders." The Ojibwa were enemies of the Sioux peoples in the Great Lakes' region, and had forced the latter group of Woodland natives to move westward about 1750. Thereafter, the westernmost of the three divisions, referred to as the Teton (derived from *Tiⁿta*, meaning Plains), had ranged as far as the Black Hills of South Dakota. This group, who called themselves Lakota because they

spoke the Lakota dialect, was the largest division among all those which spoke a Siouan language.³ The Teton Sioux were always traders, and the introduction of the horse about the time of their westward movement allowed them to increase their sphere of influence on the Plains.⁴

After the discovery of California gold in 1849, white travel through the southern extremities of Sioux lands greatly increased. There was little animosity between whites and natives in the initial contacts, and many travelers traded directly with the Indians. But the overlanders increasingly disrupted the migratory patterns of animals native to the region, and since the Indians subsisted on the great variety of game which flourished on the Northern Plains, the Sioux began retaliating with occasional attacks on groups of the traveling argonauts. In 1851, 10,000 Northern Plains Indians met with government representatives to negotiate safe passage for white travelers.⁵ The Treaty of 1851, which was never ratified, created distinct boundaries for each of the Teton bands and the promise of government provisions and cash to total \$50,000 annually for ten years.⁶ The Sioux generally ignored the tribal boundaries, but rations were distributed from an agency at Yankton.⁷

In the Spring of 1865, the government began construction of a series of forts along the Bozeman Trail to protect its access to the Montana gold fields. This road ran through the prime Teton hunting area, the Powder River country of eastern Wyoming and Montana, and the Indians feared that the increased

white traffic would further split the great buffalo herds. Noted Sioux leader Red Cloud protested the disturbances to the government, but received no response. Nonetheless, he prevented his followers from outright attacks on construction crews, but did allow the Indians to scare the fort builders. When the government started construction of a second branch of the road early in 1866, the Sioux began open warfare on the roads' users.⁸

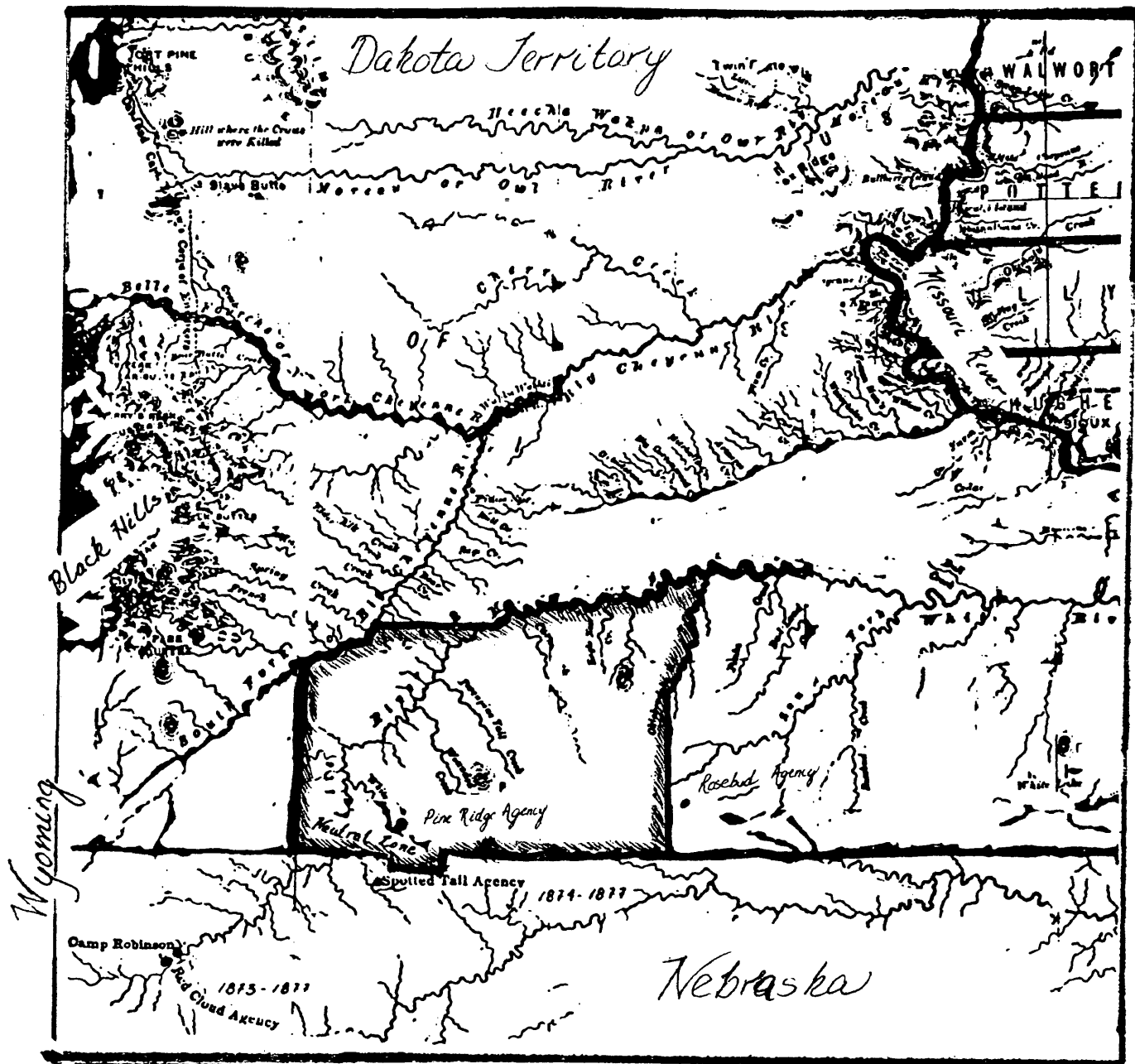
In 1868, the Sioux signed, and the Senate ratified, the Ft. Laramie Treaty which created the Great Sioux Reservation.⁹ The reserve sprawled over 22 million acres, and by the late 1870s, twelve agencies staffed with Indian agents had been established in Sioux country, although not all were on the reservation.¹⁰ Pressures to open the Indian lands increased after the 1874 discovery of gold in the Black Hills. The Hills were sacred to the Teton, who called them *Paha Sapa*, and they refused all government attempts to negotiate their sale. Within a month of General George Armstrong Custer's defeat by the Sioux at Little Big Horn in July, 1876, the government issued an ultimatum to the Indians to relinquish the Black Hills or receive no further rations. The agreement with the Sioux, signed under duress by only a few chiefs and headmen, was ratified by Congress on February 28, 1877.¹¹

By terms of this Agreement of 1876, all the Indians on the Great Sioux Reservation were to move their camps eastward to the Missouri River to take their rations at specific sites along that waterway. When Spotted Tail's and Red Cloud's

respective groups protested the hardship of the move, the government initially relented and promised to relocate the two groups' agencies to the interior where they had always been.¹² But in late-September, 1877, while Red Cloud and Spotted Tail were being courted in Washington, D.C., President Rutherford B. Hayes told the natives that they must move to the Missouri River until the spring of 1878 when new agency sites would be selected.¹³ The following July, the Stanley Commission, comprised of Major General Stanley, Major J.M. Haworth, and Rev. A.L. Riggs, selected a spot on Rosebud Creek for Spotted Tail's people, and a site on White Clay Creek for Red Cloud's group.¹⁴

Because Red Cloud's new agency bordered a region of pines on the north, it was to be called Pine Ridge. The new name would also distinguish it from two earlier Red Cloud agencies (see map 5).¹⁵ The Pine Ridge Agency was primarily inhabited by some 6,000 Oglala Sioux, the majority of whom were women and children. The Oglala, a name which meant Scatter Their Own, constituted one of seven Teton Sioux bands, and Red Cloud was their acknowledged leader.¹⁶

During the late-nineteenth century, *Makhpiya-luta* (called Red Cloud) played a critical role in the events on Pine Ridge, as well as in those of the entire Sioux Nation. The Oglala chief was born near the site of Ft. Laramie about 1821.¹⁷ His mother was a sister to Old Smoke, leader of the Bad Face band. Shortly after Red Cloud's birth, his father died, and the chief and his mother went to live with Old Smoke's people. The Bad



Pine Ridge Agency - 1884

Faces were rivals of the Koyas, led by Bull Bear, and as a young man, Red Cloud killed Bull Bear in retaliation for the Koya slaying of an Oglala in an inter-band feud, causing a permanent rift between the two groups. But Red Cloud's act exemplified such courage that he became known as a warrior among the Bad Faces, and ultimately, in 1866, leader of all Sioux groups in Dakota.¹⁸

Red Cloud had not initially opposed the presence of white traders. But as the chief watched his people grow increasingly dependent upon trade goods while they allowed their own traditions to gradually decay, he began to openly resist the immigrants. When the soldiers came to build forts along the Bozeman Trail, Red Cloud led the successful campaign against their intrusion.¹⁹ Even after the government conceded its defeat by the provisions of the Ft. Laramie Treaty in 1868, Red Cloud refused to sign the contract until after his fall hunt.²⁰ Independence of action and defense of tradition became his trademarks, and throughout his adult years, the chief remained steadfastly loyal to his people. But Red Cloud's courage and loyalty brought him into direct conflict with the forces of change embodied in Dr. Valentine McGillicuddy.

With his arrival on March 16, 1879, McGillicuddy became the first agent at the new Pine Ridge Agency.²¹ He was considerably younger than the old chief who became his nemesis. Born into an Irish Catholic family on February 14, 1849, McGillicuddy had begun his study of medicine in 1866. However, he joined a survey crew working on the boundary between the

United States and Canada in 1874, and within two years, he was with General George Crook's infantry in the west. In October, 1876, he was named assistant post surgeon at Ft. Robinson, Nebraska. There he became well acquainted with the Sioux, especially the Oglalas, since Ft. Robinson was adjacent to Red Cloud's old agency, which lay just south of the reservation in Nebraska.²² In January, 1879, James Irwin submitted his resignation as agent for the Oglalas, and Indian Commissioner Ezra Hayt promptly filled the position by nominating McGillycuddy to the post.²³

The role of an Indian agent was pivotal in the minds of reformers. As they saw it, an agent's primary responsibility was "to induce his Indians to labor in civilized pursuits [and] to attain this end, every possible influence should be brought to bear." The evidence of a tribe's advancement in civilization became the measure of an agent's success. Yet, in spite of the admitted importance of the position, the salary of an Indian agent was minimal. The annual wages were generally \$1500, and they did not waiver from this meager amount regardless of an agent's competence or tenure in office. The low salary led agents to abuse their influence with contractors, as well as the legal power they held over other salaried positions at their agencies.²⁴ The fraud at Indian agencies was so extensive that Bishop Henry Whipple had commented during the 1860s that, even with his minimal salary, an agent could "retire upon an ample fortune in three years."²⁵ Yet, for political reasons, most administrations continued to

support even the most corrupt of agents.

The Sioux agencies did not escape this reputation. As early as 1861, Dr. Walter Burleigh of the Yankton Agency, had used several schemes to boost his annual salary. Burleigh had offered salaries to his sister-in-law, mother, and wife to dispense medicine, and had also paid his wife and sisters to teach in a school which did not exist. He had compensated his two teenaged sons fifty dollars each, per month, to chase gophers, and he had kept the profits resulting from the sale of Indian-made tinware.²⁶ Although Burleigh was eventually dismissed, the charges did little to injure his reputation, and he went on to play an important role in Dakota politics.²⁷ Fraudulent activity by Indian agents in Dakota did not end with Burleigh's dismissal, however, and at the Red Cloud Agency in 1875, Agent J.J. Saville was accused by Red Cloud of mistreatment and the distribution of inferior goods. Yale paleontologist O.C. Marsh supported the chief's allegations, taking them to the Board of Indian Commissioners and the public.²⁸ Similar excesses at other reservations were so extensive that the Indian Bureau launched a department-wide investigation in 1877.²⁹

McGillycuddy did nothing to improve the reputation of the Indian Office as an abuser of its responsibilities toward Native Americans. By his own admission, he was not endowed with the "Christian virtues of meekness, humility, and forbearance." So McGillycuddy took the government quite literally when it told him that tribal structures must be broken before civilization

could be advanced, for he intended to be successful in his pursuit of Bureau's goals.³⁰ However, two important human qualities made McGillicuddy an asset to the Indian Bureau: his organizational skills; and his frequent and open communication with the Indian Office.

Almost immediately, the agent created an Indian police force. This was a group of approximately fifty Sioux men, answerable only to the agent, whom McGillicuddy placed on the agency payroll at a salary of five dollars per month.³¹ Next, he changed the time-honored method of distributing rations. Traditionally, the Oglalas had divided themselves into seven bands under seven chiefs. On ration day, the supplies were divided into seven piles, each distributed by one of the chiefs. The best means for destroying the chiefs' authority, reasoned McGillicuddy, was to distribute all the annuities himself. But none of the Oglalas liked the agent's new method, the result of which was to fragment tribal unity by expanding the number of independent units from seven to twenty-five. Eventually, sixty-three tribal sub-groups developed within the tribe.³² McGillicuddy's method to divide and conquer became so popular with the Indian Office that it was initiated at many other agencies.³³ McGillicuddy also encouraged the Sioux to build cabins, each with a door, windows, and a cooking stove. If an Indian built a two-room cabin, the agent provided him with a heating stove, and if a native undertook agriculture, McGillicuddy provided the farming tools. The Indians settled in groups along the reservation's streams, and the agent placed a

farmer in each camp to teach gardening and cattle herding skills.³⁴

While the Indian Bureau applauded these efforts, the Oglalas were divided on the changes. Most of them initially disapproved of the Indian police because the Sioux already had long-established soldier societies which administered policing duties, free from interference by the agent.³⁵ One of the changes in the annuity distribution method included a reduction in rations because McGillicuddy believed that the Indians were receiving too great a quantity of some items.³⁶ As a result, the agent claimed to be saving the Indian Bureau \$50,000 annually, while he simultaneously forced the Oglalas to become more self-sufficient.³⁷

One of the most acrimonious opinions about McGillicuddy was held by Chief Red Cloud, who began complaining about the reduction of supplies soon after the agent's arrival.³⁸ Red Cloud's history of accusing his agents of fraud undoubtedly colored McGillicuddy's opinion of the chief, and the old Indian's staunch defense of his traditional way of life placed him in direct opposition to the the agent, who had been told by Indian Commissioner Ezra Hayt not to play "second fiddle to Indian chiefs."³⁹ Red Cloud had been officially deposed as chief by General George Crook late in 1876, although after the death of Crazy Horse he had assumed his former role.⁴⁰ Now McGillicuddy set about to do the same. This time, the agent wanted to replace Red Cloud with the more pliable Young-Man-Afraid-of-His-Horses.⁴¹ Red Cloud, McGillicuddy wrote, was "an

enemy of the Government and civilization With an Indian of his class, the end justifies the means and his oath is no better than his word."⁴²

McGillycuddy considered himself the nucleus around which all activity at the agency was centered. He was in frequent communication with the Indian Office in Washington, usually seeking permission to do something which was not permitted by the department's guidelines. It should be noted, however, that after Carl Schurz's investigation of the Indian Office in late 1877, new agent regulations had been written. Even Alfred Meacham believed that the new rules were too stringent to meet exigencies such as the dispensing of certain medicines in a medical emergency.⁴³

The Bureau frequently denied McGillycuddy's request, or questioned the propriety of his actions. In July, 1881, for example, Hiram Price responded to the agent's request to sell goods to white parties working at the agency under government contract by telling him unequivocally that he could not do so. "You are advised that the provisions and supplies mentioned by you are purchased for the Indians alone," wrote Price. However, annuity goods could be sold to employees of the Indian Bureau.⁴⁴ In mid-1881, McGillycuddy requested permission to pay a carpenter by voucher so he would not be entered on the payroll as a white employee. Price denied him permission since to do so "would be an evasion of the law."⁴⁵ In mid-1882, the department told the agent he would have to give "facts" regarding his allegation that Louis Shangrau was a "disturbing

element" among the Oglala and was "giving them bad counsel" before the Bureau would take any action.⁴⁶

Other questions arose about McGillicuddy's accounts, as well as recorded discrepancies in the weights and amounts of annuity goods between the time they were unloaded at the Rosebud Landing warehouse and their arrival at the agency. In the summer of 1882, the agent was ordered to explain the purchase of certain goods in "open market" made without department approval.⁴⁷ At nearly the same time, he was given thirty days to correct errors in his accounts when it was found that he was paying a few Indians to undertake all the salaried labor at the agency. The same Sioux were simultaneously being paid as Indian police, freighters, and laborers, an action prohibited by the agent's rules. The extra compensation amounted to nearly \$5,000.⁴⁸ In other cases he was asked to explain the whereabouts of certain annuity goods. In mid-1882, for example, 1,600 flannel shirts for Pine Ridge arrived and were counted at the warehouse, but McGillicuddy acknowledged receipt of only 1,250.⁴⁹ Later that year, 998 sacks of flour, weighing 99.3 pounds each, were sent to Pine Ridge. McGillicuddy acknowledged receipt of only 990 sacks, weighing 99 pounds each.⁵⁰ Despite such questionable behavior, the Indian Bureau stood staunchly behind the agent, even praising his successful transfer of a group of natives from Standing Rock to Pine Ridge without incident.⁵¹

Animosity between Red Cloud and the agent intensified as the latter's demands became more outrageous. McGillicuddy had

attempted to officially depose the chief in late 1879, and although most Oglalas continued to acknowledge him as their chief, thereafter McGillicuddy referred to Red Cloud as the "ex-chief" in most communications. Problems at the Pine Ridge Agency reached a crisis point in the late summer of 1882. On Sunday, August 13, Red Cloud and some fifty followers left the reservation without permission to attend a feast prepared by Louis Shangrau, a half-breed who lived south of the reservation in Nebraska.⁵² McGillicuddy had evicted Shangrau from the reservation despite being cautioned against doing so. At Shangrau's, the Indians found a letter detailing their grievances with the agent written and ready for their signatures.⁵³

The next day, Red Cloud ordered the tribal police to enforce a tribal council decision not to allow white freighters to bring supplies to Pine Ridge from a new railhead at Thatcher, Nebraska, just south of the reservation. Although the change was a logical one, it drastically cut into the profits of Indian freighters hauling supplies overland from Rosebud Landing on the Missouri River.⁵⁴ On August 15, McGillicuddy wired Hayt of Red Cloud's activities and his retaliatory action to suspend the issues of coffee, sugar, and bacon. "Is McGillicuddy to be the Agent or chief clerk of Red Cloud?" he sarcastically asked.⁵⁵ On August 18, McGillicuddy called an Indian council in which he informed those present that he could request troops because of Red Cloud's defiance of United States laws. The chiefs and principal men condemned Red

Cloud's actions and assured the agent that they would support the Indian police.⁵⁶

McGillycuddy had requested authority to act as he saw fit, and at 2:45 P.M. on August 19, the telegram permitting his discretion arrived from Indian Commissioner Price.⁵⁷ "If necessary to prevent trouble, may arrest Red Cloud and hold him prisoner til further orders," wired Price.⁵⁸ When the chief was brought to the agency, McGillycuddy notified the former of his arrest, but placed him on parole, with the Indian police and other chiefs responsible for his conduct.⁵⁹ The crisis had passed for the moment, but on its heels came an investigation which resulted in an additional four years of agitation among reformers, as well as among Indians at the agency.

Following the week of problems at the agency, Red Cloud and many of his supporters had moved into the "neutral zone," a five-by-ten-mile-wide strip in Nebraska, along the reservation's southern boundary (see map 5). McGillycuddy had insisted on the zone's creation by Executive Order as a buffer area to protect the Indians from the liquor trade which had flourished just south of the agency. The neutral zone was for Indians only; neither whites nor agency personnel could enter the area. But with so many natives congregated there, local communities began to fear an Indian outbreak, so newspaper editors in the area also began clamoring for McGillycuddy's dismissal.⁶⁰

At a tribal council convened not long after Red Cloud's arrest, the chief and his followers demanded that the Bureau

initiate an investigation of the agent within sixty days. If the Department failed to remove the agent, threatened Red Cloud, he and his followers would do so, and they would not be held responsible for any outbreak which occurred.⁶¹ The press reported that the old chief had a "growing and substantial following," and that something should be done to counteract his influence.⁶² The Indians' demands, the August crisis, and the questionable entries in the agent's accounts, all contributed to the Indian Bureau decision to conduct an investigation, and on August 20, 1882, Inspector William J. Pollock was ordered to the agency to begin the inquiry.⁶³

This was not the first investigation of Agent McGillicuddy's administration. His conduct had been probed by Inspector McNeil in June, 1880, by a Dakota Grand Jury in August, 1880, and by Inspector Gardner in September, 1880. While no fault was found in McGillicuddy's handling of agency affairs, the inspectors were later accused of whitewashing their reports.⁶⁴ During the summer preceding the crisis, Pollock had heard numerous reports of the agent's mishandling of agency activities, and had passed the evidence to the Indian Office. However, the inspector's reports were ignored because of Bureau support for McGillicuddy's ability to organize agency business, as well as his use of a firm hand at the agency.⁶⁵

After Pollock's arrival at Pine Ridge on August 23, he spent over two weeks investigating all aspects of McGillicuddy's managerial practices, and taking depositions from employees and Indians. On September 10, the investigator

wired Secretary of the Interior Henry Teller that he felt sufficient evidence existed to warrant McGillicuddy's removal, and he requested that Special Agent E.B. Townsend be sent to temporarily assume the duties of agent. Using the authority granted to an Inspector by the Indian Bureau, Pollock then suspended McGillicuddy, but Townsend refused to take over without orders from Washington. When Teller learned that Pollock had removed McGillicuddy, the secretary suspended the inspector, saying he had no authority to suspend an agent.⁶⁶

In eighty-odd pages of testimony, McGillicuddy admitted to most of the charges against him.⁶⁷ The nineteen formal accusations included: (1) falsifying records to reduce the quantity of annuity goods actually received, then stockpiling the "excess" items; (2) altering the cattle scales so that beef actually weighed less than the scales showed; (3) selling or giving away Indian annuity items; and (4) persecuting Red Cloud.⁶⁸ Since Teller and the government did not truly want McGillicuddy out of office, the Interior Secretary sent a new, unseasoned inspector, Samuel Benedict, to undertake a second investigation and relieve Pollock of his duties. Then Teller put the matter behind him.⁶⁹ To counter the adverse publicity against him, McGillicuddy wrote to various metropolitan newspapers across the country, saying he had been kind and encouraging to the industrious Indians, but that he had waged war from the outset on "loafers, gamblers, and whiskey peddlers." Therefore, because Red Cloud was among the "loafers," the malingering chief had become displeased with his

energetic agent.⁷⁰

Council Fire initially stayed out of the fray, condemning only General Crook for deposing the chief.⁷¹ Red Cloud had asked for Bland's assistance during the turmoil, but Bland had not published the request. He had, however, asked the Indian Bureau to conduct an investigation.⁷² The chief and Meacham had been fast friends, the former having presented Meacham with a pipe some years earlier.⁷³ Bland did not know the chief as well, not having met him until August, 1881, when a Sioux delegation visited Washington, D.C.⁷⁴ However, when Teller and the Indian Bureau reinstated McGillicuddy and suspended Special Agent W.J. Pollock, they were upholding the agent, despite his admission that he exploited the natives. Their actions thus triggered Bland's unflinching support of the Sioux chief.

Red Cloud had asked Bland for his help in securing a visit to Washington, and the trip was arranged for mid-December, 1882.⁷⁵ The Sioux chief was properly feted during his eastern visit, even traveling to New Haven to visit his old friend, Professor O.C. Marsh.⁷⁶ In his meetings with Interior Secretary Teller and Indian Commissioner Price, Red Cloud asked for McGillicuddy's removal, as well as payment for the horses taken by General Crook in 1876.⁷⁷

The tensions between Red Cloud and McGillicuddy did not ease during the remainder of 1883, and Bland's agitation with Senator Dawes increased. In late summer 1882, a land commission had been sent to the Sioux Reservaton to secure Indian approval for the sale of nearly one-half of the

reservation. Charges that the commission, with McGillicuddy's help, had used unfair tactics to coerce Sioux approval were numerous during early 1883, and in the summer, a Senate investigating commission, headed by Dawes, visited the reservation to probe the allegations.⁷⁸ But even the investigation caused controversy when Dawes refused to take testimony from Red Cloud on the matter.⁷⁹

Visitors to Council Fire offices in Washington continued to report bad feelings among the agent, Red Cloud, and those Indians who did not favor McGillicuddy's ideas.⁸⁰ Natives on the reservation continued to write to the journal complaining of the agent's unfairness.⁸¹ Due to their friendship with Red Cloud, some Indians got no rations; others received decreased amounts.⁸² Some wanted to farm, but the agent allegedly refused to teach them. Others wanted to hay, but McGillicuddy refused to allow white farmers to instruct the Indians on the use of the haying machine.⁸³ Their complaints were reflected in the decreasing amounts of land under cultivation, as well as the decreasing crop yields at Pine Ridge as McGillicuddy's tenure progressed.⁸⁴ Local newspapers continued their criticism of the agent as well, resulting in a threat by McGillicuddy to sue the Valentine Reporter because it printed articles focusing on his schemes.⁸⁵ Despite it all, the administration continued its support for the agent, and reappointed him in the fall of 1883.⁸⁶

In June, 1884, another bill to reduce the Sioux Reservation passed the Senate, and Red Cloud wrote to Bland,

encouraging him to come to Pine Ridge to talk about the legislation. Bland agreed to go, leaving Washington, D.C. on June 13.⁸⁷ Before departing, he sought the customary permit to enter the reservation from Interior Secretary Teller. The secretary's letter, dated June 14, 1884, stated that Bland had permission to be on the reserve, but had no official status with the Indian Department. He was not to "interfere in the affairs of the agencies" in any way. Bland arrived in Valentine, Nebraska on June 17. He waited there several days before traveling on to Rosebud with Todd Randall, finally arriving at Red Leaf's village, near Pine Ridge, on June 23. The two men journeyed on to Randall's ranch where Red Cloud and forty Indians met the editor and escorted him to the agency late in the morning of June 27.⁸⁸

Bland planned to meet McGillicuddy at 2 P.M., but went first to Cooper's Hotel to bathe and eat. Sometime before the afternoon appointment, the Indian police met the editor at the hotel and demanded his immediate presence at McGillicuddy's office, where the agent ordered him to leave the reserve. Bland retorted that he had permission to be there from Secretary Teller and would not leave. McGillicuddy told Bland that he was going to ignore Teller's permission and remove the editor anyway. The agent then ordered a carriage, issued six rounds of ammunition to six policemen, and put Bland into the coach. One of the policemen sneered at Bland, saying "I want you to understand that them little articles in The Council Fire are not forgotten, and this is what you get for 'em." Bland

was escorted back to a nearby ranch where he met with other Indians and whites, many of whom had likewise been ordered off the reservation by McGillicuddy.⁸⁹ The editor remained in the area until July 22, when he returned to Washington.⁹⁰

Bland was absolutely livid about his treatment by McGillicuddy, and fully expected the administration to punish the agent for his imperious actions. One day after his return, the editor filed reports of the incident with Acting Secretary Joslyn, since Teller was in Colorado. But McGillicuddy also filed a report with Teller on June 29, and he charged Bland with being "excited and untruthful."⁹¹ Bland explained and refuted each of the agent's charges in his own letter to Teller on July 25.⁹² Support for Bland came from many quarters. On August 12, Judge W.J. Godfrey of Dakota sent a letter endorsed by 700-800 Indians which said that the signers supported Bland's story of the events.⁹³ Alonzo Bell and George Manypenny both called McGillicuddy's actions insolent, and the Western Catholic of Illinois said McGillicuddy should be "drummed out of the church."⁹⁴

But Teller refused to act on Bland's harassment charges against the agent, just as the secretary had refused to act on the evidence of McGillicuddy's fraud that was uncovered by Pollock.⁹⁵ When it was apparent that no action had been taken, Bland contacted Teller on September 17, but the secretary told him that he had been too busy to read the reports, and that he did not intend to do so because there were more important issues needing his attention. Bland was dumbfounded by

Teller's support of the agent since the secretary had always been exacting on matters of official courtesy.⁹⁶ The administration had clearly chosen to stand behind the agent, and Bland and Council Fire went on the offensive against them all.

McGillycuddy was probably too autocratic to collude with contractors, freighter, and others in a formal Indian Ring.⁹⁷ While historians have not doubted the existence of Indian Office fraud, they have questioned the presence of an *organized* ring of conspiracy.⁹⁸ However, a kind of political collusion did exist in Dakota which kept McGillycuddy in office. The participants who protected the agent from his sins included Herbert Welsh and the Indian Rights Association, Senator Henry Dawes, Interior Secretary Henry M. Teller, and Episcopal Bishop William Hobart Hare, Missionary Bishop of Niobrara.

It has been previously noted that Dakotans were quite willing to exploit the Native American. The technique used to accomplish this dated to the administration of Governor Newton Edmunds in 1863. He had been opposed to military clashes with the natives because they damaged the territory's reputation. Additionally, the army's methods were too slow and cumbersome, allowing the Indians to outmaneuver the soldiers. Instead of military containment, Edmunds' plan to confine the natives included a line of forts to keep them in Dakota, and government annuities to keep them dependent on whites. As governor, Edmunds was also Superintendent of Indian Affairs in the territory, and therefore, he controlled the drafting of most

annuity contracts. By the end of his first term in office, he had created an efficient "ring" of agents who handled their agencies according to Edmunds' wishes, thereby insuring their tenure in their respective agency positions. The Episcopal Church became party to the ring because, under Grant's Peace Policy, they controlled all but two of the agencies in Dakota Territory. Consequently, a majority of the 28,000 Native Americans in Dakota were potential catechumens, and, therefore, their spiritual leader, the Bishop of the Niobrara, became an important political figure as well.⁹⁹ Thus, in Dakota, a triangular control of Indian affairs gradually developed among missionaries, federal and territorial officials, and local representatives of the Republican bureaucracy, which then held sway in Washington.¹⁰⁰

This tripartite control was clearly in evidence during McGillicuddy's tenure. In the election year of 1880, agents throughout Dakota were replaced by members of the Republican political machine which feared losing control in Congress. Thus, new party men were appointed at Lower Brule, Crow Creek, Rosebud, and Cheyenne River agencies, and McGillicuddy was retained at Pine Ridge.¹⁰¹ The political link to the Episcopal Church was solidified by Bishop Hare.

William Hobart Hare had been consecrated Bishop of the Niobrara on January 6, 1873 in Philadelphia. Heading west in early spring, he arrived at Yankton on April 29, 1873. Hare considered Indians to be America's heathen wards, and he believed it was his responsibility "to minister as a Bishop to

this despoiled race, [and] to head, so far as the Episcopal Church is concerned, what is coming to be a *great national* movement in their behalf." He realized that many agents were unfair to their Indians, but also acknowledged the difficult conditions under which they worked. Since laboring in an alien environment completely surrounded by Native Americans created an uneasy atmosphere for whites, Hare believed it was his duty to support and sympathize with the agents. The Bishop saw his position as one of leadership among the natives, as well as a link to the government during a period in which the inferior native must be uplifted towards civilization. Hare believed his assistance was necessary to make the civilizing process successful, so he defended McGillycuddy.¹⁰²

In 1882, Hare championed McGillycuddy's administration at Pine Ridge by dismissing Julia Draper, a teacher in the Episcopal school at the agency. She had spent ten years among the Sioux in Dakota, but was discharged after she signed a petition to the Secretary of the Interior asking for an investigation of McGillycuddy's administration. Bishop Hare admitted to Mrs. Draper that the error was not in her professional duties, but that anyone working for him and the church must defend the agent, even if it was proven that McGillycuddy had defrauded the government. Mrs. Draper also believed that the Bishop and missionary John Robinson had deliberately given misleading information to Herbert Welsh regarding the condition of the Indians and the severity of McGillycuddy's administration during his visit of the previous

summer. The Bishop's staunch defense of the agent resulted in Welsh's blind support for McGillycuddy.¹⁰³

But Hare's patronage of the agent stemmed partly from his distaste for Chief Red Cloud. The Bishop had not long been in Dakota when Red Cloud's allegations of theft against Agent J.J. Saville were made public by Professor O.C. Marsh.¹⁰⁴ While there was no concrete evidence to implicate Hare in any of the Dakota fraud, he was undoubtedly aware that it existed.¹⁰⁵ In a letter from London, dated January 7, 1876, the Bishop referred to the congressional investigation resulting from Red Cloud's accusations. He wrote that "charges and innuendoes" would fly "hither and thither," but that his friends could "be sure that should any suspicion be thrown upon anything I have had a hand in, there is nothing to fear from investigation."¹⁰⁶ However, Red Cloud's charges ultimately led to the dismissal of several agents in Hare's bishopric.¹⁰⁷

Another incident detrimental to Hare's opinion of Red Cloud occurred at Carlisle Indian School in 1880. The Pennsylvania boarding school was in its infancy, and most of its pupils were Brule Sioux. Red Cloud, Spotted Tail, and other Sioux leaders had been brought to Carlisle by the government for the first anniversary of the facility, and so that the natives could see how "wonderful" white man's education was for their children. Before the trip, Spotted Tail learned that his children had been baptized and confirmed as Episcopalians while at the school, and had also been given Christian names. He had expected that his children would be

taught to read and write, not to reject their traditional religious beliefs, of which the Brule chief was particularly proud. In a speech at the anniversary festivities and before such dignitaries as Bishop Hare, Spotted Tail contemptuously called Carlisle "a soldier place," because the students wore military uniforms and Pratt used harsh military discipline and punishments on the children.¹⁰⁸

The Indians continued their tour of the East, but enroute back to Dakota, the delegation again stopped at the school. Despite Pratt's objections and attempts to intervene, Red Cloud and Spotted Tail made angry speeches, after which the Brule leader took all thirty-four Rosebud students back to Dakota. The incident led other children at the school to rebel, and a few runaways boarded the train on which the two chiefs were riding. Pratt and other Indian Bureau officials never forgave Spotted Tail for the episode which greatly undermined the school's early success.¹⁰⁹ And in the mind of Bishop Hare, the incident undoubtedly reflected poorly on Red Cloud as well, because the Bishop felt strongly that the route to civilization lay in educating young Native Americans.¹¹⁰

Hare had damaged his own reputation in 1879 when he printed and circulated charges of immorality against Rev. Samuel D. Hinman, whom he had terminated for irregularities in his mission duties.¹¹¹ Nonetheless, Hare was a highly regarded theologian considered to be an authority on Indian issues, and as such he was invited to the first Lake Mohonk Conference in 1883.¹¹² In 1883, Hare's political role was increased by the

expansion of his diocese to include Dakota's white population as well. The new diocese was known as the Missionary District of South Dakota.¹¹³

To obtain the best assistance for the poor, Hare believed that the church should establish itself among the wealthy. He therefore created a network of wealthy individuals upon whom he could readily call for financial assistance. These included John Jacob Astor, wealthy New York real estate tycoon, and his wife, Felix R. Brunot, and William Welsh.¹¹⁴ Indeed, it was William Welsh who campaigned for creation of the Missionary Jurisdiction of Niobrara, whose influence established the Episcopal Church at Dakota's Sioux agencies, and whose personal funds were used to create the missions at Lower Brule, Crow Creek, and Cheyenne River.¹¹⁵ With a family history of such strong support, it was only natural for Herbert Welsh to write accolades for an agent he had not met, but who had the backing of an Episcopal bishop. In fact, McGillicuddy was the only Dakota agent whom Welsh praised after his 1882 trip across the reservation with Bishop Hare.¹¹⁶

When Welsh returned to Dakota in 1883, he stayed with McGillicuddy for a time, and Welsh's account of the trip included McGillicuddy's version of the August, 1882 crisis.¹¹⁷ One of the erroneous passages in Welsh's story intimates that Red Cloud and his followers left the reservation without permission and went into Nebraska, an act "regarded by many whites . . . as the precursor of war."¹¹⁸ In truth, the Indians had gathered legally in the "neutral zone" created by the agent

and authorized by Executive Order.¹¹⁹

Welsh and the IRA were optimists who believed that Native Americans could rapidly change their lifestyle. Success for their plan required the help of a powerful legislator who appeared in the person of Henry Laurens Dawes. The senator's name was then on the legislation to reduce the Great Sioux Reservation.¹²⁰ McGillicuddy's reputation for controlling the natives and his organizational skills made him the darling of the Indian Bureau, so Dawes had everything to gain by supporting the agent, including the network of Dakota politicians and church bureaucrats which had been tapped by Welsh through his family connections. That Welsh and Dawes would support a despot such as McGillicuddy did not surprise Bland. But, while Council Fire had not always agreed with Interior Secretary Henry Teller's opinions, a mutual respect had existed. The Secretary's support for McGillicuddy now perplexed the crusading editor.

Henry Teller had been named Secretary of the Interior by President Chester Arthur in 1882. He was a New Yorker by birth, a lawyer who went to Colorado just before the Civil War.¹²¹ While his views of the Native American were generally negative, his opposition to severalty put his opinions in line with those of Bland and Council Fire, and the journal had often supported the Secretary's positions on Indian issues.¹²² Like Bland, Teller believed that the reservation system needed to be continued, but Teller wanted Indians to stay on reservations primarily because reserves isolated an "inferior race" which

could never learn to mix with whites.¹²³ Unlike Bland, Teller wanted to reduce the amount of land on each reservation so that each contained only enough for the Indian to live on, and not enough to perpetuate his hunting lifestyle. This would force the native to learn to raise livestock and to farm.¹²⁴

Teller was highly protective of Colorado interests, and had not wanted *any* Indians to remain in the state, either on reservations or on individual plots of land, when the Ute bill was being debated in 1880. As Arthur's administration wore on, Teller seemed increasingly willing to overlook fraud, such as allowing rail companies to take illegal title to reservation lands in Alabama, upholding the illegal leases negotiated by Indian agents on Cheyenne, Arapaho, and Wichita lands, and dismissing Inspector Pollock for finding fault with McGillicuddy.¹²⁵ Although Teller ultimately reinstated Pollock, Bland remained wary of the administration.¹²⁶

Following the Pine Ridge incident, support for Bland came from many corners, including the editor of the Springfield, Massachusetts Republican. His editorial on August 5, 1884 villified McGillicuddy's action, pointed out the charges of fraud previously made against him, and questioned the value of Bishop Hare's defense of the agent because of the former's indiscretion in the Hinman matter.¹²⁷ Since Senator Dawes could not tolerate such support for Bland, he penned a letter to the Republican's editor which appeared in that newspaper on August 7.¹²⁸ His letter, 3000 copies of which were later printed and circulated by the IRA, questioned Bland's mental

capacity and refuted any charges ever made against McGillycuddy.¹²⁹ Of Bland, Dawes wrote, "He is a very strange man, having some notions about Indians which seem kind, but on the contrary making trouble and mischief with everybody who is trying to help that people. He has the confidence of no one in Washington, . . . He is as wild in his attempts to state facts as he is in his ideas of what is the proper policy toward the race he thinks he serves."¹³⁰ Dawes clearly revealed his stance on Indian matters with his assertion that he was *helping* them regardless of the outcome. Bland countered by pointing out that, "It would have been far more consistent with the professed objects of the association to have given the Indian's side of this story instead of the agent's."¹³¹

To offset Dawes' assertion that everyone in Washington discounted Bland's opinions, the Council Fire editor printed statements from Alonzo Bell, former Indian Commissioner, and Rufus Darby, printer of Council Fire, among others.¹³² Judge A.J. Willard pointed out that Dawes represented forces attempting to usurp the Native Americans' right to self-government, which was upheld in the Treaty of 1868 and was still in effect for the Indians of Pine Ridge. Therefore, no legal grounds existed for Agent McGillycuddy to pursue the despotic course advocated by Senator Dawes.¹³³

With such influential support from the administration, McGillycuddy's behavior grew more tyrannical. On August 10, 1884, the thirteen-year-old son of No-Water fired a rifle in the vicinity of the agency. The Indian police chased the

child, captured him, and placed him in the guardhouse. McGillicuddy believed that the child was trying to kill him, and blamed Council Fire for the incident because the July-August issue, which contained the story of Bland's expulsion from the reservation, had just arrived at Pine Ridge. The agent threatened to send Bland to jail in Deadwood if he ever returned to Pine Ridge, and declared that Council Fire would be responsible for his death if he was killed.¹³⁴ In reality, the rifle had been fired by the child in a squabble with his sister at least one-half mile from agency headquarters.¹³⁵ While many Indians at Pine Ridge corroborated No-Water's explanation of the episode, McGillicuddy wrote to the Indian Office charging that the youth was trying to kill him. In response, No-Water solicited Bland's help in securing an investigation.¹³⁶

McGillicuddy was directed to refer the case to the U.S. District Court of Dakota for an inquiry into the facts of the event.¹³⁷ Instead, he composed his own court of Indians who could not read, and then wrote his own verdict. The results were read to the jury and approved. McGillicuddy's own report of the trial was also approved by Indian Commissioner Price and Secretary Teller. The verdict said nothing of guilt or innocence, but only that the child had suffered enough after spending two months in the guardhouse. Bland charged that the entire episode was directed at Council Fire in an attempt to discourage Indian readership of the journal.¹³⁸

McGillicuddy engineered more trouble for himself when he mailed a letter condemning the accusations against him to the

New York Sun. The newspaper said it could not ascertain the truth or fiction of the charges against the agent, but objected to the letter because McGillicuddy had mailed it, postage-free, in an Interior Department envelope. Since these were to be used only for communication with executive departments, the agent's action was a violation of the law and subject to a \$300 fine. The Postmaster General directed that charges be brought against McGillicuddy, and referred the case to Hugh S. Campbell, U.S. District Attorney for Dakota.¹³⁹ But Campbell was a part of the Dakota's political machine, and he refused to act on the case, saying no Dakota jury would convict the agent.¹⁴⁰ Campbell was ultimately investigated and convicted of malicious prosecutions and reckless expenditure of government money.¹⁴¹ Bland was growing increasingly certain that corruption had spread through all of the Republican Party heirarchy, and he was grateful for Grover Cleveland's presidential victory.¹⁴²

Faced with a change in administrations, the agent had gone on a campaign to garner local support for his administration. Late in the summer, he took his Indian police and freighters to Rapid City for two days, where the natives were allowed to perform a war dance to "gratify the savage taste of the people of Rapid City."¹⁴³ McGillicuddy also used his influence to secure the contract for 800,000 pounds of flour from a mill in the Black Hills, and circulated a petition for his retention at Pine Ridge, even using bribery and threats to cajole natives into signing.¹⁴⁴ If the Indians did not sign, the agent

threatened to send them to Indian Territory where he said they would get no rations. Nonetheless, few Sioux signed the petition.¹⁴⁵ In the East, Bishop Hare, Bishop Ozi W. Whitaker of Nevada, and Herbert Welsh formed a Boston chapter of the Dakota League.¹⁴⁶ The Leagues were an organization of Episcopal churchwomen which Bishop Hare had created in several cities to further his work in Dakota.¹⁴⁷ The expressed function of the Boston group was to keep McGillicuddy in office.¹⁴⁸

Although McGillicuddy boasted that his influence with former Interior Secretary Carl Schurz would keep him in office at Pine Ridge, the March, 1885 change in administrations did finally bring action against the agent.¹⁴⁹ Cleveland named Lucius Q.C. Lamar as Secretary of the Interior and John D.C. Adkins as Commissioner of Indian Affairs. Lamar had introduced the Blands and Red Cloud to Adkins immediately after the commissioner took his oath of office.¹⁵⁰ Bland regarded the new commissioner as a "man of character," and although they did not completely agree on severalty, the editor applauded Adkins' rapid action against McGillicuddy.¹⁵¹

On April 3, 1885, Adkins ordered McGillicuddy to come to Washington to stand trial on charges made by Red Cloud. McGillicuddy took his time, not arriving in the city until late April.¹⁵² The proceedings began on April 24, with Judge A.J. Willard acting as Red Cloud's counsel, and Senator Dawes speaking in the agent's defense.¹⁵³ Only parties to the case and intimate friends were admitted to the hearing.¹⁵⁴ When

Dawes entered the chambers on the opening morning, he greeted McGillicuddy and his wife warmly, but completely ignored Red Cloud. Bland noted that the action was undoubtedly to remind Adkins that the commissioner should "not oppose the wishes of an influential Senator lest he take revenge through unfavorable legislation."¹⁵⁵

Red Cloud's charges against the agent were presented by Judge Willard and included all of Pollock's findings, the agent's admission of guilt in 1882, Bland's unlawful expulsion, and the numerous affronts and abuses of the chief. McGillicuddy protested against the charges, saying all investigations had exonerated him. But Adkins assured him that he was there to face those accusations. While all of the allegations were aired, witnesses were not sworn and all of the documentary evidence was disallowed.¹⁵⁶ The hearing concluded on Saturday morning, April 25, with the final outcome to be decided by Commissioner Adkins.¹⁵⁷ Despite the commissioner's refusal to consider much of the incriminating evidence, from the demeanor of Lamar and Adkins in personal contact after the hearing, Bland felt justice would be done.¹⁵⁸ But Dawes apparently also feared that the truth about McGillicuddy would be known. He authored a letter in the Boston Journal which intimated that, among other falsehoods being circulated about the agent, Red Cloud's opinions were shared by very few Oglalas, and that the senator's 1884 inquiry into McGillicuddy's actions had completely exonerated the agent. When Bland learned later that Dawes' investigation had never

been undertaken, he felt that the senator's nickname, "Dodger Dawes," was justified.¹⁵⁹

The severalty issue consumed much of Council Fire's attention during the remainder of the year, and only occasional reports of McGillicuddy's tyranny or fraud appeared in its pages.¹⁶⁰ Bland had become aware that, while the administration favored the agent's dismissal, it faced unnamed obstacles in removing him.¹⁶¹ In October, Bland announced that he no longer felt compelled to keep "parading [McGillicuddy's] name and doings before the people" since he believed that the truth was known and that the agent would soon be removed.¹⁶² In the meantime, however, the IRA adopted a resolution encouraging the president to keep him in office.¹⁶³ The following month, another inspector was sent from the Indian Bureau, but as 1886 opened, McGillicuddy was still in office.¹⁶⁴

The long-awaited action was finally taken on May 18, 1886, when yet another inspector suspended McGillicuddy from the Indian service.¹⁶⁵ Under Commissioner Adkins, the Indian Bureau had decided that much of the fraud at Indian agencies resulted from collusion between the agent and his chief clerk. The agent had always been allowed to choose his own clerk, but under Adkins, the power to appoint an agency's chief clerk was returned to the Indian Office.¹⁶⁶ Inspector E.D. Bannister visited Pine Ridge where he became convinced of the "crookedness of the agent." Using the new policy, Bannister ordered the clerk from Standing Rock to take charge of the Pine

Ridge Agency books. When McGillicuddy protested, Bannister removed him, and when the agent appealed his suspension to Lamar, the Interior Secretary upheld Inspector Bannister's handling of the matter. Shortly thereafter, the president also approved the action.¹⁶⁷

Needless to say, Red Cloud and most of the Oglalas were overjoyed at the turn of events, and the action prompted new reports of McGillicuddy's fraudulent activities. One writer from Pine Ridge reported that the agent's cattle count was short by 1000 head.¹⁶⁸ The temporary agent, Captain James M. Bell, restored annuities to all Oglalas, some of whom had drawn no rations for three years under McGillicuddy's rule.¹⁶⁹ The Washington, D.C. Sunday Republic revealed that Frank Stewart, whom Inspector Pollock had terminated in 1882, was really McGillicuddy's half-brother, Frank Stewart McGillicuddy.¹⁷⁰ His full name had appeared on a stagecoach manifest, his linen, and his trunk. Dr. McBell, an agency physician, had been told to remove the last name from the trunk and linens with a chemical.¹⁷¹ But the most damning claim was from newspapers, such as the Boston Advertiser, which reported that an analysis of census records showed that McGillicuddy was receiving annuities for 2,600 more people than lived on the reserve. This amounted to a loss to the government of \$284,700 per year based on the army ration value of thirty cents per day.¹⁷²

Despite all of the charges made against the agent, Welsh and the IRA were not pleased about McGillicuddy's dismissal. After nearly four years of blind support for an agent whose

corruption they could no longer politically hide, Welsh went on the offensive against administration officials to protect the IRA's reputation. First, he questioned the capabilities of Interior Secretary Lamar, who, he said, was "not a man of executive ability. He has not the grasp of power to handle things."¹⁷³ He was equally critical of Commissioner Adkins for the removal of the agent and his clerk, as well as that of Agent John Gasman and his clerk, Albert W. Dale, at the Crow Creek reserve.¹⁷⁴ In retaliation, Adkins accused Welsh of being partisan, but operating "under the guise of philanthropy."¹⁷⁵

Welsh asserted that he had no "political axe to grind," but in a highly partisan manner, the IRA reprinted and circulated the articles from journals and newspapers which had favored McGillicuddy or questioned his suspension.¹⁷⁶ The IRA's greatest criticism of the Bureau was its accusation that McGillicuddy had defrauded the government by accepting annuities for an inflated census figure.¹⁷⁷ McGillicuddy had been accused of taking supplies for a greater number of natives than actually resided on the reservation as early as 1882.¹⁷⁸ But the IRA response to the Indian Bureau allegation was carefully worded to make it appear that McGillicuddy had previously hinted that the census was inflated by twenty-five percent, and that his suspicions had been ignored. What he had really suggested was an annuity reduction of that amount, because he believed that the Indians were receiving more goods *by the treaty* than they needed.¹⁷⁹

Unfortunately, since Indian Office personnel had a history of questionable dealings and decisions, when a justifiable accusation was made, it could be easily discounted by the opposition. However, even the journals which defended the IRA questioned why action had not been taken earlier. Harper's Weekly said, if McGillicuddy did steal over \$150,000 in supplies through an incorrect census, why did the Indian Bureau not act on the information sooner? And, if the agent actually did commit such thievery, they wondered why Welsh and the IRA continued to support him.¹⁸⁰ If the Indian Rights Association was truly philanthropic, it is difficult to understand their support for McGillicuddy. But, while Welsh wanted to believe that he was non-partisan, he and the IRA were thoroughly enmeshed with Republican politics through Senator Dawes. Each entity needed the other to politically survive in Indian matters. The IRA's political axe ground against a Democratic administration which did not want to be controlled by Republican politics. On the other hand, Bland and Council Fire's motive had been only to remove a corrupt Indian agent. When Bland felt that he had succeeded, he stopped "parading [McGillicuddy's] name" before the public.

McGillicuddy, the Republican Party, and Dakota politics were also the leading figures in a seven-year battle to reduce, by nearly two-thirds, the Sioux Reservation. While Bland could not totally approve of the land cession, he used Council Fire to advocate his personal policy of fair treatment and just terms for the Sioux Indians. Unfortunately for the Native

American, this battle would be the final one for Thomas Bland and his journal.

NOTES

¹For a thorough study of the Dakota Indian ring, see George H. Phillips, "The Indian Ring in Dakota Territory, 1870-1890," South Dakota History 2 (Fall 1972):345-76.

²Howard Robert Lamar, Dakota Territory 1861-1889: A Study of Frontier Politics (New Haven: Yale University Press, 1956), 106, 189.

³Stephen E. Feraca and James H. Howard, "The Identity and Demography of the Dakota or Sioux Tribe," Plains Anthropologist 20 (May 1963):81, 83.

⁴Scudder Mekeel, "A Short History of the Teton-Dakota," North Dakota Historical Quarterly 10 (July 1943):139, 160-61.

⁵Mekeel, "Short History of Teton," 138-39, 173, 178.

⁶"Ft. Laramie Treaty of 1851," in Laws and Treaties, Charles J. Kappler, ed. (Washington, D.C.: Government Printing Office, 1904) II:594-95.

⁷Mekeel, "Short History of Teton," 178; and Langdon Sully, "The Indian Agent: A Study in Corruption and Avarice," American West 10 (March 1973):4.

⁸Mekeel, "Short History of the Teton," 184-85.

⁹"Ft. Laramie Treaty of 1868," in Laws and Treaties, Charles J. Kappler, ed. (Washington, D.C.: Government Printing Office, 1904) II:998-1003.

¹⁰"Ft. Laramie Treaty of 1868," 999; and George W. Kingsbury, History of Dakota Territory (Chicago: S.J. Clarke Publishing Company, 1915) I:799.

¹¹Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976), 170-71.

¹²Kingsbury, History of Dakota Territory I:803.

¹³"General Crook's Endorsement of Red Cloud," CF IX (July 1886):113-14.

¹⁴Kingsbury, History of Dakota Territory I:808.

¹⁵Kingsbury, History of Dakota Territory I:808; Testimony of E.A. Hayt, December 12, 1878, in "Joint Committee on Transfer of the Indian Bureau," Senate Miscellaneous Document [SMD] 53, 45th Cong., 3rd sess. (serial 1835), 390; and Gayla Twiss, "A Short History of Pine Ridge," Indian Historian 11 (Winter 1978):36.

¹⁶Feraca and Howard, "Demography of the Dakota," 83.

¹⁷"Chief Mapah Alutah (Red Cloud)," CF VII (October 1884):139; and James C. Olson, Red Cloud and the Sioux Problem (Lincoln: University of Nebraska Press, 1965), 15-16.

¹⁸Olson, Red Cloud, 20-23.

¹⁹Olson, Red Cloud, 24-25; and Mekeel, "Short History of the Teton," 186.

²⁰Mekeel, "Short History of the Teton," 187.

²¹Olson, Red Cloud, 264; and V.T. McGillycuddy to W.J. Pollock, September 15, 1882, in Record Group [RG] 75, Letters Sent [LS], Pine Ridge Agency, Box 35, National Archives and Record Service [NARS], Kansas City.

²²Julia B. McGillycuddy, Blood on the Moon: Valentine McGillycuddy and the Sioux (Palo Alto, Calif.: Leland Stanford Junior University, 1941; reprint ed., Lincoln: University of Nebraska Press, 1990), 13-14, 19, 55, 67.

²³Olson, Red Cloud, 264-65.

²⁴Prucha, Policy in Crisis, 41, 195.

²⁵Bishop Henry Whipple quoted in Elsie Mitchell Rushmore, The Indian Policy During Grant's Administrations (Jamica, N.Y.: Marion Press, 1914), 26.

²⁶Sully, "Indian Agent: Study in Corruption," 4, 6.

²⁷Sully, "Indian Agent: Study in Corruption," 8; and Lamar, Dakota Territory, 107.

²⁸Robert M. Utley, "The Celebrated Peace Policy of General Grant," North Dakota History 20 (July 1953):137; Phillips, "Indian Ring in Dakota," 354; and Francis Paul Prucha, The Great Father: The United States Government and the American Indian (Lincoln: University of Nebraska Press, 1984) I:588.

²⁹"Investigation on the Conduct of Indian Affairs," House Report [HR] 778, 43rd Cong., 1st sess. (serial 1627).

³⁰McGillycuddy to Pollock, September 15, 1882, in RG75, LS, Pine Ridge Agency, NARS, Kansas City.

³¹Twiss, "History of Pine Ridge," 36-37.

³²George E. Hyde, A Sioux Chronicle (Norman: University of Oklahoma Press, 1956), 73-74.

³³Robert M. Utley, The Last Days of the Sioux Nation (New Haven, Conn.: Yale University Press, 1963), 28-29.

³⁴Hyde, Sioux Chronicle, 71-72.

³⁵Twiss, "History of Pine Ridge," 36-37. For a summary of the general reasons that most agents disliked the use of Indian police, see Hyde, Sioux Chronicle, 79.

³⁶Herbert Welsh, Report of a Visit to the Great Sioux Reservation (Philadelphia: Indian Rights Association, 1884), 33, in Indian Rights Association Papers [hereafter cited as IRA Papers], reel 102, A3.

³⁷Hyde, Sioux Chronicle, 81-82; and Welsh, Report of a Visit, 33. Welsh claimed that McGillycuddy saved the government \$200,000.

³⁸"An Able Defense of Red Cloud," CF VI (March 1883):45-46.

³⁹McGillycuddy to Pollock, September 15, 1882, in RG75, LS, Pine Ridge Agency, NARS, Kansas City.

⁴⁰Olson, Red Cloud, 233, 246.

⁴¹Olson, Red Cloud, 270-71; and Twiss, "History of Pine Ridge," 37. For a complete account of the friction between Red Cloud and McGillycuddy prior to the crisis of August, 1882, see Olson, Red Cloud, 264-76.

⁴²V.T. McGillycuddy to H. Price, April 5, 1882, in RG75, LS, Pine Ridge Agency, Box 35, NARS, Kansas City.

⁴³"The Wronged Cheyennes," CF II (November 1879):170.

⁴⁴H. Price to V.T. McGillycuddy, July 1, 1881, in RG75, Letter Received [LR], Pine Ridge Agency, Box 5, NARS, Kansas City.

⁴⁵H. Price to V.T. McGillycuddy, June 7, 1881, in RG75, LR, Pine Ridge Agency, Box 5, NARS, Kansas City.

⁴⁶H. Price to V.T. McGillycuddy, June 23, 1882, in RG75, LR, Pine Ridge Agency, Box 6, NARS, Kansas City.

⁴⁷H. Price to V.T. McGillicuddy, July 14, 1881, in RG75, LR, Pine Ridge Agency, Box 5, NARS, Kansas City.

⁴⁸James S. Delano, acting Comptroller, to V.T. McGillicuddy, July 13, 1882, in RG75, LR, Pine Ridge Agency, Box 6, NARS, Kansas City.

⁴⁹Statement of Differences, First Quarter 1882, in RG75, LR, Pine Ridge Agency, Box 6, NARS, Kansas City.

⁵⁰H. Price to V.T. McGillicuddy, November 11, 1882, in RG75, LR, Pine Ridge Agency, Box 6, NARS, Kansas City.

⁵¹H. Price to V.T. McGillicuddy, n.d., in RG75, LR, Box 5, NARS, Kansas City.

⁵²Olson, Red Cloud, 270-72, 277.

⁵³Olson, Red Cloud, 277-78.

⁵⁴Hyde, Sioux Chronicle, 84-85; and Olson, Red Cloud, 278.

⁵⁵McGillicuddy to Price, August 15, 1882, in RG75, LS, Pine Ridge Agency, Box 35, NARS, Kansas City.

⁵⁶McGillicuddy to Pollock, September 16, 1882, RG 75, LS, Pine Ridge Agency, Box 35, NARS, Kansas City; "National Capital Topics," New York Times (August 29, 1882), 3; and Olson, Red Cloud, 278-80.

⁵⁷"National Capital Topics," New York Times (August 29, 1882), 3; Price to McGillicuddy, August 19, 1882, in RG75, LR, Pine Ridge Agency, Box 6, NARS, Kansas City; and Olson, Red Cloud, 280.

⁵⁸Price to McGillicuddy, August 19, 1882, LR, Box 6, NARS, Kansas City.

⁵⁹"Red Cloud Surrenders Himself," New York Times (August 22, 1882), 2.

⁶⁰Hyde, Sioux Chronicle, 85-86.

⁶¹Hyde, Sioux Chronicle, 86; and "Red Cloud's Warning," New York Times (August 26, 1882), 3.

⁶²"Red Cloud's Warning," New York Times (August 26, 1882), 3.

⁶³"Checking An Investigation," Chicago Times (October 29, 1882), 8.

⁶⁴McGillycuddy to Pollock, September 15, 1882, in LS, Box 35, NARS, Kansas City.

⁶⁵"Checking An Investigation," Chicago Times (October 29, 1882), 8; and "Agent McGillycuddy and Chief Red Cloud," CF V (December 1882):325-26.

⁶⁶"Checking An Investigation," Chicago Times (October 29, 1882), 8; T.A. Bland, "An Important Fact--Accidental Discovery," CF VII (October 1884):138; and "What Red Cloud Asks For," CF VI (January 1883):3.

⁶⁷"Checking An Investigation," Chicago Times (October 29, 1882), 8.

⁶⁸"Pine Ridge Agency," Chicago Times (October 30, 1882), 3; and "Agent McGillycuddy and Red Cloud," CF V (December 1882):327-28.

⁶⁹"Checking An Investigation," Chicago Times (October 29, 1882), 8.

⁷⁰"Pine Ridge Agency," Chicago Times (October 30, 1882), 3.

⁷¹"Another Indian Trouble," CF V (August-September 1882):259-60.

⁷²"Turn Out the Bad and Sustain Good Agents," CF VI (March 1883):36.

⁷³"Another Indian Trouble," CF V:159-60.

⁷⁴"Our Indian Councils," CF IV (September 1881):138.

⁷⁵"Editorial," CF V (December 1882):338.

⁷⁶"Honors to Chief Red Cloud," CF VI (January 1883):5; and "Red Cloud Visits a Friend," New York Times (January 21, 1883), 1.

⁷⁷"What Red Cloud Asks For," CF VI:3; "Red Cloud's Complaints," New York Times (January 30, 1883), 2; and "Red Cloud's Claim Postponed," CF VI (March 1883):41.

⁷⁸For a general background on the Sioux-McGillycuddy affairs during 1883, see for example, Prucha, Policy in Crisis, 173-76.

⁷⁹"The Visiting Statesmen and the Sioux," CF VII (January 1884):4; and T(homas) A. B(land), "Agent McGillycuddy and the Senate Committee," CF VII (July-August 1884):110.

⁸⁰"Some Facts About Pine Ridge Agency," CF VI (February 1883):24.

⁸¹"An Interesting Letter From Chief Red Cloud," CF VI (October 1883):147; and "The Visiting Statesmen and the Sioux," CF VII:4.

⁸²"Chief Big Foot's Character," CF VII (July-August 1884):111.

⁸³"From Red Cloud," CF VII (May 1884):77.

⁸⁴G.W. Manypenny, "McGillycuddy's Official Career Reviewed," CF VIII (July 1885):110-11.

⁸⁵"A Gentleman From...", Valentine Reporter (October 18, 1883), 4; "A Few Months Ago...", Valentine Reporter (September 20, 1883), 4; and "The Indian Question," Valentine Reporter, (October 4, 1883), 4.

⁸⁶"An Interesting Letter From Chief Red Cloud," CF VI:147.

⁸⁷"Off For Dakota," CF VII (June 1884):103.

⁸⁸"Our Visit to Red Cloud and His People," CF VIII (July-August 1884):98-99.

⁸⁹"Our Visit to Red Cloud and His People," CF VII:100.

⁹⁰"My Interview with Secretary Teller," CF VII (October 1884):141.

⁹¹"My Interview with Secretary Teller," CF VII:141.

⁹²"Reply to Agent McGillycuddy's Letter of June 29th," CF VII (October 1884):150-51.

⁹³"Red Cloud and Others Reply to McGillycuddy," CF VII (October 1884):145.

⁹⁴"My Interview with Secretary Teller," CF VII:141; and "Lo, the Poor Indian!" CF VII (October 1884):152.

⁹⁵"We Cannot Answer the Question," CF VII (September 1884):124; and "An Interview with Secretary Teller," CF VI (April 1883):51.

⁹⁶"My Interview with Secretary Teller," CF VII:141.

⁹⁷It is quite clear that McGillycuddy did defraud the government, however. For example, the Statement of Differences for the first quarter of 1882, sent from the accounting office in Washington, noted that 1600 flannel shirts had been shipped

to Pine Ridge Agency, but McGillicuddy claimed to have received only 1250. When Pollock arrived in September, his investigation uncovered 115 flannel shirts stockpiled with other stolen annuity goods. On several other occasions before 1882, McGillicuddy was queried about purchases made on the "open market," i.e. without going through the formal requisition process. Pollock's investigation showed that the agent received a commission on these purchases. See Statement of Differences, First Quarter 1882, in RG75, LR, Box 5, NARS, Kansas City; Price to McGillicuddy, July 14, 1881, in RG75, LR, Box 5, NARS, Kansas City; "Pine Ridge Agency," Chicago Times (October 30, 1882), 3; "A Few Months Ago..." Valentine Reporter (September 20, 1883), 4; and "Agent McGillicuddy Put on Trial," CF VIII (May 1885):68.

⁹⁸Phillips, "Indian Ring in Dakota," 366-67.

⁹⁹This fact was evidenced as early as 1874 when Interior Secretary Columbus Delano asked Bishop Hare to chair a governmental inquiry into the disorders at Red Cloud and Spotted Tail agencies. See Mary B. Peabody, Zitkana Duzahan--Swift Bird: A Life of William Hobart Hare, Bishop (Hartford, Conn.: Church Missionary Publishing Co., n.d.), chap. 2, p.14-15; and M.A. DeWolfe Howe, The Life and Labors of Bishop Hare: Apostle to the Sioux (New York: Sturgis and Walton Company, 1912), 110-12.

¹⁰⁰Lamar, Dakota Territory, 102, 106-7, 180.

¹⁰¹Hyde, Sioux Chronicle, 67-69.

¹⁰²Howe, Bishop Hare, 35-37, 46, 179-80, 234.

¹⁰³"Our Visit to Red Cloud and His People," CF VII:103. John Robinson was a deacon in the Episcopal Church who worked on the reservation. He saw the Sioux as "worthless vagabonds," who were not being educated at Pine Ridge because it was not worthwhile to teach "Ingins." Despite what Bland termed the deacon's "limited" intellect, Robinson's support for the agent was widely quoted. See "Missionary John Robinson," CF VII (July-August 1884):111; and "Red Cloud's Warning," New York Times (August 26, 1882), 3.

¹⁰⁴Phillips, "Indian Ring in Dakota," 354; and "The Week," Nation 21 (July 22, 1875):49.

¹⁰⁵Peabody, Zitkana Duzahan--Swift Bird, chap. 3, p.12.

¹⁰⁶Bishop Hare to Rev. Dr. Dyer, January 7, 1876, quoted in Howe, Bishop Hare, 149.

¹⁰⁷Peabody, Zitkana Duzahan--Swift Bird, chap.3, p.12; and Phillips, "Indian Ring in Dakota," 363.

- ¹⁰⁸Hyde, Sioux Chronicle, 53-57.
- ¹⁰⁹Hyde, Sioux Chronicle, 53-57.
- ¹¹⁰Peabody, Zitkana Duzahan--Swift Bird, chap. 2, p.9-10.
- ¹¹¹Howe, Bishop Hare, 162-70; and "Some Sound and Sensible Comments," CF VII (September 1884):131.
- ¹¹²Howe, Bishop Hare, 294.
- ¹¹³Peabody, Zitkana Duzahan--Swift Bird, chap. 4, p.4-5.
- ¹¹⁴Peabody, Zitkana Duzahan--Swift Bird, chap. 2, p.3, and chap. 4, p.6; and Howe, Bishop Hare, 42, 227-28.
- ¹¹⁵Howe, Bishop Hare, 29-30, 42, 48, 87.
- ¹¹⁶William T. Hagan, The Indian Rights Association: The Herbert Welsh Years, 1882-1904 (Tucson: University of Arizona Press, 1985), 9.
- ¹¹⁷Hagan, Indian Rights Association, 28.
- ¹¹⁸Welsh, Report of a Visit, 35-37.
- ¹¹⁹Hyde, Sioux Chronicle, 85-86.
- ¹²⁰"A History of the Sioux Reservation," CF XII (November 1889):3-4.
- ¹²¹Elmer Ellis, Henry Moore Teller: Defender of the West (Caldwell, Idaho: Caxton Printers, Ltd., 1941), 19, 27.
- ¹²²Prucha, Policy in Crisis, 240; and "Secretary Teller Overrules a Clerk," CF VI (January 1883):89.
- ¹²³Prucha, Policy in Crisis, 240.
- ¹²⁴Ellis, Teller, 141; and "Some Opinions From Secretary Teller," CF VI (December 1883):171.
- ¹²⁵"Senator VanWyck of Nebraska....," CF VIII (May 1885):71; "The Way of the Transgressor is Hard," CF VII (June 1884):105; and "Secretary Teller Informs Us," CFV (November 1882):307.
- ¹²⁶"Editorial," CF V:338.
- ¹²⁷"Some Sound and Sensible Comments," CF VII (September 1884):131.

¹²⁸Henry L. Dawes, The Case of McGillicuddy (Philadelphia: Indian Rights Association, August 7, 1884), 1, in IRA Papers, reel 102, frame A16.

¹²⁹Hagan, Indian Rights Association, 36-37; and Dawes, Case of McGillicuddy.

¹³⁰Dawes, Case of McGillicuddy, 1.

¹³¹"The Indian Rights Association--Is the Name a Misnomer?" CF VIII (April 1885):50.

¹³²"Hon. Alonzo Bell to Dr. Bland," CF VIII (April 1885):51; and "Office of Rufus H. Darby, Book and Job Printer, 432 Ninth Street, Washington, D.C.," CF VIII (April 1885):52.

¹³³"Senator Dawes Reviewed By Judge Willard," CF VIII (May 1885):75-77.

¹³⁴"An Indian Boy Accused of Shooting at Agent McGillicuddy," CF VII (September 1884):134.

¹³⁵"From Minne-Wanechee (No-Water)," CF VII (October 1884):157.

¹³⁶Letter W.J. Godfrey, September 2, 1884, in CF VII (October 1884):158; and "From Minne Wanechee (No-Water)," CF VII:157.

¹³⁷"Agent McGillicuddy Has Been Instructed....," CF VII (October 1884):153.

¹³⁸"The Case of Young No-Water," CF VII (December 1884):169.

¹³⁹"The New York Sun On McGillicuddy," CF VII (October 1884):142.

¹⁴⁰"Hon. Hugh J. Campbell's Opinion," CF VII (December 1884):169-70.

¹⁴¹"U.S. District Attorney Campbell," CF VIII (March 1885):39. The resolution of the case is unknown.

¹⁴²"Why Teller Sustained McGillicuddy," CF VIII (April 1885):54; and "Why Blaine Was Defeated," CF VIII (January 1885):11.

¹⁴³"Why They Sustain McGillicuddy," CF VII (October 1884):147.

¹⁴⁴"Why They Sustain McGillicuddy," CF VII:147; and "Detectives On His Track," CF VII:169.

¹⁴⁵"An Esteemed Friend, Writing From....," CF VIII (March 1885):38.

¹⁴⁶"The Boston Papers Report....," CF VIII (March 1885):40.

¹⁴⁷Howe, Bishop Hare, 210-11.

¹⁴⁸"The Boston Papers Report....," CF VIII:40.

¹⁴⁹"Detectives On His Track," CF VII:169.

¹⁵⁰"Hon. John D.C. Adkins....," CF VIII (April 1885):57.

¹⁵¹"Hon. John D.C. Adkins....," CF VIII:57; "Report of the Commissioner of Indian Affairs," CF IX (January 1886):5-6; and "It Affords Us Much Satisfaction....," CF IX (February 1886):29-30.

¹⁵²"Agent McGillycuddy Put on Trial," CF VIII (May 1885):65.

¹⁵³"Agent McGillycuddy Put on Trial," CF VIII:65; and "Agent McGillycuddy to be Heard," Washington Post (April 24, 1885), 1.

¹⁵⁴"Agent McGillycuddy's Case," Washington Post (April 25, 1885), 1.

¹⁵⁵Letter from M.C.D. to Editor of Council Fire, May 12, 1885, CF VIII (June 1885):102-3.

¹⁵⁶"Agent McGillycuddy Put on Trial," CF VIII:65-68.

¹⁵⁷"Agent McGillycuddy's Hearing," Washington Post (April 26, 1885), 1.

¹⁵⁸"Agent McGillycuddy Put on Trial," CF VIII:69.

¹⁵⁹"Senator Dawes as a Secret Correspondent," CF VIII (January 1885):95.

¹⁶⁰See for example, "A Congressional Committee Among the Sioux," CF VIII (September 1885):123-24; and "Captain Walter B. Barker....," CF VIII (July 1885):117.

¹⁶¹"Agent McGillycuddy Removed From Office," CF IX:86.

¹⁶²"We Have Felt Impressed....," CF VIII (October 1885):146.

¹⁶³"It Is Strange, Passing Strange," CF VIII (November 1885):156.

¹⁶⁴"Red Cloud and His People Hopeful," CF VIII (November 1885):160; and "We Are Disappointed, But Not Discouraged," CF VIII (December 1885):187.

¹⁶⁵"Agent McGillicuddy Removed From Office," CF IX:86.

¹⁶⁶"Herbert Welsh Still Defends McGillicuddy," CF IX (August-September 1886):123.

¹⁶⁷"Agent McGillicuddy Removed From Office," CF IX:86.

¹⁶⁸"A Letter From Pine Ridge....," CF IX (June 1886):100.

¹⁶⁹"A Letter From Chief Red Cloud," CF IX (July 1886):115.

¹⁷⁰H. Price to V.T. McGillicuddy, December 7, 1882, in RG75, LR, Box 6, NARS, Kansas City; and "The Sunday Republic of Washington....," CF IX (July 1886):114-15.

¹⁷¹"The Sunday Republic of Washington....," CF IX:114-15.

¹⁷²"Herbert Welsh Still Defends McGillicuddy," CF IX (August-September 1886):123-24.

¹⁷³"Herbert Welsh Still Defends McGillicuddy," CF IX:123.

¹⁷⁴Commissioner Adkins had dismissed Gasman for improper care of the equipment at the agency, and had terminated Dale because he was a convicted felon. Welsh charged that the terminations were because the men were Republicans. See Welsh, Commissioner of Indian Affairs and the Census, 2, 8-9, 13.

¹⁷⁵Quoted from St. Paul Pioneer Press, September 28, 1886, in Herbert Welsh, The Honorable Commissioner of Indian Affairs and the Census at Pine Ridge Indian Agency, Dakota (Philadelphia: Indian Rights Association, October, 1886), 3, in IRA Papers, reel 102, A61.

¹⁷⁶Welsh, Commissioner of Indian Affairs and the Census, 12.

¹⁷⁷Welsh, Commissioner of Indian Affairs and the Census, 6-11.

¹⁷⁸Statement of Differences, First Quarter 1882, in RG75, LR, Box 6, NARS, Kansas City.

¹⁷⁹Welsh, Commissioner of Indian Affairs and the Census, 16.

¹⁸⁰Harper's Weekly, October 2, 1886, quoted in Welsh, Commissioner of Indian Affairs and the Census, 4.

CHAPTER VI

PINNACLE OF INFLUENCE ATTAINED: COUNCIL FIRE'S
RECORD OF A FAIR SETTLEMENT FOR THE SIOUX

We are informed by a member of Congress that the Secretary of Interior and President have consented to the plan suggested by the Sioux commission for opening the Sioux reservation without asking the consent of the Indians, who own it, and that this scheme is indorsed by the Indian Rights Association. . . . It is to us incredible that this Government should do this great wrong. There can be no justification for it, save "that might makes right." If the Sioux did not wish to sell their land at any price, their treaty rights should be respected. But they would sell the 11,000,000 acres asked for if a fair price is offered; so there is no sort of excuse for overriding their treaty rights.

Thomas A. Bland, Council Fire

January 1889

The seven bands of Teton peoples had drifted westward from the Great Lakes region during the latter half of the eighteenth century, settling in an area freely inhabited by several native groups. Throughout the second half of the nineteenth century, migrating whites had increasingly applied pressure to the landbase and food supply of Northern Plains Indians, and for three years prior to the Great Sioux Reservation's creation in 1868, the natives had initiated a multitude of skirmishes

against white soldiers and settlers who sought to build a series of roads and forts through the Indians' homeland.¹ After several aborted attempts to secure peace with the Northern Plains peoples, an agreement was finally reached on April 29, 1868. The Ft. Laramie Treaty gave to the Sioux bands all the land from the Missouri River west to the present South Dakota-Wyoming border (see map 6). The Great Sioux Reservation's southern boundary was the Nebraska state line, its northern boundary the present North Dakota state line. Included in the reservation were the Black Hills, or *Paha Sapa*, sacred to the Sioux.²

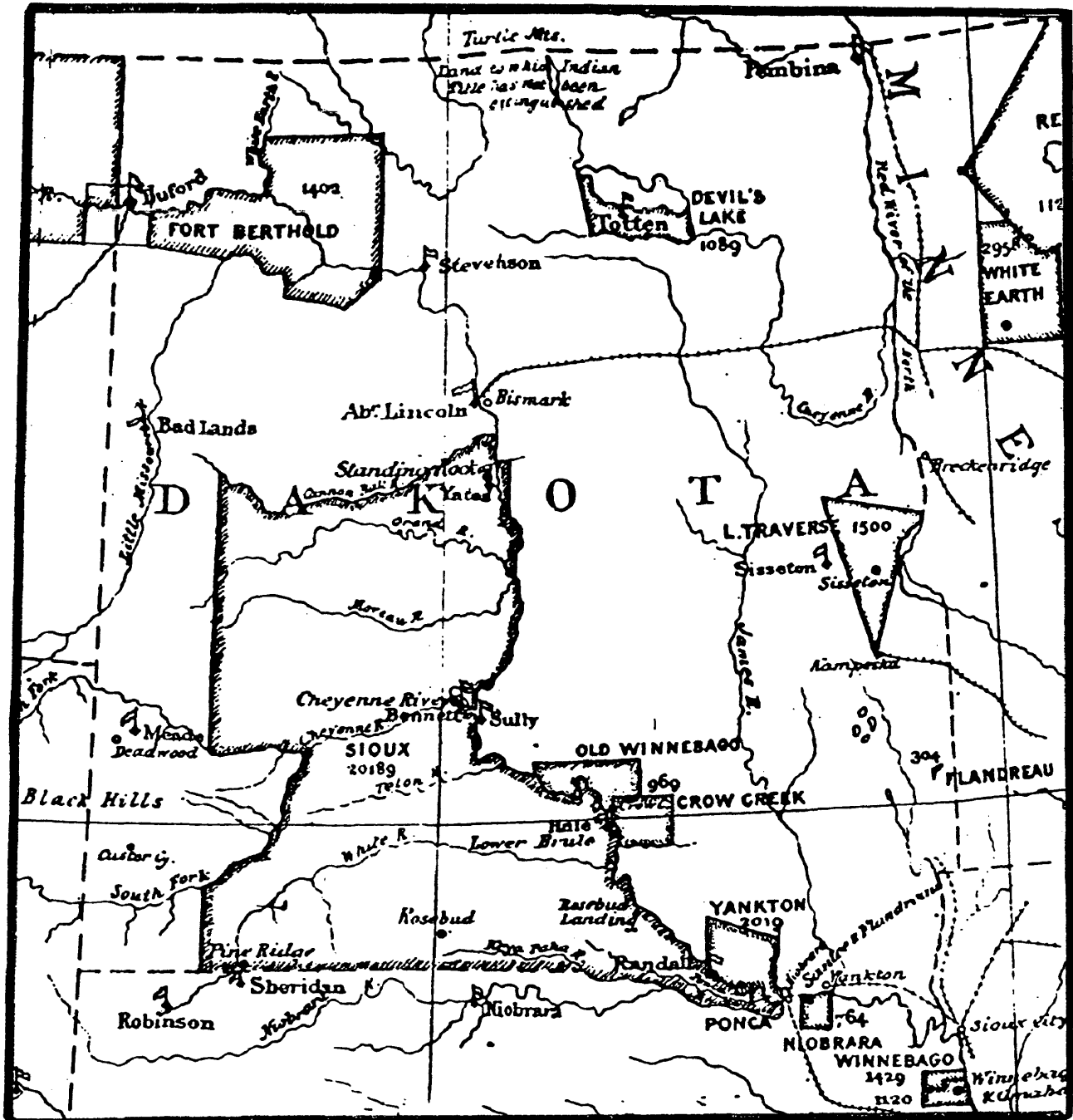
Whites in the region had opposed reserving such a large land area for Indians even before the Ft. Laramie Treaty was negotiated.³ Thus, after suspected deposits of gold, lead, and silver were confirmed by regional newspapers in August, 1874, the Black Hills Gold Rush was on, and the Ft. Laramie Treaty, which promised to protect the region from whites, was completely ignored by frontiersmen. Government troops initially tried to keep the trespassers out, in one case even setting fire to the wagons and supplies of the Black Hills Transportation Company. But the Hills were so rapidly overrun that soldiers could not enforce the laws or maintain the peace. By the summer of 1875, hundreds of miners had invaded the Hills, and the argonauts were successfully eluding government forces just as the national debate for further reduction of Sioux lands was intensifying.⁴



Great Sioux Reservation-1868

On June 18, 1875, Interior Secretary Zachariah Chandler created a commission, headed by William B. Allison of Iowa, to negotiate with the Sioux for sale of the *Paha Sapa*. Bargaining ended when the Indians set the absurdly high price of \$70,000,000 for the Hills.⁵ When the natives refused to concede to the government's request to sell their sacred lands, Washington shamelessly ceased all military opposition to white entry into the region. The Sioux justifiably retaliated, the climax of which was the annihilation of General George A. Custer and the Seventh Cavalry at Little Big Horn in June, 1876.⁶ At that point, the government felt warranted in *ordering* the Sioux to relinquish the Black Hills, as well as their rights to any land outside the reservation. Until they ceded the land, said Washington, the Indians would receive no rations. In the fall of 1876, a three-man commission, including George Manypenny, Newton Edmunds and Bishop Henry Whipple, was sent to the Sioux to "present" the government's terms. Only a few chiefs and headmen placed their Xs by the printed version of their names, thus accepting an agreement that they did not understand (see map 7).⁷

If the Treaty of 1868 had been a victory for the Indians, the Agreement of 1876 was a clear defeat for Sioux hegemony on the Northern Plains, and their civil rights as well. Article twelve of the Ft. Laramie Treaty clearly stipulated that the contract could not be changed "unless executed and signed by at least three-fourths of all adult male Indians, occupying or



1880. Board of Indian Commissioners Report
 (Washington, DC: Government Printing Office, 1881)

Reduced Sioux Reservation-1876

interested" in the Sioux reservation.⁸ Whether the 1876 Agreement was validly agreed to or not, whites moved speedily into the *Paha Sapa*, and before long, they were clamoring to open the remaining Indian lands. Frontier communities, such as Yankton, Pierre, and Rapid City, had grown up on the western and eastern borders of the reservation, so settlers also sought lands for railroad rights-of-way, as stipulated in the 1876 agreement, to link the new communities.⁹ Increasingly, the Sioux Reservation was seen as an impediment to the spread of white civilization, as well as a source of isolation and reinforcement of traditional Sioux folkways against the necessary forces of modernization and assimilation.

On August 7, 1882, Dakota Territorial Delegate Richard F. Pettigrew sponsored an amendment to the Sundry Appropriations Bill which was intended to fund the Indian Bureau's budget. Pettigrew called for \$5,000 and a commission to seek Sioux permission to alter the existing Indian agreements.¹⁰ Interestingly, Council Fire noted the passage of the appropriations measure only because it contained a reduction in the Indian Office budget. The journal did not notice, and therefore did not mention, the suggested Sioux land cession.¹¹ This was just as Pettigrew had planned, for he realized that a bill to negotiate a Sioux land cession would not make it through Congress on its own.¹²

The legislation had been proposed at the behest of the Chicago, Milwaukee, and St. Paul Railroad, which had already

paid the Sioux five dollars per acre for land along the proposed road's right-of-way. What the railroad really wanted, however, was to open for settlement the lands which adjoined the right-of-way, thereby capitalizing on its investment.¹³ But the legislation had not been written to secure a land cession, so Indian Commissioner Hiram Price prepared explicit instructions for the delegation. They were to ask the Sioux *if* they would consider selling their excess lands, exactly which areas they would sell, and what price they would ask for them.¹⁴

The commission members appointed by Interior Secretary Henry Teller, however, all had strong Dakota interests, so they took it upon themselves to decide which lands should be relinquished to the government.¹⁵ The land cession they suggested had virtually the same boundaries as the one finally ratified in 1889, and it provided 26,000 head of breeding cattle as payment for the new land.¹⁶ The cession included the best farming lands on the reservation, those which would be most inviting to settlers and speculators.¹⁷ Leader of the commission was Newton Edmunds who asked for, and received, Secretary Teller's permission to ignore the 1868 Treaty requirement that three-fourths of all adult males sign the agreement.¹⁸

The other two commission members were Judge Peter C. Shannon, former chief justice of the Dakota Supreme Court, and James H. Teller of Ohio, brother to the Interior Secretary.

Judge Shannon had little use for Indians, believing they were only an impediment to white progress, and James Teller would later become Secretary of Dakota, also by his brother's appointment.¹⁹ As interpreter, they chose Samuel D. Hinman, former Episcopal missionary at the Santee agency.²⁰ Although Hinman had an excellent understanding of the Lakota language, his relationship and reputation with the Indians was not good. Neither Spotted Tail nor Red Cloud liked him, and Bishop William Hobart Hare, head of the Episcopal Diocese of Niobrara and spiritual leader to most of the Christianized Sioux, had misgivings about his character.²¹ Thus, the delegation was made up of Dakota politicians who had little genuine interest in Native American affairs, who preferred the advancement of Dakota interests, and in whom the natives had little confidence.

The commission left Yankton on October 16, 1882. While they encountered some difficulties in the signing process at Pine Ridge because of problems between Valentine McGillycuddy and Red Cloud, the settlement was soon adequately endorsed according to the standards set by Secretary Teller, and James Teller headed for Washington, D.C. to present it to Congress for approval. The agreement was submitted on February 3, 1883, where Secretary Teller hoped it would be ratified quickly, since the Democrats would gain control of the House in March.²² Council Fire was curious about the rapidity with which the commission secured the signatures, especially since all three

commissioners favored Dakota interests.²³ It soon became apparent that the commissioners had not been truthful with the Indians who did not understand that they had surrendered much of their reservation. Hinman had explained the new and separate reservations they would have after the measure was approved, but he had failed to clarify the amount of land which they were selling. Neither had the commission secured enough signatures by article twelve of the 1868 Ft. Laramie Treaty, since only 430 Indians had signed the agreement.²⁴

By early 1883, opposition to the commission's handling of all aspects of the matter was building in the East. Hinman's selection for the commission had turned out to be fortuitous for the Sioux, because Bishop Hare had little respect for the missionary, having lost a legal battle against him four years earlier. Hare had had misgivings about the missionary almost as soon as he arrived in Dakota in 1873, and shortly thereafter, the prelate described Hinman as "a peculiar man, [who] can't be made to lie straight in a pile of sticks." The bishop finally dismissed his missionary in 1877 on morals charges which resulted in a lawsuit brought by Hinman against the bishop on charges of malicious slander. Hinman won the legal battle, along with damages of \$10,000.²⁵ But Bishop Hare had a broader influence network, as well as more political clout in the East and Dakota, and thus Hinman's presence on the Edmunds' Commission brought attacks by Hare's colleague, Herbert Welsh. Welsh had visited Dakota at Hare's request

earlier in the summer of 1882, and the bishop's disapproval of Hinman as interpreter meant Welsh's resistance to the entire commission. Hare had also contacted his associates in the East, and had protested any agreement negotiated with Hinman as interpreter.²⁶ Thus, *initial* opposition to the fraudulent agreement to reduce the Sioux reservation came not over the methods used to secure signatures, but from personal disapproval of the commission's interpreter. Its final downfall was due to the faulty methods used to obtain the signatures.

Dawes successfully blocked the agreement's ratification, and on March 3, 1883, an additional \$10,000 was appropriated to continue the negotiation process and procure more signatures in order to fulfill the 1868 Treaty stipulations.²⁷ However, this activity was assigned to Hinman, and the results of his cajolery were scandalous.²⁸ He was unable to decide who was old enough to sign, so he arbitrarily set eighteen years as the beginning of adulthood. Difficulty in determining adulthood was further complicated because deducing an Indian's age from his appearance was difficult.²⁹ At Pine Ridge, a demographic breakdown of 105 signers revealed that thirty-five marks belonged to boys aged five-to-ten years, and one belonged to a nursing babe.³⁰ Ultimately, Hinman abandoned his attempt to get signatures and simply made lists of those Indians who indicated a willingness to sign the agreement. At Pine Ridge, a total of 633 names were added in this manner.³¹ While Hinman

claimed that he had legally secured enough signers, Eastern reformers unanimously agreed that the methods used to obtain them had been fraudulent, and the legislation failed to pass Congress. As a result of public outrage against the commissioners' tactics, a special committee of Senators Dawes, John A. Logan, and Agnus Cameron traveled to the reservation in late summer 1883 to investigate the Indians' complaints.³²

The Dawes Commission visited all Sioux agencies, and their findings reinforced the earlier allegations of fraud. The senators found that the Edmunds' commission had bullied the Indians, even threatening to have Secretary Teller destroy their agencies, and send troops to take the land if the Indians refused to relinquish it voluntarily.³³

The committee also took testimony from Pine Ridge Agent Valentine McGillicuddy in which he admitted telling the Sioux that their land would be divided, but omitted telling them how much would remain.³⁴ Furthermore, McGillicuddy thought it incredible that the natives could assume the government would give them cattle for no reason. Taking a large party of Indians to the head of Big White Clay Creek in Nebraska, the agent promised them a six-mile-long strip of land in that state if they would sign the agreement.³⁵ Bland was probably most frustrated about the commission's refusal to listen to Red Cloud's charges against McGillicuddy. Some months later, Bland approached Senator Cameron about the matter. The senator said he did not believe any of the fraud charges made against

McGillycuddy by W.J. Pollock, and that he knew all he cared to know about the ongoing feud between the agent and the "old savage."³⁶ Bland wondered how an influential senator, investigating fraud perpetuated against the natives, could "be influenced by race prejudice . . . that blinds him to the principles of justice, and renders him deaf to the complaints of the oppressed red man."³⁷

The Dawes Commission was one of three investigating committees to look into the Sioux allegations during the summer of 1883. The Board of Indian Commissioners sent two members to Dakota; Herbert Welsh visited the region and condemned the Edmunds' Commission for its tactics; and a delegation of missionaries under Bishop Hare made inquiries as well. Members of all three committees agreed that the reservation's overall size should be reduced and the area divided among the bands.³⁸ Council Fire did not object to the land cession either. Bland heartily approved of the commission's plan to grant titles for the reduced reservatons, but felt that the amount to be paid the Indians was entirely inadequate. As payment for the lands ceded in the new agreement, the government offered the Indians breeding cattle amounting to a cash value of only eight cents per acre!³⁹ The government already owed the Tetons \$3,254,900 for unmet provisions of the 1868 Treaty, so all the Sioux were really getting were new promises to pay them for what had already been ceded, since the earlier treaty provisions were to continue in place.⁴⁰

The suspected fraud against the Sioux had allowed Welsh and the Indian Rights Association to establish an effective organization of "reformer optimists." While the IRA solidified, the Blands continued to operate independently, and were, in fact, studying the possibility of discontinuing the journal. As a result, Welsh and the IRA continued to outmaneuver Bland and the National Indian Defense Association on most Indian policy issues.

While the 1882 efforts to reduce the Sioux reservation had been initiated to benefit the railroads, within a year, Welsh also concluded that the advancement of white civilization in Dakota's non-Indian region depended on the opening of Sioux lands. Meeting at the Santee Agency on June 1, 1883, Welsh, Bishop Hare, two members of the Board of Indian Commissioners, and several missionaries declared that a reduction in the reservation's size would benefit whites, and the group believed that it could be negotiated if the Sioux were offered a better selling price.⁴¹ Using essentially the same land reduction plan as had been suggested by the Edmunds' Commission, Senator Henry Dawes submitted legislation reflecting the investigators' views to the first session of the 48th Congress. His bill called for the creation of a Sioux fund of \$1,000,000, to be held in the U.S. Treasury at five percent interest. Interest on this permanent fund, as well as a small portion of the principal, could be spent annually at the Secretary of the Interior's discretion toward civilizing the natives. While his

legislation provided land titles to each tribe, it also allowed the president to authorize allotment of the land.⁴²

The IRA printed and circulated an explanation of the bill's provisions, highlighting one aspect in particular. The Treasury's initial cash outlay for the Indian fund would be replenished by the deposit of revenues from the sale of Sioux land at fifty cents per acre. Out of these revenues would be paid all other necessary expenses. Therefore, said the IRA, the government "is ultimately put to no expense whatever."⁴³ Welsh's assertion greatly irritated Bland, and the editor often referred to the reform group's obvious interest in white concerns rather than those of the Native American which Welsh and the IRA were espousing.⁴⁴ The bill passed the Senate on April 16, 1884 and moved into the House where the fund was increased to \$3,000,000, held at three percent interest.⁴⁵ In an address to the House during the second session of Congress, Bland indicated that the Sioux would probably approve the cession because of the increase in the permanent fund. But the House did not pass the measure, and it died in the 48th Congress.⁴⁶

Dawes resubmitted his bill shortly after the 49th Congress convened in December, 1885.⁴⁷ It quickly passed the Senate and moved into the House on February 4, 1886. The Indian Committee reported in favor of the bill, saying that the reservation cut off from Dakota civilization some 50,000 white residents living in the Black Hills. Breaking up the large land area would be

an act of "charity and mercy" for the Sioux, because it would force them to live under the same conditions as whites.⁴⁸ But forces resisting the bill, led by the NIDA, Bland, and the Council Fire, sought to block the legislation. In a February 24, 1886 Indian Committee meeting, attended by Bland and other NIDA members, Bland read a personal letter from Red Cloud in which the chief decried the measure. Red Cloud did not really want to believe that Washington would take Teton lands and added that the Sioux should convene a general council on the matter. Bland suggested that the committee order a survey of the reservation to determine the actual amount of land it contained, then let the Sioux decide if they wanted to sell some of it.⁴⁹ The NIDA was vigorously opposed to the bill for several reasons. First, it divided the reservation and took one-half of the Sioux lands without allowing the Indians to choose which parts they ceded. Second, the selling price offered by the government was too low. Third, the bill did not provide for paying the Sioux what was already owed them from the 1868 and 1876 agreements.⁵⁰

On the other hand, the IRA strongly supported the bill, believing it to be in the best interests of the Sioux.⁵¹ Welsh, Bishop Hare, and Judge Moody of Dakota were also present at the February 24 hearing to defend the measure. While Hare and Welsh were opposed to the plan's proposal to provide titles to the Indians' reduced land areas, they wanted the reservation opened because it "[blocked] the path of civilization." Thus

they were willing to accept the measure as written.⁵²

Both the NIDA and the IRA were invited to a full hearing of the Indian Committee on March 9, 1886. Byron Sunderland presented the views of the NIDA; Herbert Welsh responded for the IRA. The NIDA believed that the bill was written in the interest of whites. Sunderland explained what each section of the bill permitted, and the group's reasons for rejecting each. Sections nine through eleven protected the railroads, forbidding any tribal patent to interfere with the grant of right-of-way made by Dakota or Congress to any rail company. Section seventeen dealt with the \$1,000,000 permanent fund which, with interest, the IRA believed would grow to five-or-six million dollars. However, NIDA believed that the latter's estimate was exaggerated. The value of the permanent fund, together with the value of livestock to be provided, made the purchase price effectively only twenty-three cents per acre. The government intended to sell the land for fifty cents per acre, making a profit of over 100 percent. In his final statement to the committee, Sunderland summarized the position of those who saw Native Americans as an "exceptional minority:"

The great mill of legislation goes grinding on, and measures are poured into the hopper which signify a bitt grist for the red man! . . . Why not let them alone awhile? Why not give them a chance for development? . . . It is not enough that we have not only taken from the red race three millions of square miles, but must now also banter and plague them to agree to surrender another slice of the pitiful fragment which they yet retain.⁵³

Welsh then explained the IRA's position in support of the bill. First, the Sioux had too much land, and their

reservation blocked the path of progress. Second, the legislation would benefit Dakota's settlement and open a path to the Black Hills. Third, South Dakota was ready for statehood, and the annuities and other compensation to be paid to the Sioux were already very fair.⁵⁴ Welsh's statement at the hearing was equally as revealing of the IRA's stance on Indian issues as had been Sunderland's of the NIDA. He declared, "The car of progress cannot be stopped, and ought not to be stopped, and the only thing for the friends of the Indians to do is to get the best terms we can."⁵⁵

It appeared to Bland and other critics that two ulterior motives existed for the drive to reduce Sioux lands. In a March 19, 1886 editorial, the Democratic Blade of Valentine, Nebraska, asserted that Dawes had become interested in the Chicago, Milwaukee, and St. Paul Railroad, the company for which the 1882 measure had been written.⁵⁶ Indeed, Dawes' 1886 bill differed from his 1884 version only in the addition of a right-of-way clause for railroads, and the Blade's editor maintained that the 1886 bill had really been written for the railroad, and was only ostensibly called an allotment bill.⁵⁷ Bland was also quite sure that the bill was connected to Dakota's push for statehood, since Dakota lobbyist J.C. McManima of Pierre, South Dakota was in Washington at that time admittedly to lobby for both passage of the Sioux Bill and admission of South Dakota as a state. McManima had denounced all those who opposed the bill to reduce Sioux lands because

the reservation deterred South Dakota's statehood.⁵⁸

The Eastern "optimistic reformers" had written their legislation to favor everyone but the Indians. And while the latter had generally objected to the land bills, they had made few unified attempts to resist government legislation. However, in the face of the intense white demand for Sioux lands, at least two tribal councils in Dakota took a united position against the bill.

On July 17, 1886, a general council of Oglala leaders at Pine Ridge met to determine a course of action on the proposal. The meeting was the first between supporters and opponents of McGillicuddy following the agent's ouster, and was also an opportunity for reconciliation between the two groups, with the agent's former adherents returning their allegiance to Red Cloud. In a move designed to offset the government's claim that the Sioux had too much land, the chief encouraged some of the men to visit the Arapaho and Shoshone Indians of Wyoming to convince them to join the Sioux in Dakota. The Indians hoped that, by filling up their reservation, perhaps it could be kept intact.⁵⁹ Bland applauded the Oglala's idea since Council Fire and the NIDA had long favored consolidation of natives on large reserves, and considered the Sioux Reservation to be a good location for most northern tribes.⁶⁰ The Indians at Rosebud Agency developed a different opposition strategy. Hoping to discourage Native American support for the bill, twenty-three Brule chiefs and head men signed a letter which they sent to

other tribes, as well as the president.⁶¹

In Washington, Judge A.J. Willard prepared a legal brief outlining the NIDA's disapproval, while the IRA circulated a pamphlet defining their support.⁶² But the NIDA efforts had successfully slowed the legislation's progress through Congress, and despite a long legislative session, the Dawes Sioux Bill remained trapped in the House and died in the 49th Congress.⁶³ Shortly after the Congress adjourned, however, the Sioux City Journal reported that Dakota would not be alone in its fight to open Sioux lands in the 50th Congress. A land syndicate of New Yorkers, led by ex-Senator Francis Kernan, had turned its attention toward Dakota, and their interest, as well as that of two railroads which had surveyed probable rights-of-way across 200 miles of reservation land, would make it worthwhile to pay attorneys to look after Dakota's concerns in the next congressional session.⁶⁴

Attempts to write acceptable legislation to open the reservation increased in the Fiftieth Congress. Dawes' bill was reintroduced shortly after the first session convened in December, 1887. His measure finally passed the Senate in March, 1888, but died in the House.⁶⁵ While authorship of Sioux Bill legislation would ultimately belong to the NIDA, the next such measure to clear Congress was written by the IRA. In January, 1888, two bills to reduce Sioux lands were introduced in the House, one by Dakota Territorial Delegate Oscar S. Gifford, the other by Representative Samuel W. Peel, chair of

the House Indian Committee. Neither of these was particularly satisfactory, and the Indian Rights Association developed a compromise bill. As before, it favored railroad interests and paid the natives only fifty cents per acre for the land, with considerably more to be paid for land taken by the railroads.⁶⁶ NIDA disapproved of the measure because it did not provide patents to the tribes, but the bill had adequate support and had been approved by both houses of Congress by April 30, 1888.⁶⁷

Secretary of the Interior William F. Vilas, who had recently succeeded Lamar, appointed a three-member commission to secure Sioux approval. The 1888 delegation was led by Captain Richard H. Pratt, Superintendent of Carlisle Indian School. Pratt was not a good choice because of his reputation for taking Sioux children away from their parents for very long periods, and sometimes never returning them.⁶⁸ The other commission members were Reverend William J. Cleveland, missionary to the Sioux, and Judge John V. Wright, a law clerk in the Land Office who preferred issues relating to white settlers over those of the Native American.⁶⁹ The negotiating team was ready to pressure the Sioux into an agreement. All three commissioners favored white issues, and, before they arrived in Dakota, the Indian Rights Association planned to make the reservation climate favorable to Sioux acceptance of the contract. Not long after the bill's approval, the reform group had contacted the Indians' "true friends"--not the

Indians themselves--in Dakota to ask about the best method to placate them. One of those contacted was Valentine McGillycuddy, who suggested the well-placed distribution of a few springboard wagons as the best insurance for a favorable bargaining climate.⁷⁰

Commencing their work in July, 1888, the Pratt Commission began its efforts at Standing Rock which was a poor choice since many of Standing Rock's Indians were supporters of Sitting Bull, and they opposed any kind of land cession.⁷¹ Agent James McLaughlin also opposed the measure, believing fifty cents per acre was too low a price for the land.⁷² The commission spent thirty-two days at Standing Rock and gathered only twenty-two of more than 1,000 possible signatures.⁷³ When the delegation realized it could not persuade the Indians to sign, the commission began bullying the natives, threatening to bring troops or to take their land without any compensation.⁷⁴ The Sioux were demanding a higher price for their land, a suggestion at which, Pratt told them, Congress would scoff.⁷⁵ To keep negative progress reports from being issued, Pratt took control of the telegraph at Standing Rock, refusing to permit correspondents to send any transmission without his permission. The commission's activities became so embarrassing that the House adopted a resolution condemning the trio's actions.⁷⁶

After similar negative responses to the bill at Crow Creek and Lower Brule agencies, the delegation halted its attempts to gather signatures, and Pratt traveled to Madison, Wisconsin to

confer with Vilas about the negotiations.⁷⁷ When the captain returned from Madison on September 22, 1888, he called together all the tribal chiefs at Lower Brule Agency for a council. There the Indians asked Pratt for permission to visit Washington, D.C. and confer with Vilas on the matter of land price. Pratt stood firmly; there would be no increase in the selling price, nor any trip, unless they promised not to ask for more than fifty cents per acre.⁷⁸ The commission had been a total failure. The chiefs' request for a trip to Washington was accepted, and Pratt closed his report of the commission's efforts by suggesting that the agreement be put into effect *without* Sioux consent.⁷⁹

On October 12, 1888, sixty-seven chiefs, headmen, and agents representing the six Teton agencies in Dakota, arrived in Washington, D.C. to confer with Secretary Vilas.⁸⁰ The Interior Secretary wasted no time on ceremony, demanding that the Indians meet with him immediately. Tired from their trip, the natives refused and were escorted to their headquarters at the Belvedere Hotel. When they asked to speak to Bland, visit the Council Fire offices, or visit with other NIDA members, they were refused. Official interpreters were also under orders not to interpret for any conversation between NIDA members and the visiting Indian delegation.⁸¹

When the Indians met with Vilas on Monday, October 15, several leaders, including Sitting Bull, John Grass, White Ghost, Drifting Goose, and Mad Bear, expressed their views, and

were unified in their demands. Among other things, the Sioux wanted: (1)\$1.25 per acre, not fifty cents, because white settlers paid \$1.25 per acre for government land, so Sioux land should not sell for less; (2)the reservation region should be deemed grazing land and allotted at 320 acres per person, as had been stipulated in the 1868 Treaty; and (3)women and children should get the same quantity of land as male heads of households, and women should not lose their land when they married. Finally, the delegation reminded Vilas that the government had not kept its earlier promises, and the Sioux had no reason to believe that it would do so now.⁸²

Vilas was pleased that the Indians had at least responded, since it expressed a willingness to reduce their reservation. At President Grover Cleveland's direction, he offered the group a compromise: (1)Land would be sold at one dollar per acre for three years, seventy-five cents per acre for the next two years, and fifty cents per acre thereafter. For five years, all land sale monies would go to a Sioux account in the Treasury. After five years, all land sales would go to the government. (2)A permanent fund would be created at \$2,000,000. After the contract had been approved, every Sioux would get twenty dollars cash. (3)No taxes would be assessed on allotments for twenty-five years. Vilas told the group that all of those present must agree on the provisions, or their talks were over. The opinions of the Indians in Washington were not binding on those in Dakota, however, and if the

natives present agreed to the changes Vilas suggested, the secretary promised that the bill's wording would be changed. The Indians returned to their hotel and conferred for two days, after which they declined Vilas' compromise offer. Bland noted that this was the first time that governmental diplomacy had failed to produce the desired results from natives that it courted in the capital.⁸³

By late October, 1888, the press was calling the 1888 Sioux land reduction bill "ancient history." The selling price of the land had been the obstruction for all parties involved. The land cession was simply a real estate transaction, said the Omaha Bee. "Dakota wants the land and the Indians are willing to sell, but they want a fair price, and it should be given them," declared its editor, who was usually an ally of Republican politics, not of the Indians.⁸⁴ Vilas was convinced that paying more for Sioux lands would yield such a large fund for the natives' provisions that they would have no incentive to work.⁸⁵ The Pratt Commission expressed its regret that the negotiations had failed. The delegation saw the defeat as a loss for Dakotans and the citizens of the United States, and a "victory for indolence, barbarism, and degradation."⁸⁶ In a December, 1888 council of Sioux at Pine Ridge, the Indians complained about being blamed for the measure's failure. The land price was too low, and the government had not fulfilled its promise to survey their lands. Red Cloud, Little Wound, and Young-Man-Afraid-of-His-Horse plaintively wrote, "We want

to know what it is that the Great Father has asked us to do that we did not do. We dress like white people and send our children to the schools. We think the Great Father's Indian children pay more attention to what he says than his white children do."⁸⁷

The Sioux land reduction bill had been written three times, twice by Senator Dawes and once by members of the 1882 Edmunds' Commission. Yet, not once had any of the legislators sought Sioux opinion on the matter.⁸⁸ In fact, word of Dawes' 1884 bill had reached the Indians only through the pages of Council Fire. News of the bill had prompted Red Cloud and others to invite Bland to Dakota in July, 1884, to counsel them regarding a land cession. Although McGillycuddy expelled Bland from the reservation on that visit, the editor was able to meet with many of the Indians at places off the reservation.⁸⁹ Bland had told the Indians that, while he felt that they could afford to give up some of their land, they should not agree to do so unless the government offered them a fair price for it, and paid them all monies owed from prior treaties.⁹⁰ The Indians stood firmly by the editor's suggestions. Now, nearly seven years after the first attempt to negotiate a land cession, white demands to settle on Indian-held lands had crescendoed to a loud wail heard throughout the West.

By late 1888, the east bank of the Missouri River all along the reservation's border was lined with settlers waiting to choose their lands. All were unhappy with the Indians for

rejecting the government's offer.⁹¹ Many in Congress believed that the time had come to simply open the reservation, whether or not the Sioux consented. Even the IRA endorsed the notion, although Senator Dawes was uncertain about the idea's legality.⁹² Due to financial and physical strains, Thomas and Cora Bland had ceased publication of the Council Fire in December, 1887 believing that it had outlived its usefulness following passage of the land-in-severalty bill. By November, 1888, they believed they had been mistaken. The Sioux Bill was important legislation, and Council Fire was "the only reliable medium through which many important facts could reach Congressmen and other public men who hold the fate of the Indians in their hands. Many Congressmen have inquired after it, and have assured us that they miss it greatly." It seemed appropriate to resume its publication, and the Blands did so with the January, 1889 edition.⁹³

Late in 1888, after the Pratt Commission failed in its negotiations, the NIDA had addressed a letter to each head chief of the various Teton bands, suggesting to them a series of clauses which might be added to the Sioux land cession document to make it more acceptable to the Indians of Dakota.⁹⁴ Positive replies to the NIDA query were quickly forthcoming, and on December 17, 1888, a bill authored by the NIDA was introduced in the House Indian Committee. By December 19, the bill had been ordered to be printed, and official copies were sent to all six Dakota reservations where it was well received.

Terms of the NIDA bill included: (1) one dollar per acre, cash, for each acre of land surrendered; (2) patents for the reduced reservations issued to each tribe; (3) survey of the reservation; and (4) allotments of 320 acres, plus two cows, one pair oxen, and necessary farm tools to a value of \$175. In addition, all unmet provisions from earlier treaties would be paid.⁹⁵

Two other bills to reduce the Sioux Reservation came before Congress that session. Dawes introduced his bill in the Senate one more time.⁹⁶ Shortly thereafter, Dakota interests also authored a bill which was entered in the House by Delegate Oscar S. Gifford. Its provisions were considerably different from those of the NIDA bill. First, the Sioux would receive \$1.25 per acre for land sold during the first three years after opening the reservation, seventy-five cents per acre for the following two years, and fifty cents per acre thereafter. All monies would credit a Sioux account in the U.S. Treasury, with five percent interest paid annually. Payment of the interest in either annuities or cash was to be made at the Interior Secretary's discretion. Second, land would be allotted in 160 acre plots. The third feature was the most objectionable to the NIDA. Because, said the House Indian Committee, "the average Indian of this savage and warlike tribe has no mind of his own," the legislation would not be submitted to the Sioux for approval.⁹⁷ On January 8, 1889, representatives of the NIDA and the Dakota interests met with Commissioner of Indian

Affairs John Oberly and created a compromise between the two pieces of legislation. It was decided to remove the objectionable parts of the Gifford bill and amend it with sections of the NIDA measure.⁹⁸

One of the provisions suggested by NIDA and left in the 1889 Agreement was payment of \$28,200 to the Red Cloud and Red Leaf bands for ponies taken from them by Generals Ranald S. Mackenzie and George Crook in 1876.⁹⁹ In the aftermath of government losses at Little Big Horn in June, 1876, all Sioux Indians were systematically rounded up, dismounted for immobilization purposes, and placed on reservations.¹⁰⁰ Since the Commission of 1876 had promised to protect Indian rights and property, Red Cloud and other chiefs already settled on the reservation asked where they should camp to avoid conflict with the troops. Although the Indians settled in a mutually agreeable spot, Generals Mackenzie and Crook nonetheless invaded the camps of Red Cloud and Red Leaf during the night of October 23, 1876, stealing their horses and burning their camps, thus destroying much Indian property in the process.¹⁰¹ Seven-hundred-and-five ponies were taken in the raid on Red Cloud's village producing a grand total of 4,277 horses taken from the Sioux following the Little Big Horn disaster. The horses were subsequently sold by the military, which purchased some cattle and supplies with the proceeds, but made no attempt to give the remaining monies to the Sioux.¹⁰²

Council Fire, Bland, George Manypenny and others had been

agitating for a resolution to the matter for several years. Finally in January, 1888, the Secretary of the Interior proposed an amendment to the Sundry Appropriation bill to authorize payment for the horses, but the money was not forthcoming.¹⁰³ Therefore, NIDA suggested that it become part of their proposed legislation. The clause was removed from the House version of the bill, but was reinserted in the Senate.¹⁰⁴ When the bill was passed in its final form, it contained a clause authorizing payment for Red Cloud and Red Leaf's ponies. Other features of the law included: (1) creation of a \$3,000,000 permanent fund; (2) land to be sold at \$1.25 per acre for three years, seventy-five cents per acre for two years, and fifty cents per acre thereafter, with all monies accruing to the Sioux; (3) expenses of the contract to be borne by the government, not the Sioux; (4) approval for allotment by a majority of adult males; and (5) allotments of 320 acre parcels, not 160 acres.¹⁰⁵ While the NIDA had asked for one dollar for every acre sold, or \$11,000,000, the land sales formula written into the bill reduced that amount by one-to-three million dollars. The only other NIDA clause which was stricken would have issued patents to the tribes.¹⁰⁶

A series of political liasons led NIDA to the leading role in drafting the final Sioux bill. Two factions within Dakota were struggling to achieve statehood. One group sought statehood for each of the two geographical divisions of Dakota; the other faction wanted Dakota admitted as one state. Among

the advocates of single-state admission was Nehemiah G. Ordway, ex-territorial governor who, in the early 1880s, had monopolized a vast political network linking Dakota and the East. Among his chief political adversaries on the statehood issue was Dakota Delegate Oscar S. Gifford who, in the spring of 1888, had introduced legislation intended to admit Dakota as two states.¹⁰⁷ Thus, Ordway, a friend of both Bland and former NIDA president Byron Sunderland, used his political allies to bolster the congressional forces, led by NIDA, who opposed the January, 1889 Gifford bill to reduce Sioux lands.¹⁰⁸ The second fortuitous event was the appointment of John Oberly as Commissioner of Indian Affairs in November, 1888. Oberly, a member of the NIDA and longtime friend of Council Fire, was the former Superintendent of Indian Schools.¹⁰⁹ Although Oberly was well respected in the Indian Service, his tenure as Commissioner of Indian Affairs was short due to Cleveland's unsuccessful reelection bid in November, 1888.¹¹⁰ Nonetheless, his presence in the office in early 1889 permitted the NIDA to achieve substantial success on the Sioux Bill legislation, although the reformers were unhappy with one portion of the law.

President Grover Cleveland signed the Sioux Bill on March 2, 1889, one day before he left office.¹¹¹ Despite having had so much input in writing the legislation, the NIDA immediately expressed their misgivings about section seventeen. The section dealt with education and agricultural provisions. The

NIDA had intended that the provision for schools in the 1868 treaty be extended for twenty years, with expenses of operation to be borne by the government, as would the costs for the agricultural items which had also been stipulated in the Ft. Laramie Treaty. Expenses surrounding these treaty provisions were not to be taken from the Sioux Fund. But the final wording of the 1889 law was ambiguous on that point. It allowed the Secretary of the Interior to use his discretion in the expenditure of one-half the annual interest on the permanent fund to pay for education, and up to ten percent of the principal on agricultural items.¹¹² On May 13, 1889, NIDA members met with new Secretary of the Interior John Noble seeking a clarification of the government's interpretation of section seventeen. But Noble could not provide an answer, and the NIDA vowed it would not recommend the bill to the Sioux unless the cost of schools was to be paid by the government.¹¹³

The question of payment for these stipulations was a critical one for the Sioux fund's finances. The total value of the fund was based on optimum timing of land sales, as well as the interest generated on the principal. If the government paid for the cost of education and agricultural items from the Sioux interest monies, the value of the fund might be three-to-five million dollars less than estimated. Secretary Noble had decided to leave the interpretation of section seventeen to the commissioners sent to secure Sioux approval.¹¹⁴

The NIDA's concern for Sioux welfare led them to mail a

letter to each agency warning the Indians about the ambiguity of the agreement's wording on this issue, and encouraging them to demand to *see in writing* the government's intent to pay for schools and agriculture. The reform group strongly suggested that the Sioux should not simply accept the word of the commissioners on the matter.¹¹⁵ When he learned of the NIDA's advice, Noble became angry, accusing the reformers of wrongful interference in Indian affairs. The secretary refused to allow any further personal dealing with any of the NIDA membership; all future communication was to be written. Noble's attitude, said Bland, was that of a novice who believed that the government was incapable of wrongdoing against the Indians.¹¹⁶

The commission appointed by President Benjamin Harrison included Charles Foster, General George Crook, and William Warner. Foster was a former Ohio governor and political crony of the president who would later serve as Secretary of the Treasury. He had little interest in the Native American, believing him to be a "queer character" who was "dying off." William Warner, was a former Kansas City mayor and new commander of the Grand Army of the Republic. Warner represented western interests with no sentimentality for Indians. The Sioux were divided on their support for the third member, General George Crook. Some trusted him, others did not. Congress had provided \$25,000 for the trio to spend in convincing the Sioux to sign. Census figures showed a total of 5,678 adult males, making 4,259 signatures necessary. On May

29, 1889, the group left Chicago for their first stop, the Rosebud Agency on the Sioux Reservation.¹¹⁷

The commission arrived at Rosebud on May 31, 1889. Despite feasts and dancing in honor of the white dignataries, the Brule were united in their opposition to the law. They regarded allotments as a kind of individual imprisonment on fenced property, and they accused the government of defaulting on its promise to pay for Indian education, evidence that the NIDA communique had reached them. The advice, however, had come through an Oglala man, Yellow Hair, after the original letter to Swift Bear was intercepted and forbidden by Crook.¹¹⁸ After nearly a week of stalling, Crook accused the traditional holdouts of being indolent and acting like "squaws." By June 13, when the trio left for Pine Ridge, 1,455 males, of a possible 1,476 had signed the document.¹¹⁹

The Commission was far less successful at Pine Ridge. The Oglalas were all adamantly opposed to the bill at the first meeting with the commission on June 15.¹²⁰ Red Cloud asked about section seventeen and was told by Crook that the government would pay for schools. Then the chief asked for proof, which Crook could not produce, so most Oglalas declined to sign the agreement.¹²¹ The NIDA's letter had been received and taken to heart. Pine Ridge clearly belonged to Red Cloud, who staunchly opposed the measure and counseled against it, even after he, Little Wound, and Young-Man-Afraid-of-His-Horse were offered bribes of \$200 each to sign. When the commission

left after nearly two weeks at the agency, they had only 684 of 1,500 possible signatures.¹²² Noble was so angry at Red Cloud's refusal to sign that he stripped the chief of all his authority, calling him an "obstructionist," and declaring American Horse to be Chief of the Sioux. The delegation moved onto Lower Brule where it met with success, and thence to Crow Creek where White Ghost asked about section seventeen, and less than fifty percent signed the bill.¹²³

The Indians at Cheyenne River were generally opposed to the land cession. They were especially unhappy with the southern boundary of their reduced reservation because it disallowed their use of the region's best farming land, the fertile bottom lands south of the Cheyenne River. After a few Indians brandished clubs to prevent the signing, Crook threatened to send troops. A few more Indians signed as a result, but not enough to insure success.¹²⁴ Standing Rock, the last agency to be visited, became critical to passage of the 1889 Sioux Bill.

At least 600 of the possible 1,121 signatures were needed at Standing Rock to approve the agreement.¹²⁵ But, at the outset, Indian opposition there was nearly unanimous. They wanted a higher price for the land, better terms of payment, and, as a result of NIDA's letter, a clarification of section seventeen.¹²⁶ After three days of speeches against the bill by the influential John Grass, Gall, and Mad Bear, Agent James McLaughlin, who believed that no better settlement would ever be

forthcoming, began coercive measures to get Sioux affirmation. First the commission promised to make the concessions, including payment of \$200,000 to the Cheyenne for horses taken in 1876, and continuance of the schools for twenty years, with the cost to be borne by the government.¹²⁷

Then the agent began his persuasive efforts on the Indians. He attempted to get Sitting Bull drunk so that he would sign the document, but the old chief resisted. McLaughlin next turned to John Grass, whom he promised personal rewards for signing. After Crook told Grass that the government would take the land whether they signed the agreement or not, Grass agreed to endorse the bill, and McLaughlin prepared his speech of support to be delivered in the upcoming council.¹²⁸ Missionaries at the reservation also applied pressure, and after Grass's speech on August 3, 1889, success was secured.¹²⁹ Although Sitting Bull tried to break up the council, signing continued until over 600 signatures had been obtained. Jubilant, the commissioners departed for Chicago. Enroute, they began counting the endorsements and found they lacked the number necessary to total three-quarters of the male population, so the trio wired McLaughlin to obtain more. As a result, a total of 803 signatures was finally obtained, making the overall total obtained from all six agencies 4,463.¹³⁰

Suspicious as to how the signed document could be with the commissioners on the train to Chicago when they counted signed

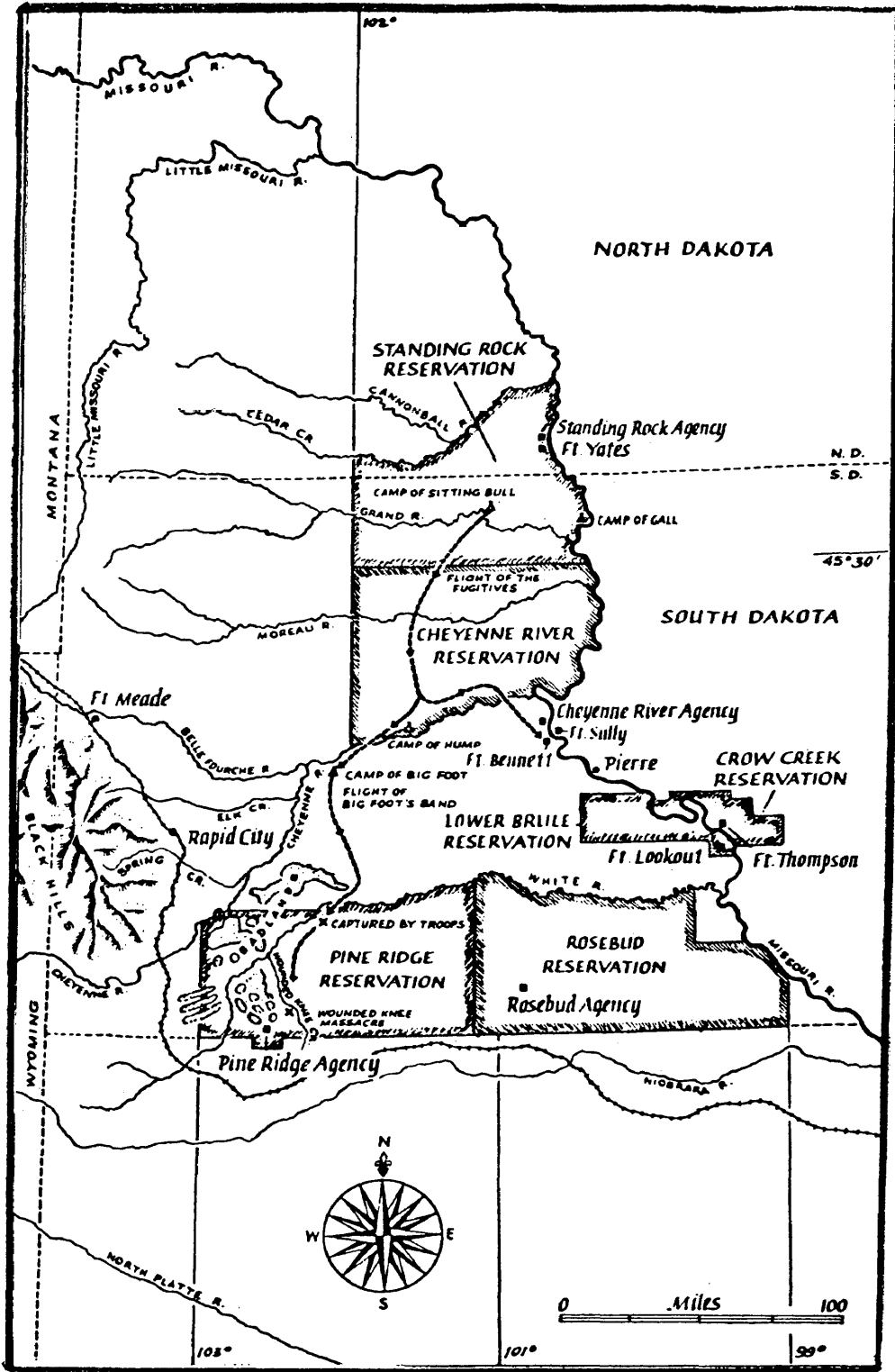
marks, and also simultaneously at Standing Rock when they wired McLaughlin to get more signatures, Council Fire remained dubious about the validity of some endorsements. But rumors of the flagrant coercion pleased some, including Lyman Abbott, editor of the Christian Union and longtime foe of the NIDA.¹³¹ Nonetheless, the Sioux Bill was judged legal and it was endorsed. On December 24, the commission delivered its report to Secretary Noble. As promised to the Indians of Dakota, the report suggested payment to the Cheyennes and others for horses taken in 1876. They also recommended a cash payment to the Crow Creek Indians who had gotten less land, as well as a survey of the reservation before settlers rushed into it. Since an August, 1889 Indian Office order had cut the beef ration at Pine Ridge and Rosebud, the commission also recommended that previous ration amounts be restored.¹³²

During their negotiations on the reservations the commission had vowed to liberally interpret section seventeen, thus endorsing payment for schools and agriculture by the government, not the Sioux fund.¹³³ This liberal interpretation was affirmed in the final report as well.¹³⁴ But the additional concessions promised by Crook's Commission were never approved. Although they were passed by the Senate in April, 1890, the House rejected them. The Tetons, especially the Oglala at Pine Ridge, felt cheated.¹³⁵

President Harrison officially opened the Great Sioux Reservation on February 10, 1890, beginning a year which

brought despair and deprivation to the Sioux of Dakota (see map 8). The beef ration for Pine Ridge and Rosebud had been reduced by one-third in August, 1889 due to a \$100,000 cut in the 1890 fiscal year Indian Office budget. Appropriations were cut even further the following year, reducing rations to an even lower amount. In addition, the 1891 fiscal year budget was passed too late to allow supplies to arrive before winter. Since the fields had gone untended during the commissioners' visit in August, 1889, crop yields for the year had been considerably reduced. A drought in 1890 caused low productivity for that year as well. Taken collectively, there was hunger on the Dakota reservations which led to tensions among signers and non-signers of the agreement. Hunger was compounded by outbreaks of whooping cough and influenza during the winter of 1889-90, causing numerous deaths.¹³⁶ The Sioux needed divine intervention.

Spiritual redemption for their earthly problems presented itself in the person of a Paiute prophet named Wovoka, or Jack Wilson. Wovoka was the son of Paiute prophet Tavibo who had received his vision of Native American cultural renewal in 1868. His vision became the basis of a religion which Indians of many tribes practiced by dancing the Ghost Dance and singing Ghost Dance songs during which they "died" and were thus able to glimpse this new world order before it occurred.¹³⁷ The story and idea had been circulating in the West for some time. Alfred B. Meacham had encountered it among the Shoshone in



Francis Paul Puche, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976)

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during Ghost Dance troubles*

Washington Territory. Their prophet, Smohalla, had begun preaching a similar story in 1869.¹³⁸ The Utes had performed the Ghost Dance as early as 1872.¹³⁹ But not until the conditions reached the depths of despair on the Sioux reservations in 1890 was the concept broadly accepted.

The story of the Ghost Dance religion and its ultimate tragedy for the Sioux is a familiar one. The dance, which terrified the region's white population throughout the summer of 1890, led to an altercation at the Standing Rock Agency between Agent McLaughlin's Indian police and dancers who followed Sitting Bull. In a fracas on December 15, 1890, Sitting Bull was killed. In the meantime, Big Foot, a revered chief of the Miniconjou band, had been requested by some Oglalas to come to Pine Ridge to help restore order among the dancers there. Moving southward toward Pine Ridge nearly two weeks after Sitting Bull's death, his band was surrounded by troops and taken to Wounded Knee Creek on the Pine Ridge Reservation. A tense search for weapons by the soldiers resulted in one shot being fired by an unknown person. In the indiscriminate shooting which followed, at least 150 Indian men, women and children were killed.¹⁴⁰

The Massacre at Wounded Knee on December 29, 1890 was an ignominious finish to a chapter of Indian history in which Thomas Bland, Council Fire, and the National Indian Defense Association had tried hard to protect Sioux rights. While their input had been instrumental in creating fair legislation,

the "exceptionalists" could not control the aftershocks of the bill's implementation. Convinced that he could no longer carry the dual burdens of editing Council Fire and defending the Indians' rights for the NIDA, and believing that the field work for Native American civil rights was more important, Bland terminated the journal which had begun twelve years earlier in a more hopeful Indian policy climate. Thus, the death of 150 Sioux on the snow-covered hills of Wounded Knee, and the almost simultaneous demise of Council Fire represented the culmination of a century of Indian tragedies which was now made worse by the disappearance of a champion and true friend of Indians throughout the nation.

NOTES

¹Scudder Mekeel, "A Short History of the Teton-Dakota," North Dakota Historical Quarterly 10 (July 1943):184-85.

²"Ft. Laramie Treaty of 1868," in Charles J. Kappler, comp., Indian Affairs: Laws and Treaties (Washington, D.C.: Government Printing Office, 1904) II:998-1007.

³James C. Olson, Red Cloud and the Sioux Problem (Lincoln: University of Nebraska Press, 1965), 89-91.

⁴Erik Eriksson, "Sioux City and the Black Hills Gold Rush of 1874-77," Iowa Journal of History and Politics 20 (July 1922):323-27, 331, 334, 336-37.

⁵Eriksson, "Black Hills Gold Rush," 338; and Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976), 170-71.

⁶Eriksson, "Black Hills Gold Rush," 338-39.

⁷Prucha, Policy in Crisis, 171.

⁸"Ft. Laramie Treaty," 1002.

⁹Olson, Red Cloud, 286; and "Agreement of 1876," in Treaties and Land Cessions, Between the Bands of Sioux and the United States of America, 1805-1906, George E. Fay, editor, Occasional Publication in Anthropology Series, 24b, (Greeley, Colo.: University of Northern Colorado, 1972) II:184-85.

¹⁰Robert M. Utley, The Last Days of the Sioux Nation (New Haven: Yale University Press, 1963), 41; and Olson, Red Cloud, 286.

¹¹"More Indian Babble," CF V (November 1882):290-92; and "A Bad Beginning," CF V (December 1882):339.

¹²George E. Hyde, A Sioux Chronicle (Norman: University of Oklahoma Press, 1956), 110.

¹³"The Sioux (Railroad) Commission," CF VI (December 1883):172-73; and Prucha, Policy in Crisis, 172-73.

¹⁴Hyde, Sioux Chronicle, 111.

- ¹⁵Hyde, Sioux Chronicle, 111.
- ¹⁶Herbert S. Schell, History of South Dakota (Lincoln: University of Nebraska Press, 1975), 322.
- ¹⁷"A History of the Sioux Reservation," CF XII (January 1889):3.
- ¹⁸Olson, Red Cloud, 287.
- ¹⁹Hyde, Sioux Chronicle, 110-11; and Olson, Red Cloud, 287.
- ²⁰Olson, Red Cloud, 287; and George H. Phillips, "The Indian Ring in Dakota Territory, 1870-1890," South Dakota History 2 (Fall 1972):363.
- ²¹Olson, Red Cloud, 201; Phillips, "Indian Ring in Dakota," 362-363; and M.A. DeWolfe Howe, The Life and Labors of Bishop Hare: Apostle to the Sioux (New York: Sturgis and Walton Company, 1912), 162-63.
- ²²Report of the Commissioner of Indian Affairs, 1883, in Annual Reports of the Interior Department, 48th Cong., 1st sess. (II.1) II:37; and Olson, Red Cloud, 288-89.
- ²³"Report of the Sioux Commission," CF VI (February 1883):18-20; and "Secretary Teller's Scheme and the Commissioner's Work," CF VI (January 1883):2.
- ²⁴"History of the Sioux Reservation," CF XII:3.
- ²⁵The verdict was later overturned, and the charges were finally dropped. See Howe, Bishop Hare, 160-69.
- ²⁶Hyde, Sioux Chronicle, 128.
- ²⁷Report of the Commissioner of Indian Affairs, 1883; and Prucha, Policy in Crisis, 173.
- ²⁸Olson, Red Cloud, 289-90; Prucha, Policy in Crisis, 173-74; "The Ogallala Sioux Suspect Treachery," CF VI (June 1883):83-84; and "Indians Badly Deceived," CF VI (September 1883):124.
- ²⁹Olson, Red Cloud, 290.
- ³⁰"For the Past Six Months...", Valentine Reporter (May 10, 1883), 4.
- ³¹Olson, Red Cloud, 290-91.

³²"The Knox County News . . .," Valentine Reporter (May 31, 1883), 4; and "The Fraud on the Sioux Exposed," CF VI (October 1883):138.

³³"Speeches of White Swan and Wannatan," CF VII (October 1884):152; and "The Fraud on the Sioux Exposed," CF VI:138.

³⁴"Report of the Senate Committee," CF VII (April 1884):54.

³⁵"Another Letter From Chief Red Cloud," CF VI (December 1883):178; and "Indians Badly Deceived," CF VI:124. The land to which McGillycuddy referred was part of the "neutral zone" which he had sought to create late in 1881. It became part of the reservation by Executive Order on January 24, 1882. See Hyde, Sioux Chronicle, 85-86; and Charles C. Royce, Indian Land Cessions in the United States (Washington, D.C.: Government Printing Office, 1900), 904-5.

³⁶"Is It a Crime to Be Loyal?" CF VII (January 1885):5; and "Justice to Senator Logan," CF VII (July-August 1884):110.

³⁷"Is It a Crime to Be Loyal?" CF VII:5.

³⁸Francis Paul Prucha, The Great Father: The United States Government and the American Indian (Lincoln: University of Nebraska Press, 1984) II:634-35.

³⁹"Fraud on the Sioux Exposed," CF VI:138; "Some Opinions of Secretary Teller," CF VI (December 1883):172; and Schell, History of South Dakota, 322.

⁴⁰"Some Opinions of Secretary Teller," CF VII:172; and "Report of the Sioux Commission," CF VI:18-19.

⁴¹Herbert Welsh, Report of a Visit to the Great Sioux Reserve, Dakota, Made During the Months of May and June, 1883, in Behalf of the Indian Rights Association, by Order of the Executive Committee (n.p.: 1883), 1-2, 8-9, 17, in IRA Papers, reel 102, A3; and Prucha, Policy in Crisis, 174-75.

⁴²"History of the Sioux Reservation," CF XII:3-5.

⁴³[Herbert Welsh and Henry S. Pancoast], The Sioux Bill [Philadelphia: Indian Rights Association, 1884], in IRA Papers, reel 102, A21.

⁴⁴"Opposing the Dawes Sioux Bill," CF IX (April 1886):57.

⁴⁵Commissioner of Indian Affairs Report, 1884, in Annual Reports of Interior Department 48th Cong., 2nd sess. (II.1) II:30-31; and "History of the Sioux Reservation," CF XII:5.

- ⁴⁶"History of the Sioux Reservation," CF XII:5
- ⁴⁷"History of the Sioux Reservation," CF XII:5.
- ⁴⁸"History of the Sioux Reservation," CF XII:5; and "Sioux Reservation in Dakota," House Report [HR] 1227, 49th Cong., 1st sess. (serial 2438), 1-3.
- ⁴⁹"Discussing the Dawes Sioux Bill," CF IX:38-39.
- ⁵⁰"Discussing the Dawes Sioux Bill," CF IX:38; and [T.A. Bland], A History of the Sioux Agreement [Washington, D.C.: National Indian Defense Association, 1888], 12-13.
- ⁵¹[Herbert Welsh], Abstract of Senator Dawes' Sioux Bill (Philadelphia: Indian Rights Association, 1886), in IRA Papers, reel 102, A21.
- ⁵²"Discussing the Dawes Sioux Bill," CF IX:38; and [Bland], History of the Sioux Agreement, 12-13.
- ⁵³"Opposing the Dawes Sioux Bill," CF IX:57-60.
- ⁵⁴"Opposing the Dawes Sioux Bill," CF IX:57-60.
- ⁵⁵"There Are Two Kinds of Progress," CF IX (April 1886):61-62.
- ⁵⁶"The Secret of the Dawes Bill," CF IX (April 1886):66.
- ⁵⁷"Sioux Reservation in Dakota," HR 1227, 4; and "Secret of the Dawes Bill," CF IX:66.
- ⁵⁸"The Press, of Pierre, Dakota....," CF IX (April 1886):62.
- ⁵⁹"New Negotiations With Indians," CF IX (August-September 1886):125-26.
- ⁶⁰"A Correct Indian Policy Initiated," CF IX (March 1886):37-38; "Our Red Brethren--Extermination or Civilization--Which Shall it Be?" CF III (January 1880):3; and T[homas] A. B[land], "Consolitation of Indian Agencies," CF IV (August 1881):120. Consolidation had also been recently recommended by the Holman Commission, "Report of the Holman Commission," CF IX (April 1886):53; and "Report of the Holman Commission," House Report [HR] 1076, 49th Cong., 1st sess. (serial 2438).
- ⁶¹"The Brule Sioux on the Dawes Bill," CF IX (July 1886):107.

⁶²A.J. Willard, "A Brief of Objections to the Sioux Bill," CF IX (June 1886):90-91; and [William Welsh], Synopsis of Three Indian Bills (Philadelphia: Indian Rights Association, 1886), IRA Papers, reel 102, A64.

⁶³Prucha, Policy in Crisis, 179.

⁶⁴"The True Intent of the Dawes Bills," CF X (November 1887):87-88.

⁶⁵"History of the Sioux Reservation," CF XII:6.

⁶⁶"Great Sioux Reservation in Dakota," House Report [HR] 533, 50th Cong., 1st sess. (serial 2599), 4; and "History of the Sioux Reservation," CF XII:6.

⁶⁷"History of the Sioux Reservation," CF XII:6.

⁶⁸Utley, Last Days, 45; Jerome A. Greene, "The Sioux Commission of 1889: Prelude to Wounded Knee," South Dakota History 1 (Winter 1970):43.

⁶⁹Prucha, Policy in Crisis, 181-82; and Olson, Red Cloud, 310. Until his service on the commission, Rev. Cleveland had agreed with the Council Fire's position that the land price presented in the 1888 contract was too low. See "Missionaries and Indian Commissioners," CF XII (October 1889):82; and "The Pipe of Peace, Genoa, Neb....," CF XII (January 1889):16.

⁷⁰William T. Hagan, The Indian Rights Association: The Herbert Welsh Years, 1882-1904 (Tucson: University of Arizona Press, 1985), 61.

⁷¹Sitting Bull was a Hunkpapa Sioux chief who, with his followers, had remained nomadic after Red Cloud and Spotted Tail took their people onto the Great Sioux Reservation in 1868. In the offensive against wandering Sioux bands in 1876, culminating in the Custer debacle on June 25, Sitting Bull had inflicted severe damage on General George Crook's forces in the June 17, 1876 Battle of Rosebud. After the carnage at Little Big Horn, government troops increased their efforts to corral the off-reservation Sioux, and Sitting Bull and his followers fled to Canada. In 1881, after that government had refused to protect them, the chief returned to the United States, finally settling at Standing Rock Agency in May, 1883. In an unfortunate altercation among Indian police and Ghost Dancers at Standing Rock in December, 1890, Sitting Bull was killed. Some Indians involved in the Ghost Dance fled Standing Rock and Cheyenne River reservations, an act which ultimately led to their massacre at Wounded Knee on December 29, 1890. See "Sitting Bull," in Who Was Who in Native American History: Indians and Non-Indians From Early Contact through 1900 Carl

Waldman, ed. (New York: Facts on File, 1990), 328-30; and "Interview with Sitting Bull's Sioux," CF IV (August 1881):118.

⁷²James McLaughlin, My Friend the Indian, (n.p.: Houghton Mifflin, 1910; reprint ed., Seattle: Superior Publishing Company, 1970), 73.

⁷³McLaughlin, My Friend the Indian, 73; and Greene, "1889 Commission," 43.

⁷⁴"Resolution Regarding Statement in Relation to the Action of the Sioux Indian Commission," House Miscellaneous Document [HMD] 576, 50th Cong., 1st sess. (serial 2570), 1; and "History of the Sioux Reservation," CF XII:6-7.

⁷⁵"The Sioux Misrepresented," CF XII (February 1889):18-19.

⁷⁶"Resolution Regarding the Action of the Sioux Commission," HMD 576, 1.

⁷⁷Utley, Last Days, 46-47; Greene, "1889 Commission," 43; "History of the Sioux Reservation," CF XII:7; and "Report Relative to Opening Part of the Sioux Reservation," [hereafter cited as "Report of the Pratt Commission"] Senate Executive Document [SED] 17, 50th Cong., 2nd sess. (serial 2610), 11.

⁷⁸"Report of the Pratt Commission," SED 17, 11-12; Utley, Last Days, 47; and "Sioux Misrepresented," CF XII:18-19.

⁷⁹"Report of the Pratt Commission," SED 17; and Utley, Last Days,

⁸⁰Greene, "1889 Commission," 44; "History of the Sioux Reservation," CF XII:7-8.

⁸¹"History of the Sioux Reservation," CF XII:7-8.

⁸²"History of the Sioux Reservation," CF XII:8-9.

⁸³"History of the Sioux Reservation," CF XII:9.

⁸⁴"The Omaha Daily Bee...", CF XII (January 1889):13.

⁸⁵"Among the Reasons Given...", CF XII (January 1889):15.

⁸⁶Greene, "1889 Commission," 44; and Prucha, Policy in Crisis, 183-84.

⁸⁷Report of Council of Sioux at Pine Ridge, December 10, 1888, quoted in Olson, Red Cloud, 311-12.

⁸⁸"Secret of the Dawes Bill," CF IX:66.

⁸⁹"History of the Sioux Reservation," CF XII:4. For a complete story of Bland's 1884 Dakota visit, see "Our Visit to Red Cloud and His People," CF VII (August-September 1884):97-109.

⁹⁰"History of the Sioux Reservation," CF XII:5.

⁹¹"The Pipe of Peace, Genoa, Neb....," CF XII:16.

⁹²"Will the Government Do This Great Wrong?" CF XII (January 1889):16.

⁹³[Bland], History of the Sioux Agreement, 32.

⁹⁴"The National Indian Defense Association has....," CF XII (January 1889):16.

⁹⁵"Present Status of the Sioux Bill," CF XII (February 1889):17-18.

⁹⁶"Senator Dawes Has Revised....," CF XII (February 1889):28.

⁹⁷"Sioux Indians in Dakota," House Report [HR] 3645, 50th Cong., 2nd sess. (serial 2673), 2.

⁹⁸"Present Status of the Sioux Bill," CF XII:17-18.

⁹⁹"Sioux-Agreement Bill," CF XII:38.

¹⁰⁰Richmond L. Clow, "General Philip Sheridan's Legacy: The Sioux Pony Campaign of 1876," Nebraska History 57 (Winter 1976):461, 463.

¹⁰¹Clow, "Sioux Pony Campaign of 1876," 461, 463-64, 467; and "History of the Sioux Reservation," CF XII:2.

¹⁰²"Estimate for Appropriation for Payment to the Red Cloud and Red Leaf Bands of Sioux Indians for Ponies Taken by the Military," [hereafter cited as "Payment for Red Cloud's Ponies"] House Executive Document [HED] 102, 50th Cong., 1st sess. (serial 2558), 1-4.

¹⁰³"Payment for Red Cloud's Ponies," HED 102, 1-4.

¹⁰⁴"Sioux-Agreement Bill," CF XII:38-39.

¹⁰⁵"Sioux Bill," in 25 Statutes at Large, 888.

¹⁰⁶"Sioux-Agreement Bill," CF XII:38-39.

¹⁰⁷Howard Roberts Lamar, Dakota Territory, 1861-1889: A Study of Frontier Politics (New Haven: Yale University Press, 1956), 214-15, 261-62.

¹⁰⁸"Press, of Pierre, Dakota....," CF IX:62.

¹⁰⁹"The Constitution of the National Indian Defence [sic] Association," CF IX (June 1886):98.

¹¹⁰Floyd A. O'Neil, "John H. Oberly," in The Commissioners of Indian Affairs, 1824-1977, Robert M. Kvasnicka and Herman J. Viola, eds., (Lincoln: University of Nebraska Press, 1979), 190.

¹¹¹"Sioux Bill," 888.

¹¹²"Sioux Bill," 894-95; and "Secretary Noble and the N.I.D.A.," CF XII (June 1889):65-66.

¹¹³"Secretary Noble and the N.I.D.A.," CF XII:66.

¹¹⁴"Secretary Noble and the N.I.D.A.," CF XII:66-67.

¹¹⁵"The Letter of the National Indian Defense Association to the Sioux," CF XII (June 1889):66.

¹¹⁶"Secretary Noble and the N.I.D.A.," CF XII:66.

¹¹⁷Greene, "1889 Commission," 46-47.

¹¹⁸Greene, "1889 Commission," 48, 50; and "The Sioux Commission and the Sioux," CF XII (September 1889):73.

¹¹⁹Greene, "1889 Commission," 49-51; Olson, Red Cloud, 313; Charles Foster, "Sioux Commission of 1889" Magazine of Western History 12 (July 1890):228-29.

¹²⁰Greene, "1889 Commission," 53.

¹²¹"The Sioux Commission and the Sioux," CF XII (September 1889):75.

¹²²Greene, "1889 Commission," 53-55; and Olson, Red Cloud, 315.

¹²³"Sioux Commission and the Sioux," CF XII:75; and Greene, "1889 Commission," 55, 56-57.

¹²⁴Greene, "1889 Commission," 57-60.

¹²⁵Greene, "1889 Commission," 60.

- ¹²⁶"Sioux Commission and the Sioux," CF XII:75-76.
- ¹²⁷McLaughlin, My Friend the Indian, 75-76; and Foster, "Sioux Commission of 1889," 231.
- ¹²⁸Greene, "1889 Commission," 61-62; and "Sioux Commission and the Sioux," CF XII:75-76.
- ¹²⁹"Missionaries and Indian Commissioners," CF XII (October 1889):82; and Greene, "1889 Commission," 62.
- ¹³⁰Greene, "1889 Commission," 62-63; and McLaughlin, My Friend the Indian, 76-77.
- ¹³¹"The Attorney-General Has Decided...", CF XII (September 1889): 79; "We Were in Boston...", CF XII (September 1889):78; and "Dr. Lyman Abbott Still for Coercion," CF XII (October 1889):86.
- ¹³²Greene, "1889 Commission," 64-66.
- ¹³³"Sioux Commission and the Sioux," CF XII:74.
- ¹³⁴"Under the Influence...", CF XII (December 1889):104.
- ¹³⁵Greene, "1889 Commission," 68.
- ¹³⁶Greene, "1889 Commission," 64-65, 68-69; and James H. Cook, "Sioux-Cheyenne Grievences at Pine Ridge Agency," Nebraska History 22 (July 1941):71.
- ¹³⁷Utley, Last Days, 64-70.
- ¹³⁸[Thomas A. Bland], The Sioux Nation and the United States: A Brief History of the Treaties of 1868, 1876, and 1889 Between that Nation and the United States (Washington, D.C.: National Indian Rights Association, 1891), 27.
- ¹³⁹Fred A. Conetah, A History of the Northern Ute People, Kathryn L. MacKay and Floyd A. O'Neill, eds., (Salt Lake City: Uintah-Ouray Tribe, 1982), 91.
- ¹⁴⁰Utley, Last Days, 164-66, 174-77, 215-30.

CONCLUSION

We admit the charge [of being a sentimentalist.] A sentimentalist is one whose moral sentiments co-operate with his mental faculties in determining questions relating to the rights of our fellows. . . . We desire to always have our intellectual and our moral faculties co-operate in determining our opinions and controlling our actions. . . . We think that all men ought to be sentimentalists. If none but sentimentalists were elected or appointed to office, injustice and oppression would disappear from the land. The few sentimentalists who are put into official positions save the Nation from a state of fraud and corruption which would inevitably result in the destruction of all government and all social order, and plunge us into a seething sea of anarchy.

Thomas A. Bland, Council Fire

February 1889

In an era marked by sanctioned abuse of Native American rights, Thomas Bland, the National Indian Defense Association, and Council Fire had remained firm in their conviction that Indians were human beings whose civil rights could be protected even while the government partially acquiesced to the expansionist notions of its white citizens. Unfortunately, their collective vision of Indian policy failed to gain national acceptance, and when Bland pessimistically ceased publication of Council Fire in late-1889, he was almost

oblivious to the contributions that the journal had made during the previous twelve years.

Because editors Alfred Meacham and Thomas Bland had intentionally kept Council Fire politically independent, they had not achieved the same legislative rewards that the Indian Rights Association had gained from its association with Senator Henry Laurens Dawes and other congressional allies. The journal had opted to alter the perspective of the average American instead of concentrating its efforts on an influential lawmaker who could legislate its ideals. Thus the editors' sense of success in the protection of Native American rights was a direct consequence of the attitudes toward the journal held by the administration in office. If the president and Interior Department secretary respected the Council Fire and its editors, Meacham and Bland saw their exceptionalist notions reaffirmed in the activities surrounding the affairs of the Indian Bureau. When exceptionalist perspectives were held in low esteem, Bland and members of the NIDA expended much energy to defend Indian civil rights, but saw little positive reinforcement of their efforts in the actions of the Indian Office.

During the administration of President Rutherford B. Hayes and his Interior Secretary Carl Schurz, the newly created journal had significant influence across America because no other journals were then being published and widely circulated with the regularity of Council Fire. The administration

evidenced respect for Meacham partly in deference to the grievous injuries he had suffered at the hands of the Modocs in 1873, but more importantly because his views on Indian policy were in line with those of Secretary Schurz.

Like Meacham, Schurz was an activist and reformer, although his primary interest lay in general civil service reforms. And also like Meacham, Schurz deplored the corruption which had festered for decades within the Indian Bureau, and which the latter attempted to root out. The two men held many of the same favorable ideals toward allotment, including the strict provision that Indians be truly prepared for, as well as desirous of, individual land ownership before any legislative break up of reservations was initiated. At the same time, both men supported the expansion of boarding school opportunities for Native American children because Indian parents did not compel their children to attend reservation day schools, and because boarding schools produced a more culturally assimilated student. Most importantly, both men opposed transfer of the Indian Bureau to the War Department. Schurz's selection of Meacham to serve as a pro-Indian influence on the Ute Commission in 1881 was further testimony of mutual respect between the two men.

Council Fire's role in shaping Indian policy ideologies was altered dramatically with the change in administrations in 1881. After the brief tenure of President James Garfield, Henry Teller took control of the Interior Department under

President Chester Arthur, and blatant graft and corruption again settled into the Indian Office. Teller and Bland were mutually respectful early on because both adamantly opposed severalty for the Native American. But Teller's opposition was based on a distinct dislike for his "wards," while Bland wisely judged that the unprepared Indians would lose their lands through the unrealistic provisions of the allotment process. During most of Arthur's administration, Council Fire challenged Teller's thoughtless abuse of Native American land rights, such as the secretary's destructive order to open Executive Order reservations for immediate white settlement.¹ Teller's disdain for Native Americans led him to ignore the corruption and abuse of power at Pine Ridge Agency in Dakota, even in the face of irrefutable evidence presented by Red Cloud, Bland, and other witnesses. As long as the secretary overlooked the abuses and corruption there, Dawes and the IRA could defend Agent Valentine McGillicuddy as a successful enforcer of orderly acculturation. Thus, under Arthur, Council Fire's role became the thankless, tumultuous one of constantly pointing to administrative abuses of Indian rights. On the other hand, Teller's opposition to severalty undoubtedly helped to delay passage of an allotment bill until after he had left office.

When Democrat Grover Cleveland assumed the presidency in March, 1885, Council Fire and Bland found that they shared an ideological position on Native American civil rights with the White House. Their prolonged agitation over Agent

McGillycuddy's abuse of his position was finally rewarded when the new administration removed him. The dismissal of McGillycuddy can only be partially attributed to the change in presidents, for Council Fire had carefully placed well-substantiated accusations at the foot of the Arthur administration, which Grover Cleveland could not brush aside. Somewhat naively, Bland assumed that mutual agreement on these and other Indian matters would forestall the severalty issue, but the expansionist climate of the 1880s worked against his extended time schedule. Although the editor was instrumental in creating the NIDA at that time, he did not capitalize on his temporary political links with the administration.

A sympathetic administration was still in office when Bland and the NIDA helped compose the 1889 Sioux Bill. Evidence that the reformers viewed defense of Indian rights as more important than building their political network was seen when the NIDA challenged the government's wording of section seventeen, which the reformers had originally helped to write. Bland, NIDA, and Council Fire existed to uphold Indian civil rights, and they would not sanction legislation with ambiguous wording.

Bland was not completely unaware of the power of the press, but he clearly underrated the value of the wide circulation of his opinions in Council Fire. He undoubtedly felt neglected by his readers on the matters of financial support and membership in the NIDA. Yet in the late 1880s, the

NIDA was on nearly equal footing with the IRA. Membership in the NIDA in January, 1889 was about 700, while four years later, membership in the IRA was placed at only 900.² The NIDA's moderate stance, circulated on the pages of Council Fire, brought many well-known reformers into its fold after the severalty legislation passed. In addition to the aforementioned George Manypenny and John Oberly for example, 1891 members included Charles James Rhoads, later Commissioner of Indian Affairs under Herbert Hoover, and the son of James E. Rhoads, who was a charter member of the IRA.³

If the intense verbal battles with the IRA in 1886 and 1887 over the general allotment and Sioux bills had not wearied Bland to the point of terminating his efforts, then personal misfortune certainly had. The editor's brush with death in the 1887 railroad accident led to an 1888 hiatus in circulation of Council Fire, which virtually halted the anti-severalty efforts begun by the NIDA. Again in late 1889, severe illness and financial constraints forced Bland to rethink his editorial duties, but this time he did not resurrect the journal. Over the years, both editors had printed a sizeable surplus of papers every month, and previous volumes were readily available for purchase. Most of these were apparently discarded during the 1888 lapse in publication, because in October, 1889, Bland reported that only twenty annual sets of the journal were available for sale. They included a variety of years, many of which had been bound together to create only eleven surplus

bound volumes of back issues of Council Fire. Bland's probable destruction of Council Fire archives can be attributed to his sense of despair after losing the allotment battle. Despite legislative success in 1889, Bland could not resume his former activism on Indian policy matters.

Decisions relating to Indian matters during the late nineteenth century can be generally regarded as unfavorable to the natives. They were created from the interest of diverse groups which included legislators, western interest groups, Indians, and eastern reformers. Even though many policies did not directly reflect the attitudes held by Meacham, Bland, and the NIDA membership, the importance of their efforts should not be discounted. For if Council Fire and the reformers' opinions which it represented had been removed from the Indian policy equation, the policies and specific legislation of 1878 to 1889 would undoubtedly have contained fewer, if any, Indian protections, and would have been more hastily passed. Clearly, most reformers outside the NIDA membership saw Native Americans as an *unexceptional* minority, ready for immediate entry into mainstream society. White policy reformers responsible for the platforms espoused by the Lake Mohonk Conference and the Indian Rights Association rarely consulted the natives for their views on the policies affecting them. They generally agreed with the position held by Captain Richard Pratt who defined Native Americans' minority status by saying, "I would have them cease to be Indians and become American citizens. They should be

mixed up with the whites, and be given all the rights and charged with all the responsibilities of other people. . . . The Germans, the Irish, and even the Arabs, are soon swallowed up in our population. We can swallow the Indians and digest them, and thus solve the Indian problem."⁴

The legacy from a century of devastating Indian policy decisions has demonstrated that American natives were too culturally removed from western civilization to be assimilated in the same manner as other immigrant groups. Native Americans were truly an exceptional minority. The accounts of activities undertaken by editors Alfred Meacham, Thomas Bland, and their brethren in the National Indian Defense Association were documented on the pages of Council Fire. A century later, the record shows that their valiant efforts to defend the civil rights of "Poor Lo" were the most valid among all the humanitarian reformers of late nineteenth century American Indian policy.

NOTES

¹Teller's opening of the Crow Creek Reservation in Dakota shortly before Arthur left office in March, 1885 is an excellent example. See Elmer Ellis, Henry Moore Teller: Defender of the West (Caldwell, Id.: Caxton Printers, Ltd., 1941), 142.

²"The N.I.D.A. Is Just...", CF XII (January 1889):11; and William T. Hagan, The Indian Rights Association: The Herbert Welsh Years, 1882-1904 (Tucson: University of Arizona Press, 1985), 97.

³T.A. Bland, ed., A Brief History of the Late Military Invasion of the Home of the Sioux (Washington, D.C.: National Indian Defense Association, 1891), 2; and Lawrence C. Kelly, "Charles James Rhoads," in The Commissioners of Indian Affairs, 1824-1977, Robert M. Kvasnicka and Herman J. Viola, eds., (Lincoln: University of Nebraska Press, 1979), 263.

⁴"The Mohonk Platform for 1886," CF IX (November-December 1886):159.

APPENDIX

Ute Bill of 1880

<p>June 15, 1880. 21 Stat., 199.</p>	<p>CHAP. 223.—An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same.</p>
<p>Preamble.</p>	<p>Whereas certain of the chiefs and headmen of the confederated bands of the Ute tribe of Indians, now present in the city of Washington, have agreed upon and submitted to the Secretary of the Interior an agreement for the sale to the United States of their present reservation in the State of Colorado, their settlement upon lands in severalty, and for other purposes; and</p>
<p>See note to 1874, ch. 136, ante, p. 151.</p>	<p>Whereas the President of the United States has submitted said agreement, with his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect: Therefore</p>
<p>See 1895, ch. 113, post, p. 555.</p>	<p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That said agreement be, and the same is hereby, accepted, ratified, and confirmed: <i>Provided,</i> That the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties", the words following, to wit: "Until such surrender or apprehension, or until the President shall be satisfied that the guilty parties are no longer living or have fled beyond the limits of the United States, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid"; and by adding to the third express condition of said agreement after the word "forever", the words following, to wit: "<i>Provided,</i> That the President of the United States may, in his discretion, appropriate an amount thereof, not exceeding ten thousand dollars, for the education in schools established within or beyond the limits of the lands selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support, and out of the portion of said moneys coming to the White River Utes, the United States shall pay annually to the following-named persons, during the period of twenty years, if they shall live so long, the following sums respectively: To Mrs. Ari-</p>
<p>Ute Indians in Colorado.</p>	
<p>Proviso. Agreement for sale of lands. Amended and ratified.</p>	
<p>Proviso.</p>	
<p>Schools.</p>	
<p>Payment annually for twenty years to certain persons.</p>	

21 Statutes at Large 199

FORTY-SIXTH CONGRESS. SESS. II. CH. 223. 1880.

vella D. Meeker, five hundred dollars; to Miss Josephine Meeker, five hundred dollars; to Mrs. Sophronia Price, five hundred dollars; to Mrs. Maggie Gordon, five hundred dollars; to George Dresser, two hundred dollars; to Mrs. Sarah M. Post, five hundred dollars; to Mrs. Eaton, mother of George Eaton, two hundred dollars; to the parents of Arthur L. Thompson, two hundred dollars; to the father of Fred Shepard, two hundred dollars; to the parents of Wilmer Eskridge, two hundred dollars"; and by adding to the fifth express condition of said agreement after word "reaffirmed", the words following to wit: "This sum, together with the annuity of fifty thousand dollars herebefore provided, may, in the discretion of Congress, at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians per capita in lieu of said annuities": *And provided also*, That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided: *Provided further*, That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she claims in severalty. Said agreement is in words and figures as follows, namely:

Agreement further amended.

Proviso.

[21 Stat., 200.]

Proviso.

Agreement.

The chiefs and headmen of the confederate bands of the Utes now present in Washington, hereby promise and agree to procure the surrender, to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of the United States Indian Agent N. C. Meeker and the murder of and outrages upon the employees at the White River Agency on the twenty-ninth day of September, eighteen hundred and seventy-nine, and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

Murderers, etc., to be surrendered for trial and punishment.

Amended by Congress.

The said chiefs and headmen of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute Reservation in Colorado, except as hereinafter provided for their settlement.

The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River, in Colorado; and if there should not be a sufficiency of such lands on the La Plata River and in its vicinity in Colorado, then upon such other unoccupied agricultural lands as may be found on the La Plata River or in its vicinity in New Mexico.

Southern Ute to remove and settle upon lands on the La Plata River, Colorado.

The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there, if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

Uncompahgre Ute to remove to Grand River, etc.

The White River Utes agree to remove to and settle upon agricultural lands on the Uintah Reservation in Utah.

White River Ute to remove to Uintah Reserve.

Allotments in severalty of said lands shall be made as follows:

Allotments to be made.

To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section.

How made.

To each single person over eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

Made with the advice of a commission.	To each orphan child under eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and to each other person, under eighteen years, now living, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.
Chiefs and headmen not to interfere with travel, etc.	All allotments to be made with the advice of the commission ^(a) hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotment for each orphan child.
Conditions of agreement.	The said chiefs and headmen of the confederated bands of Utes further promise that they will not obstruct or in anywise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon any of the lands to be set apart for their use by virtue of this agreement.
Lands to be surveyed and allotted. [21 Stat. 201.]	The said chiefs and headmen of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions:
Patents to issue, Title acquired.	First. That the Government of the United States cause the lands so set apart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee simple to them respectively therefor, so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President of the United States may see fit to remove the restriction, which shall be incorporated in the patents when issued, and any contract made prior to the removal of such restriction shall be void.
Not subject to alienation or tax.	Second. That so soon as the consent of the several tribes of the Ute Nation shall have been obtained to the provisions of this agreement, the President of the United States shall cause to be distributed among them in cash the sum of sixty thousand dollars of annuities now due and provided for, and so much more as Congress may appropriate for that purpose; and that a commission ^(a) shall be sent to superintend the removal and settlement of the Utes, and to see that they are well provided with agricultural and pastoral lands sufficient for their future support, and upon such settlement being duly effected, that they are furnished with houses, wagons, agricultural implements, and stock cattle sufficient for their reasonable wants, and also such saw and grist mills as may be necessary to enable them to commence farming operations, and that the money to be appropriated by Congress for that purpose shall be apportioned among the different bands of Utes in the following manner: One-third to those who settle on the La Plata River and vicinity, one-half to those settling on Grand River and vicinity, and one-sixth to those settling on the Uintah Reservation.
Annuity, when distributed.	Third. That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold, as a perpetual trust for the said Ute Indians, a sum of money, or its equivalent in bonds of the United States, which shall be sufficient to produce the sum of fifty thousand dollars per annum, which sum of fifty thousand dollars shall be distributed per capita to them annually forever.
Commission for removal.	Fourth. That as soon as the President of the United States may deem it necessary or expedient, the agencies for the Uncompahgres
Distribution of appropriation. One-third to those on La Plata River, one-half to those on Grand River, one-sixth to those on Uintah Reserve. Perpetual trust fund, in consideration of cession of lands.	
Removal of agencies of Uncompahgre and Southern Ute.	

^a Report of Ute Commission, January 20, 1881. (See Annual Report for 1881, p. 201.) Report of November 21, 1881. (See Annual Report for 1881, p. 325.) See Senate Executive Document No. 31, Forty-sixth Congress, third session.

and Southern Utes be removed to and established at suitable points, to be hereafter selected, upon the lands to be set apart, and to aid in the support of the said Utes until such time as they shall be able to support themselves, and that in the mean time the United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.

Schools to be established.

Fifth. All provisions of the treaty of March second, eighteen hundred and sixty-eight, and the act of Congress approved April twenty-ninth, eighteen hundred and seventy-four, not altered by this agreement, shall continue in force, and the following words from article three of said act, namely, "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum, which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians forever", are hereby expressly reaffirmed.

Provisions for perpetual annuity in treaty of Mar. 2, 1868, vol. 2, p. 765, and act of 1874, c. 136, ante, p. 151, reaffirmed.

Sixth. That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements, upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

Commissioners to ascertain what improvements have been made by Indians.

Payment therefor.

Done at the city of Washington this sixth day of March anno Domini eighteen hundred and eighty.

[21 Stat., 202.]

Signed

CHAVANAUX ^{his} X
 mark
 IGNATIO ^{his} X
 mark
 ALHANDRA ^{his} X
 mark
 VERATZITZ ^{his} X
 mark
 GALOTA ^{his} X
 mark
 JOCKNICK ^{his} X
 mark
 WASS ^{his} X
 mark
 SAWAWICK ^{his} X
 mark
 OURAY

Witnesses:

WILL F. BURNS, Interpreter.
 W. H. BERRY, Interpreter.
 OTTO MEARS, Interpreter.
 HENRY PAGE, United States Indian Agent, Southern Utes.
 CHARLES ADAMS, Special Agent.

SEC. 2. That the President of the United States be, and he is hereby, authorized and empowered to appoint, by and with the advice and consent of the Senate, five commissioners, who shall receive compensation for their services at the rate of ten dollars per diem while actually engaged, in addition to their actual traveling and other necessary expenses; and said commissioners shall, under such instructions as the Secretary of the Interior may give them, present said agreement to

Commissioners appointed, compensation, expenses.

the confederated bands of the Ute Indians in open council for ratification, as provided in the first section of this act; and said commissioners shall have a clerk, at a salary of two hundred dollars per month, in addition to his actual traveling and other necessary expenses, and who shall give bond in an amount to be fixed by the Secretary of the Interior, and shall act also as disbursing-officer for said commissioners. And upon the ratification of said agreement by said tribe as herein provided, said commissioners shall, under the direction of the Secretary of the Interior, appraise the improvements belonging to said Ute Indians upon the lands surrendered by them as provided in said agreement, and report the same to the Secretary of the Interior for settlement. It shall be their duty to take a careful census of said Indians, separating them under said census as follows:

First. Those known in the agreement above referred to as Southern Utes.

Second. Those known as Uncompahgre Utes.

Third. Those known as White River Utes.

Said census shall also show separately the name of each head of a family, and the number of persons in such family, distinguishing those over eighteen years of age from those under eighteen years of age, and giving the names of each separately; also, said census shall show separately the orphan children in each of said classes of Utes described in the foregoing agreement, and they shall make an accurate register of the names, ages, occupations, and general condition of each of the above classes as aforesaid, specifying particularly the number and names of said Indians incapable by reason of orphanage, minority, or other disability of managing their own affairs, and they shall also select lands and allot them in severalty to said Indians, as herein provided, and superintend the removal, location, and settlement of the Indians thereon, and do and perform such other services as the Secretary of the Interior may consider necessary for them to do in the execution of the provisions of this act.

And after the said commissioners shall have performed the duties specifically assigned to them by this act, and such other duties as the Secretary of the Interior may require of them, they shall make a full report of their proceedings to the Secretary of the Interior, which shall set forth, among other things, the name of each person to whom they may have apportioned and allotted lands as herein provided for, with the name and condition of such person, showing who, upon proofs, are considered incompetent to take charge of their property, either as orphans, minors, or for other causes; and shall also exhibit the quantity of land assigned to each person, with the metes and bounds of such allotments. And said commissioners shall make an accurate map of the whole survey and proceeding, showing the partition and division aforesaid, a copy of which map shall be filed with said report; and the Secretary of the Interior shall cause a copy to be filed in the General Land Office, and copies shall also be filed in the office of the surveyors-general of Utah, Colorado and New Mexico, and also in the office of the register and receiver of the land district in which such lands or any portion of them may be situate. Said commissioners shall further report the total number of acres allotted and set apart as provided by the foregoing agreement, the amount of such land tillable without irrigation, the amount of irrigation required, and the probable cost thereof. They shall also locate the agencies for the Southern Utes and the Uncompahgre Utes, shall furnish an estimate of the number of houses required, the cost of each, the number of school-houses required and the number of teachers, and the number of children of school age, and such other data as the secretary of the Interior may require to enable him to make judicious

Clerk's salary, bond, duties.

To report.
Census of Indians.

Particulars of census.

(21 Stat., 208.)
Lands allotted in severalty.

Commissioners make full report.

Map of survey.

Further report of acres allotted.

Agencies located.

Estimate of school-houses and school children.

FORTY-SIXTH CONGRESS. SESS. II. CH. 223. 1880.

expenditure of the money appropriated in section nine of this act; and said commissioners shall exercise direct supervision and control of all expenditures under this act during the time they remain in the Ute country, under the general direction of the Secretary of the Interior; and they shall render a full and detailed account of such expenditure, with the vouchers therefor, as now provided by law.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement, to secure the settlement in severalty of said Indians as therein provided. And upon the completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of the said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions, and limitations mentioned therein as are provided in said agreement; and all the lands not so allotted, the title to which is, by the said agreement of the confederated bands of the Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act: *Provided*, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law; but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands at one dollar and twenty-five cents per acre which may be ceded to them by the United States outside of their reservation, in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act: *Provided further*, That the subdivisions upon which are located improvements to be appraised, as provided for in section two of this act, shall be offered to the highest bidder at public sale, after published notice of at least thirty days by the Secretary of the Interior, and the same shall be absolutely reserved from occupation or claim until so sold.

SEC. 4. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section nineteen hundred and seventy-seven of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof: *Provided*, That their lands and personal property shall not be subject to taxation or execution upon the judgment, order, or decree of any court obtained on any cause of action which may arise during the period named in the above recited agreement.

SEC. 5. That the Secretary of the Treasury shall, out of any moneys in the Treasury not otherwise appropriated, set apart, and hold as a perpetual trust-fund for said Ute Indians, an amount of money sufficient at four per centum to produce annually fifty thousand dollars, which interest shall be paid to them per capita in cash, annually, as provided in said agreement.

To supervise and control expenditures and render accounts and vouchers.

Survey of land for the settlement in severalty of Indians.

Allotment of land in severalty.

Patents issued to allottees.

Lands not allotted, released, and conveyed to United States.

To be held and disposed of as other public lands.

Not subject to homestead entry.

Proceeds of sales, distribution of.

[21 Stat., 204.]

Remainder deposited in Treasury in trust for Indians.

Proviso.

Lands with improvements thereon sold at public sale.

R. S., 1977.

Indians subjected to provisions of.

Allotments not subject to tax, etc.

Perpetual trust-fund, interest \$50,000 paid per capita annually.

Salaries to Ute continued ten years longer than stipulated in treaties. \$4,000 per annum to be distributed by the President.

R. S., title 28, extended to lands allotted to Indians.

Appropriations.

Expenses of commissioners.

Removal, etc., Ute.

[21 Stat., 205.]

Per capita to Utes.

Individual improvements.

Support of Ute in Colorado current fiscal year.

Proviso.

Time limited for ratification of amended agreement by three-fourths of male adult Utes.

SEC. 6. That all salaries paid to any member or members of the Ute tribe under existing treaty stipulations shall be continued for the term of ten years beyond the time fixed in said treaties. And the sum of four thousand dollars per annum for the term of ten years shall be distributed by the President at his discretion to such of said Indians as distinguished themselves by good sense, energy, and perseverance in the pursuit of civilized life, and in the promotion of a good understanding between the Indians and the Government and people of the United States, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, four thousand dollars as the first installment for such purpose.

SEC. 7. That the provisions of title twenty-eight of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

SEC. 8. [*Repealed by 1884, ch. 50, post, p. 217.*]

SEC. 9. That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and they are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely:

For the payment of the expenses of the commissioners herein provided, the sum of twenty-five thousand dollars.

For the cost of removal and settlement of the Utes, surveying their lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements, and so forth, as provided in said agreement and in this act, the sum of three hundred and fifty thousand dollars.

For the sum to be paid to said Ute Indians, per capita, in addition to the sixty thousand dollars now due and provided for, the sum of fifteen thousand dollars.

For the payment of the appraised value of individual improvements as provided herein, the sum of twenty thousand dollars.

For the care and support of the Ute Indians in Colorado for the balance of the current fiscal year, the sum of twelve thousand dollars: *Provided*, That with the exception of the appropriation for expenses of the commissioners, the above appropriations shall become available only upon the ratification of said agreement by three-fourths of the male adult members of the Ute Indians as provided in this act, and the certification of such fact to the Secretary of the Treasury by the Secretary of the Interior.

SEC. 10. If the agreement^a as amended in this act is not ratified by three-fourths of the adult male Indians of the Ute tribes within four months from the approval of this act the same shall cease to be of effect after that day.

Approved June 15, 1880.

General Allotment Act, 1887

Feb. 8, 1887.

CHAP. 119.—An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

President authorized to allot land in severalty to Indians on reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

Distribution.

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and

To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named

Provisos.
Allotment pro rata if lands insufficient.

in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *And provided*

Allotment by treaty or act not reduced.

further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act: *And provided further*, That when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual.

Additional allotment of lands fit for grazing only.

Selection of allotments.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act: *Provided*, That if any one entitled to an allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which election shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

Improvements.

Proviso.

On failure to select in four years, Secretary of the Interior may direct selection.

24 Statutes at Large 388

FORTY-NINTH CONGRESS. SESS. II. CH. 119. 1887.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

Allotments to be made by special agents and Indian agents.

Certificates.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land-office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land-office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

Indians not on reservations, etc., may make selection of public lands.

Fees to be paid from the Treasury.

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the State of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act: *And provided further*, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be

Patent to issue.

To be held in trust.

Conveyance in fee after 25 years.

Provided.

Period may be extended.

Laws of descent and partition.

Negotiations for purchase of lands not allotted.

FORTY-NINTH CONGRESS. SESS. II. CH. 119. 1887.

Lands so bought to be held for actual settlers if arable.

Patent to issue only to person taking as homestead.

Purchase money to be held in trust for Indians.

Religious organizations.

Indians selecting lands to be preferred for police, etc.

Citizenship to be accorded to allottees and Indians adopting civilized life.

Secretary of the Interior to prescribe rules for use of waters for irrigation.

prescribed by Congress: *Provided however*, That all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void.

And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians; to whom such reservations belonged; and the same, with interest thereon at three per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto. And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law. And hereafter in the employment of Indian police, or any other employes in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

FORTY-NINTH CONGRESS. SESS. II. CHS. 119, 120. 1887.

SEC. 8. That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes; in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south added by executive order. Lands excepted.

SEC. 9. That for the purpose of making the surveys and resurveys mentioned in section two of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be repaid proportionately out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act. Appropriation for surveys.

SEC. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation. Rights of way not affected.

SEC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservation in Southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe. Southern Utes may be removed to new reservation.

Approved, February 8, 1887.

Ft. Laramie Treaty, 1868

Apr. 29, 1868.
15 Stats., 635.
Ratified, Feb. 16,
1869.
Proclaimed, Feb. 24,
1869.

Articles of a treaty made and concluded by and between Lieutenant-General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, J. B. Henderson, Nathaniel G. Taylor, John B. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and head-men, whose names are hereto subscribed, they being duly authorized to act in the premises.

War to cease and
peace to be kept.

ARTICLE 1. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

Offenders against
the Indians to be ar-
rested, etc.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

Wrongdoers against
the whites to be pun-
ished.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be re-imbursed therefor.

Damages.

Reservation bound-
aries.

ARTICLE 2. The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory

Certain persons not
to enter or reside
thereon.

15 Statutes at Large 635

described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

ARTICLE 3. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

Additional arable land to be added, if, etc.

ARTICLE 4. The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a store-room for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

Buildings on reservation.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

ARTICLE 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Agent's residence, office, and duties.

ARTICLE 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Heads of families may select lands for farming.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Others may select land for cultivation.

Certificates. For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land-Book."

surveys. The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land-office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land-Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions, shall thereby and from thenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

Alienation and descent of property.

Certain Indians may receive patents for 160 acres of land.

Such Indians receiving patents to become citizens of the United States.

Education. **ARTICLE 7.** In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

Children to attend school.

Schoolhouses and teachers.

Seeds and agricultural implements. **ARTICLE 8.** When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

Instructions in farming. And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and

whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Second blacksmith.

ARTICLE 9. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians; and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

Physician, farmer, etc., may be withdrawn.

Additional appropriation in such cases.

ARTICLE 10. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency-house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit:

Delivery of goods in lieu of money or other annuities.

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

Clothing.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

Census.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

Other necessary articles.

Appropriation to continue for thirty years.

Army officer to attend the delivery.

Meat and flour.

Cows and oxen.

ARTICLE 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the

Right to occupy territory outside of the reservation surrendered.

United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose. one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

ARTICLE 13. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE 14. It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

ARTICLE 15. The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

ARTICLE 16. The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of

Right to hunt reserved.

Agreements as to railroads.

Emigrants, etc.

Women and children.

White men.

Pacific Railroad, wagon roads, etc.

Damages for crossing their reservation.

Military posts and roads.

No treaty for cession of reservation to be valid unless, etc.

United States to furnish physician, teachers, etc.

Presents for crops.

Reservation to be permanent home of tribes.

Unceded Indian territory.

Not to be occupied by whites, etc.

the same; or without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

ARTICLE 17. It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

Effect of this treaty upon former treaties.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. Taylor, [SEAL.]
 W. T. Sherman, [SEAL.]
 Lieutenant-General.
 Wm. S. Harney, [SEAL.]
 Brevet Major-General U. S. Army.
 John B. Sanborn, [SEAL.]
 S. F. Tappan, [SEAL.]
 C. C. Augur, [SEAL.]
 Brevet Major-General.
 Alfred H. Terry, [SEAL.]
 Brevet Major-General U. S. Army.

Attest:

A. S. H. White, Secretary.

Executed on the part of the Brulé band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized, at Fort Laramie, D. T., the twenty-ninth day of April, in the year A. D. 1868.

Ma-za-pon-kaska, his x mark, Iron Shell. [SEAL.]	Bella-tonka-tonka, his x mark, Big Partisan. [SEAL.]
Wah-pat-shah, his x mark, Red Leaf. [SEAL.]	Mah-to-ho-honka, his x mark, Swift Bear. [SEAL.]
Hah-sah-pah, his x mark, Black Horn. [SEAL.]	To-wis-ne, his x mark, Cold Place. [SEAL.]
Zin-tah-gah-lat-skah, his x mark, Spotted Tail. [SEAL.]	Ish-tah-skah, his x mark, White Eyes. [SEAL.]
Zin-tah-skah, his x mark, White Tail. [SEAL.]	Ma-ta-loo-zah, his x mark, Fast Bear. [SEAL.]
Me-wah-tah-ne-ho-skah, his x mark, Tall Mandas. [SEAL.]	As-hah-kah-nah-zhe, his x mark, Standing Elk. [SEAL.]
She-cha-chat-kah, his x mark, Bad Left Hand. [SEAL.]	Can-te-te-ki-ya, his x mark, The Brave Heart. [SEAL.]
No-mah-no-pah, his x mark, Two and Two. [SEAL.]	Shunka-shaton, his x mark, Day Hawk. [SEAL.]
Tah-tonka-skah, his x mark, White Bull. [SEAL.]	Tatanka-wakon, his x mark, Sacred Bull. [SEAL.]
Con-ra-washta, his x mark, Pretty Coon. [SEAL.]	Mapia shaton, his x mark, Hawk Cloud. [SEAL.]
Ha-cah-cah-she-chah, his x mark, Bad Elk. [SEAL.]	Ma-sha-a-ow, his x mark, Stands and Comes. [SEAL.]
Wa-ha-ka-zah-ish-tah, his x mark, Eye Lance. [SEAL.]	Shon-ka-ton-ka, his x mark, Big Dog. [SEAL.]
Ma-to-ha-ke-tah, his x mark, Bear that looks behind. [SEAL.]	

Sioux Bill of 1889

March 2, 1880.

CHAP. 405.—An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

Sioux Indian Reservation, Dakota. Subdivision of. *Ante*, p. 94.

Pine Ridge Reservation. Boundaries. Dakota.

Nebraska.

Proviso. Nebraska lands.

Rosebud Reservation.

Boundaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following tract of land, being a part of the Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge Agency, in the Territory of Dakota, namely: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundry of the State of Nebraska; thence north along said meridian to the South Fork of Cheyenne River, and down said stream to the mouth of Battle Creek; thence due east to White River; thence down White River to the mouth of Black Pipe Creek on White River; thence due south to said north line of the State of Nebraska; thence west on said north line to the place of beginning. Also, the following tract of land situate in the State of Nebraska, namely: Beginning at a point on the boundary-line between the State of Nebraska and the Territory of Dakota where the range line between ranges forty-four and forty-five west of the sixth principal meridian, in the Territory of Dakota, intersects said boundary-line; thence east along said boundary-line five miles; thence due south five miles; thence due west ten miles; thence due north to said boundary-line; thence due east along said boundary-line to the place of beginning: *Provided,* That the said tract of land in the State of Nebraska shall be reserved, by Executive order, only so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge Agency.

SEC. 2. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Rosebud Agency, in said Territory of Dakota, namely: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel to a point due south from the mouth of Black Pipe Creek; thence due north to the mouth of Black Pike Creek; thence down White River to a point intersecting the west line of Gregory County extended north; thence south on said extended west line of Gregory County to the intersection of the south line of Brule County extended west; thence due east on said south line of Brule County extended to the point of beginning in the Missouri River, including entirely within said reservation all islands, if any, in said river.

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SEC. 3. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Standing Rock Agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River, opposite the mouth of Cannon Ball River; thence down said center of the main channel to a point ten miles north of the mouth of the Moreau River, including also within said reservation all island, if any, in said river; thence due west to the one hundred and second degree of west longitude from Greenwich; thence north along said meridian to its intersection with the South Branch of Cannon Ball River, also known as Cedar Creek; thence down said South Branch of Cannon Ball River to its intersection with the main Cannon Ball River, and down said main Cannon Ball River to the center of the main channel of the Missouri River at the place of beginning.

Standing Rock Reservation.

Boundaries.

SEC. 4. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Cheyenne River Agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River, ten miles north of the mouth of the Moreau River, said point being the southeastern corner of the Standing Rock Reservation; thence down said center of the main channel of the Missouri River, including also entirely within said reservation all islands, if any, in said river, to a point opposite the mouth of the Cheyenne River; thence west to said Cheyenne River, and up the same to its intersection with the one hundred and second meridian of longitude; thence north along said meridian to its intersection with a line due west from a point in the Missouri River ten miles north of the mouth of the Moreau River; thence due east to the place of beginning.

Cheyenne River Reservation.

Boundaries.

SEC. 5. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Lower Brule Agency, in said Territory of Dakota, namely: Beginning on the Missouri River at Old Fort George; thence running due west to the western boundary of Presho County; thence running south on said western boundary to the forty-fourth degree of latitude; thence on said forty-fourth degree of latitude to western boundary of township number seventy-two; thence south on said township western line to an intersecting line running due west from Fort Lookout; thence eastwardly on said line to the center of the main channel of the Missouri River at Fort Lookout; thence north in the center of the main channel of the said river to the original starting point.

Lower Brule Reservation.

Boundaries.

SEC. 6. That the following tract of land, being a part of the Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Crow Creek Agency, in said Territory of Dakota, namely: The whole of township one hundred and six, range seventy; township one hundred and seven, range seventy-one; township one hundred and eight, range seventy-one; township one hundred and eight, range seventy-two; township one hundred and nine, range seventy-two, and the south half of township one hundred and nine, range seventy-one, and all except sections one, two, three, four, nine, ten, eleven, and twelve of township one hundred and seven, range seventy, and such parts as lie on the east or left bank of the Missouri River, of the following townships, namely: Township one hundred and six, range seventy-one; township one hundred and seven, range seventy two; township one hundred and eight, range seventy-three;

Crow Creek Reservation.

Boundaries.

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township one hundred and eight, range seventy-four; township one hundred and eight, range seventy-five; township one hundred and eight, range seventy-six; township one hundred and nine, range seventy-three; township one hundred and nine, range seventy-four; south half of township one hundred and nine, range seventy-five, and township one hundred and seven, range seventy-three; also the west half of township one hundred and six, range sixty-nine, and sections sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-three, of township one hundred and seven, range sixty-nine.

Santee Sioux in Nebraska.

Allotment of lands to.

Vol. 12, p. 637.

Proviso.

Former allotments confirmed.

Indians to receive lands in severalty when civilized.

Allotment.

Increased.

Proviso.

Grazing lands.

SEC. 7. That each member of the Santee Sioux tribe of Indians now occupying a reservation in the State of Nebraska not having already taken allotments shall be entitled to allotments upon said reserve in Nebraska as follows: To each head of a family, one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child under eighteen years, one-eighth of a section; to each other person under eighteen years of age now living, one-sixteenth of a section; with title thereto, in accordance with the provisions of article six of the treaty concluded April twenty-ninth, eighteen hundred and sixty-eight, and the agreement with said Santee Sioux approved February twenty-eighth, eighteen hundred and seventy-seven, and rights under the same in all other respects conforming to this act. And said Santee Sioux shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were residents upon said Sioux Reservation, receiving rations at one of the agencies herein named: *Provided*, That all allotments heretofore made to said Santee Sioux in Nebraska are hereby ratified and confirmed; and each member of the Flandreau band of Sioux Indians is hereby authorized to take allotments on the Great Sioux Reservation, or in lieu therefor shall be paid at the rate of one dollar per acre for the land to which they would be entitled, to be paid out of the proceeds of lands relinquished under this act, which shall be used under the direction of the Secretary of the Interior; and said Flandreau band of Sioux Indians is in all other respects entitled to the benefits of this act the same as if receiving rations and annuities at any of the agencies aforesaid.

SEC. 8. That the President is hereby authorized and required, whenever in his opinion any reservation of such Indians, or any part thereof, is advantageous for agricultural or grazing purposes, and the progress in civilization of the Indians receiving rations on either or any of said reservations shall be such as to encourage the belief that an allotment in severalty to such Indians, or any of them, would be for the best interest of said Indians, to cause said reservation, or so much thereof as is necessary, to be surveyed, or re-surveyed, and to allot the lands in said reservation in severalty to the Indians located thereon as aforesaid, in quantities as follows: To each head of a family, three hundred and twenty acres; to each single person over eighteen years of age, one-fourth of a section; to each orphan child under eighteen years of age, one-fourth of a section; and to each other person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-eighth of a section. In case there is not sufficient land in either of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *Provided*, That where the lands on any reservation are mainly valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual; or in case any two or more Indians who may be entitled to allotments shall so agree, the President may assign the grazing lands

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to which they may be entitled to them in one tract, and to be held and used in common.

SEC. 9. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act: *Provided*, That if any one entitled to an allotment shall fail to make a selection within five years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner: *Provided*, That these sections as to the allotments shall not be compulsory without the consent of the majority of the adult members of the tribe, except that the allotments shall be made as provided for the orphans.

SEC. 10. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

SEC. 11. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the lands thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, and patents shall issue accordingly. And each and every allottee under this act shall be entitled to all the rights and privileges and be subject to all the provisions of section six of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians and for other purposes." *Provided*, That the President of the United States may in any case, in his discretion, extend the period by a term not exceeding ten years; and if any lease or conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such lease or conveyance or contract shall be absolutely null and void: *Provided further*, That the law of descent and partition in force in the State or Territory where the lands may be situated shall apply thereto after patents therefor have been executed and delivered. Each of the patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto.

Selections to be made by Indians.

Proviso.
Selections to be made within five years.

Not compulsory.

Special agents to make allotments.

Patents to issue.

Lands held in trust for twenty-five years.

Citizenship, etc.
Vol. 24, p. 300.

Proviso.
Extending trust period.

State or Territory law to regulate descent, etc.

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Purchase of lands not allotted. SEC. 12. That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress: *Provided, however,* That all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona-fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further,* That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservation belonged; and the same, with interest thereon at five per centum per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians, or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterward, delivered, free of charge, to the allottee entitled thereto.

Proviso.

To be held for actual settlers.

Homestead patents.

Purchase money.

Record of patents.

Indians not residing on new reservations. SEC. 13. That any Indian receiving and entitled to rations and annuities at either of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said Great Reservation not included in either of these separate reservations herein established, may, at his option, within one year from the time when this act shall take effect, and within one year after he has been notified of his said right of option in such manner as the Secretary of the Interior shall direct by recording his election with the proper agent at the agency to which he belongs, have the allotment to which he would be otherwise entitled on one of said separate reservations upon the land where such Indian may then reside, such allotment in all other respects to conform to the allotments hereinbefore provided. Each member of the Ponca tribe of Indians now occupying a part of the old Ponca Reservation, within the limits of the said Great Sioux Reservation, shall be entitled to allotments upon said old Ponca Reservation as follows: To each head of a family, three hundred and twenty acres; to each single person over eighteen years of age, one-fourth of a section; to each orphan child under eighteen years of age, one-fourth of a section; and to each other person under eighteen years of age now living, one-eighth of a section, with title thereto and rights under the same in all other respects conforming to this act. And said Poncas shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were a part of the Sioux Nation receiving rations at one of the agencies herein named. When allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled "An act to extend the northern boundary of the State of Nebraska," approved March twenty-eighth, eighteen

Indians not residing on new reservations.

Allotment to Poncas.

Increased. Ante, p. 99.

Lands in Nebraska.

Vol. 22, p. 36.

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hundred and eighty-two, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March twenty-eighth, eighteen hundred and eighty-two, shall be open to settlement as provided in this act: *Provided*, That the allotments to Ponca and other Indians authorized by this act to be made upon the land described in the said act entitled "An act to extend the northern boundary of the State of Nebraska," shall be made within six months from the time this act shall take effect.

Indian title extinguished.

Provido.
Time for allotments.

SEC. 14. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation created by this act available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such Indian reservation created by this act; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

Irrigation.

SEC. 15. That if any Indian has, under and in conformity with the provisions of the treaty with the Great Sioux Nation concluded April twenty-ninth, eighteen hundred and sixty-eight, and proclaimed by the President February twenty-fourth, eighteen hundred and sixty-nine, or any existing law, taken allotments of land within or without the limits of any of the separate reservations established by this act, such allotments are hereby ratified and made valid, and such Indian is entitled to a patent therefor in conformity with the provisions of said treaty and existing law and of the provisions of this act in relation to patents for individual allotments.

Ratification of prior allotments.
Vol. 15, p. 635.

SEC. 16. That the acceptance of this act by the Indians in manner and form as required by the said treaty concluded between the different bands of the Sioux Nation of Indians and the United States, April twenty-ninth, eighteen hundred and sixty-eight, and proclaimed by the President February twenty-fourth, eighteen hundred and sixty-nine, as hereinafter provided, shall be taken and held to be a release of all title on the part of the Indians receiving rations and annuities on each of the said separate reservations, to the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April twenty-ninth, eighteen hundred and sixty-eight. This release shall not affect the title of any individual Indian to his separate allotment on land not included in any of said separate reservations provided for in this act, which title is hereby confirmed, nor any agreement heretofore made with the Chicago, Milwaukee and Saint Paul Railroad Company or the Dakota Central Railroad Company for a right of way through said reservation; and for any lands acquired by any such agreement to be used in connection therewith, except as hereinafter provided; but the Chicago, Milwaukee and Saint Paul Railway Company and the Dakota Central Railroad Company shall, respectively, have the right to take and use, prior to any white person, and to any corporation, the right of way provided for in said agreements, with not to exceed twenty acres of land in addition to the right of way, for stations for every ten miles of road; and said companies shall also, respectively, have the right to take and use for right of way, side-track, depot and station privileges, machine-shop, freight-house, round house, and yard facilities, prior to any white person, and to any corporation or association, so much of the two separate sections of land embraced in said agreements; also, the former company so much of the one hun-

Acceptance of this act to release Indian titles.

Titles of individual Indians unaffected.

Rights of way.

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dred and eighty-eight acres, and the latter company so much of the seventy five acres, on the east side of the Missouri River, likewise embraced in said agreements, as the Secretary of the Interior shall decide to have been agreed upon and paid for by said railroad, and to be reasonably necessary upon each side of said river for approaches to the bridge of each of said companies to be constructed across the river, for right of way, side-track, depot and station privileges, machine-shop, freight house, round-house, and yard facilities, and no more: *Provided*, That the said railway companies shall have made the payments according to the terms of said agreements for each mile of right of way and each acre of land for railway purposes, which said companies take and use under the provisions of this act, and shall satisfy the Secretary of the Interior to that effect: *Provided further*, That no part of the lands herein authorized to be taken shall be sold or conveyed except by way of sale of, or mortgage of the railway itself. Nor shall any of said lands be used directly or indirectly for town site purposes, it being the intention hereof that said lands shall be held for general railway uses and purposes only, including stock yards, warehouses, elevators, terminal and other facilities of and for said railways: but nothing herein contained shall be construed to prevent any such railroad company from building upon such lands houses for the accommodation or residence of their employees, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways: *And provided further*, That said payments shall be made and said conditions performed within six month after this act shall take effect: *And provided further*, That said railway companies and each of them shall, within nine months after this act takes effect, definitely locate their respective lines of road, including all station grounds and terminals across and upon the lands of said reservation designated in said agreements, and shall also, within the said period of nine months, file with the Secretary of the Interior a map of such definite location, specifying clearly the line of road the several station grounds and the amount of land required for railway purposes, as herein specified, of the said separate sections of land and said tracts of one hundred and eighty-eight acres and seventy five acres, and the Secretary of the Interior shall, within three months after the filing of such map, designate the particular portions of said sections and of said tracts of land which the said railway companies respectively may take and hold under the provisions of this act for railway purposes. And the said railway companies, and each of them, shall, within three years after this act takes effect, construct, complete, and put in operation their said lines of road: and in case the said lines of road are not definitely located and maps of location filed within the periods hereinbefore provided, or in case the said lines of road are not constructed, completed, and put in operation within the time herein provided, then, and in either case, the lands granted for right of way, station grounds, or other railway purposes, as in this act provided, shall, without any further act or ceremony, be declared by proclamation of the President forfeited, and shall, without entry or further action on the part of the United States, revert to the United States and be subject to entry under the other provisions of this act; and whenever such forfeiture occurs the Secretary of the Interior shall ascertain the fact and give due notice thereof to the local land officers, and thereupon the lands so forfeited shall be open to homestead entry under the provisions of this act.

Proviso.
Payments by rail-
road companies.

To be used for rail-
way purposes only.

Payments.

Locations to be made
in nine months.

Construction and
completion of road.

Forfeiture.

Schools, etc.
Vol. 13, p. 638.

SEC. 17. That it is hereby enacted that the seventh article of the said treaty of April twenty-ninth, eighteen hundred and sixty-eight, securing to said Indians the benefits of education, subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education, shall continue in force for twenty years from and after the time this act shall take effect;

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and the Secretary of the Interior is hereby authorized and directed to purchase, from time to time, for the use of said Indians, such and so many American breeding cows of good quality, not exceeding twenty-five thousand in number, and bulls of like quality, not exceeding one thousand in number, as in his judgment can be under regulations furnished by him, cared for and preserved, with their increase, by said Indians: *Provided*, That each head of family or single person over the age of eighteen years, who shall have or may hereafter take his or her allotment of land in severalty, shall be provided with two milch cows, one pair of oxens, with yoke and chain, or two mares and one set of harness in lieu of said oxen, yoke and chain, as the Secretary of the Interior may deem advisable, and they shall also receive one plow, one wagon, one harrow, one hoe, one axe, and one pitchfork, all suitable to the work they may have to do, and also fifty dollars in cash: to be expended under the direction of the Secretary of the Interior in aiding such Indians to erect a house and other buildings suitable for residence or the improvement of his allotment; no sales, barter or bargains shall be made by any person other than said Indians with each other, of any of the personal property hereinbefore provided for, and any violation of this provision shall be deemed a misdemeanor and punished by fine not exceeding one hundred dollars, or imprisonment not exceeding one year or both in the discretion of the court: That for two years the necessary seeds shall be provided to plant five acres of ground into different crops, if so much can be used, and provided that in the purchase of such seed preference shall be given to Indians who may have raised the same for sale, and so much money as shall be necessary for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated; and in addition thereto there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of three millions of dollars, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at five per centum per annum, shall be appropriated, under the direction of the Secretary of the Interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act, in proportion to the numbers that shall so receive rations and annuities at the time this act takes effect, as follows: One-half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purposes, including reasonable cash payments per capita as, in the judgment of said Secretary, shall, from time to time, most contribute to the advancement of said Indians in civilization and self-support; and the Santee Sioux, the Flandreau Sioux, and the Ponca Indians shall be included in the benefits of said permanent fund, as provided in sections seven and thirteen of this act: *Provided*, That after the Government has been reimbursed for the money expended for said Indians under the provisions of this act, the Secretary of the Interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed ten per centum per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, including reasonable cash payments per capita, and other articles necessary to assist them in agricultural pursuits, and he shall report to Congress in detail each year his doings hereunder. And at the end of fifty years from the passage of this act, said fund shall be expended for the purpose of promoting education, civilization, and self-support among said Indians, or otherwise distributed among them as Congress shall from time to time thereafter determine.

SEC. 18. That if any land in said Great Sioux Reservation is now occupied and used by any religious society for the purpose of missionary or educational work among said Indians, whether situate

Purchase of cattle.

Provisions.
Allotment of stock.Punishment for
trading, etc.

Seed, etc.

Appropriation for
permanent fund.Distribution of in-
terest.Employment of
farmers, etc.

Final distribution.

Lands occupied for
religious purposes.

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outside of or within the lines of any reservation constituted by this act, or if any such land is so occupied upon the Santee Sioux Reservation, in Nebraska, the exclusive occupation and use of said land, not exceeding one hundred and sixty acres in any one tract, is hereby, with the approval of the Secretary of the Interior, granted to any such society so long as the same shall be occupied and used by such society for educational and missionary work among said Indians; and the Secretary of the Interior is hereby authorized and directed to give to such religious society patent of such tract of land to the legal effect aforesaid; and for the purpose of such educational or missionary work any such society may purchase, upon any of the reservations herein created, any land not exceeding in any one tract one hundred and sixty acres, not interfering with the title in severalty of any Indian, and with the approval of and upon such terms, not exceeding one dollar and twenty-five cents an acre, as shall be prescribed by the Secretary of the Interior. And the Santee Normal Training School may, in like manner, purchase for such educational or missionary work on the Santee Reservation, in addition to the foregoing, in such location and quantity, not exceeding three hundred and twenty acres, as shall be approved by the Secretary of the Interior.

Santee Normal
Training School.

Treaty provisions
not conflicting con-
tinued.
Vol. 15, p. 635.

School-houses.

Proviso,
White children.

Lands outside of
separate reservations
restored to public do-
main.
Exceptions.
R. S., sec. 2301, p. 421.

Proviso,
Price increased.

Soldiers' home-
steads.
R. S., secs. 2304, 2305,
p. 422.

Lands unsold to be
bought by Govern-
ment.

SEC. 19. That all the provisions of the said treaty with the different bands of the Sioux Nation of Indians concluded April twenty-ninth, eighteen hundred and sixty-eight, and the agreement with the same approved February twenty-eighth, eighteen hundred and seventy-seven, not in conflict with the provisions and requirements of this act, are hereby continued in force according to their tenor and limitation, anything in this act to the contrary notwithstanding.

SEC. 20. That the Secretary of the Interior shall cause to be erected not less than thirty school-houses, and more, if found necessary, on the different reservations, at such points as he shall think for the best interest of the Indians, but at such distance only as will enable as many as possible attending schools to return home nights, as white children do attending district schools: *And provided*, That any white children residing in the neighborhood are entitled to attend the said school on such terms as the Secretary of the Interior may prescribe.

SEC. 21. That all the lands in the Great Sioux Reservation outside of the separate reservations herein described are hereby restored to the public domain, except American Island, Farm Island, and Niobrara Island, and shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law (except section two thousand three hundred and one thereof) and under the law relating to town-sites: *Provided*, That each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of seventy-five cents per acre for all lands disposed of within the next two years following thereafter, and fifty cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums: but the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to said sums: *Provided*, That all lands herein opened to settlement under this act remaining undisposed of at the end of ten years from the taking effect of this act shall be taken and accepted by the United States and paid for by said United States at fifty cents per acre, which

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amount shall be added to and credited to said Indians as part of their permanent fund, and said lands shall thereafter be part of the public domain of the United States, to be disposed of under the homestead laws of the United States, and the provisions of this act; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of final entry, shall be null and void: *Provided*, That there shall be reserved public highways four rods wide around every section of land allotted, or opened to settlement by this act, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for each quarter-section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey. *And provided further*, That nothing in this act contained shall be so construed as to affect the right of Congress or of the government of Dakota to establish public highways, or to grant to railroad companies the right of way through said lands, or to exclude the said lands, or any thereof, from the operation of the general laws of the United States now in force granting to railway companies the right of way and depot grounds over and upon the public lands, American Island, an island in the Missouri River, near Chamberlain, in the Territory of Dakota, and now a part of the Sioux Reservation, is hereby donated to the said city of Chamberlain: *Provided further*, That said city of Chamberlain shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only. Farm Island, an island in the Missouri River near Pierre, in the Territory of Dakota, and now a part of the Sioux Reservation, is hereby donated to the said city of Pierre: *Provided further*, That said city of Pierre shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only. Niobrara Island, an island in the Niobrara River, near Niobrara, and now a part of the Sioux Reservation, is hereby donated to the said city of Niobrara: *Provided further*, That the said city of Niobrara shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only: *And provided further*, That if any full or mixed blood Indian of the Sioux Nation shall have located upon Farm Island, American Island, or Niobrara Island before the date of the passage of this act, it shall be the duty of the Secretary of the Interior, within three months from the time this act shall have taken effect, to cause all improvements made by any such Indian so located upon either of said islands, and all damage that may accrue to him

Highways, etc.

American Island donated to Chamberlain, Dak., for a public park.

Farm Island donated to Pierre, Dak., for a public park.

Niobrara Island donated to Niobrara, Nebr., for a public park.

Removal of Indians from islands.

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by a removal therefrom, to be appraised, and upon the payment of the sum so determined, within six months after notice thereof by the city to which the island is herein donated to such Indian, said Indian shall be required to remove from said island, and shall be entitled to select instead of such location his allotment according to the provisions of this act upon any of the reservations herein established, or upon any land opened to settlement by this act not already located upon.

Disposition of proceeds of sales.

SEC. 22. That all money accruing from the disposal of lands in conformity with this act shall be paid into the Treasury of the United States and be applied solely as follows: First, to the reimbursement of the United States for all necessary actual expenditures contemplated and provided for under the provisions of this act, and the creation of the permanent fund hereinbefore provided; and after such reimbursement to the increase of said permanent fund for the purposes hereinbefore provided.

Settlers on Crow Creek and Winnebago Reservations may re-enter on lands.

SEC. 23. That all persons who, between the twenty-seventh day of February, eighteen hundred and eighty-five, and the seventeenth day of April, eighteen hundred and eighty-five, in good faith, entered upon or made settlements with intent to enter the same under the homestead or pre-emption laws of the United States upon any part of the Great Sioux Reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago Reservation, which, by the President's proclamation of date February twenty-seventh, eighteen hundred and eighty-five, was declared to be open to settlement, and not included in the new reservation established by section six of this act, and who, being otherwise legally entitled to make such entries, located or attempted to locate thereon homestead, pre-emption, or town site claims, by actual settlement and improvement of any portion of such lands, shall, for a period of ninety days after the proclamation of the President required to be made by this act, have a right to re-enter upon said claims and procure title thereto under the homestead or pre-emption laws of the United States, and complete the same as required therein, and their said claims shall, for such time, have a preference over later entries; and when they shall have in other respects shown themselves entitled and shall have complied with the law regulating such entries, and, as to homesteads, with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases: *Provided*, That pre-emption claimants shall reside on their lands the same length of time before procuring title as homestead claimants under this act. The price to be paid for town-site entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by this act.

Act, p. 89.

Proviso.
Pre-emption settlers.

School lands.

SEC. 24. That sections sixteen and thirty-six of each township of the lands open to settlement under the provisions of this act, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, as provided by the act organizing the Territory of Dakota; and whether surveyed or unsurveyed said sections shall not be subject to claim, settlement, or entry under the provision of this act or any of the land laws of the United States: *Provided, however*, That the United States shall pay to said Indians, out of any moneys in the Treasury not otherwise appropriated, the sum of one dollar and twenty-five cents per acre for all lands reserved under the provisions of this section.

Vol. 12, p. 343.

Proviso.
Payment for.

Appropriation for surveying.

SEC. 25. That there is hereby appropriated the sum of one hundred thousand dollars, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be applied and used towards surveying the lands herein described as being opened for settlement, said sum to be immediately available; which sum shall not be deducted from the proceeds of lands disposed of under this act.

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SEC. 26. That all expenses for the surveying, platting, and disposal of the lands opened to settlement under this act shall be borne by the United States, and not deducted from the proceeds of said lands.

SEC. 27. That the sum of twenty-eight thousand two hundred dollars, or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to pay to such individual Indians of the Red Cloud and Red Leaf bands of Sioux as he shall ascertain to have been deprived by the authority of the United States of ponies in the year eighteen hundred and seventy-six, at the rate of forty dollars for each pony; and he is hereby authorized to employ such agent or agents as he may deem necessary in ascertaining such facts as will enable him to carry out this provision, and to pay them therefor such sums as shall be deemed by him fair and just compensation: *Provided*, That the sum paid to each individual Indian under this provision shall be taken and accepted by such Indian in full compensation for all loss sustained by such Indian in consequence of the taking from him of ponies as aforesaid: *And provided further*, That if any Indian entitled to such compensation shall have deceased, the sum to which such Indian would be entitled shall be paid to his heirs-at-law, according to the laws of the Territory of Dakota.

SEC. 28. That this act shall take effect, only, upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the treaty between the United States and said Sioux Indians concluded April twenty-ninth, eighteen hundred and sixty-eight, which said acceptance and consent, shall be made known by proclamation by the President of the United States, upon satisfactory proof presented to him, that the same has been obtained in the manner and form required, by said twelfth article of said treaty; which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect and null and void.

SEC. 29. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section twenty-seven.

SEC. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, March 2, 1889.

Payment for ponies,
Red Cloud and Red
Leaf bands.

Provision.
To be accepted in
full.

Acceptance by In-
dians.

Proclamation.

Appropriation.

Repeal.

BIBLIOGRAPHY

Government Documents and Manuscripts

American State Papers. Report from Henry Knox, Secretary of War, to the President of the United States. (July 15, 1789). Serial 07:13-14.

American State Papers. General Knox, Secretary of War, to the President of the United States, in continuation. (July 7, 1789). Serial 07:52-54.

Kansas City, Missouri. National Archives. Office of Indian Affairs. Record Group 75. Copies of Correspondence and Reports Sent to the Office of Indian Affairs, August 11, 1875-June 30, 1914, Pine Ridge Agency.

Kansas City, Missouri. National Archives. Office of Indian Affairs. Record Group 75. Correspondence Received from the Office of Indian Affairs, Indian Warehouses and Special Agents, February 24, 1871-November 8, 1907, Pine Ridge Agency.

Kappler, Charles J., comp. Indian Affairs: Laws and Treaties. vol. 1. Washington, D.C.: Government Printing Office, 1904.

Richardson, James D. A Compilation of the Messages and Papers of the Presidents. vol. 9. Washington, D.C.: Bureau of National Literature, 1897.

Royce, Charles C. Indian Land Cessions in the United States. Washington, D.C.: Government Printing Office, 1900.

U.S. Board of Indian Commissioners. Annual Report. 1870.

U.S. Commissioner of Indian Affairs. Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior. 1869, 1877, 1878, 1879, 1881, 1882, 1883, 1884.

U.S. Congress. House. Removal of Indians. 21st Cong., 1st sess. H.R. 227, Serial 200.

_____. Report of the Indian Peace Commissioners. 40th Cong., 2nd sess. H. Exec. Doc. 97, Serial 1337.

- _____. Memorial of Yearly Meetings of the Society of Friends. 40th Cong., 3rd sess. H. Misc. Doc. 29, Serial 1385.
- _____. Investigation of Indian Frauds. 42nd Cong., 3rd sess. H.R. 98, Serial 1578.
- _____. War with the Modoc Indians in 1872-73. 43rd Cong., 1st sess. H. Exec. Doc. 122, Serial 1607.
- _____. Investigation on the Conduct of Indian Affairs. 43rd Cong., 1st sess. H.R. 778, Serial 1627.
- _____. Colonel A.B. Meacham. 45th Cong., 3rd sess. H.R. 51, Serial 1866.
- _____. White River Ute Commission Investigation. 46th Cong., 2nd. sess. H. Exec. Doc. 83, Serial 1925.
- _____. Testimony in Relation to The Ute Indian Outbreak. 46th Cong., 2nd sess. H. Misc. Doc. 38, Serial 1931.
- _____. Agreement with Ute Indians of Colorado. 46th Cong., 2nd sess. H.R. 1401, Serial 1937.
- _____. Lands in Severalty to Indians. 46th Cong., 2nd sess. H.R. 1576, Serial 1938.
- _____. Sioux Reservation in Dakota. 49th Cong., 1st sess. H.R. 1227, Serial 2438.
- _____. Letter Transmitting an Estimate from the Secretary of the Interior of Appropriation for Payment to the Red Cloud and Red Leaf Bands of Sioux Indians for Ponies taken by the Military. 50th Cong., 1st sess. H. Exec. Doc. 102, Serial 2558.
- _____. Resolution Regarding Misconduct of the Pratt Commission. 50th Cong., 1st sess. H. Misc. Doc. 576, Serial 2570.
- _____. Great Sioux Reservation in Dakota. 50th Cong., 1st sess. H.R. 533, Serial 2599.
- _____. Reservation of Sioux Indians in Dakota. 50th Cong., 2nd sess. H.R. 3645, Serial 2673.
- _____. Sioux Indians in Dakota. 51st Cong., 1st sess. H.R. 2616, Serial 2814.

U.S. Congress. Senate. Removal of Indians. 21st Cong., 1st sess. S. Doc. 61, Serial 193.

_____. _____. Report of the Sand Creek Massacre. 39th Cong., 2nd sess. S. Exec. Doc. 26, Serial 1277.

_____. _____. Consolidation of the Indian Tribes. 39th Cong., 2nd sess S.R. 156, Serial 1279.

_____. _____. Testimony Taken By the Joint Committee on Transfer of the Indian Bureau. 45th Cong., 3rd. sess. S. Misc. Doc. 53, Serial 1835.

_____. _____. Correspondence Concerning the Ute Indians in Colorado. 46th Cong., 2nd sess. S. Exec. Doc. 31, Serial 1882.

_____. _____. Report of the Ute Commission and Copies of All Correspondence Between Interior Department and the Ute Commission. 46th Cong., 3rd sess. S. Exec. Doc. 31, Serial 1943.

_____. _____. Providing Mrs. Meacham a Pension. 47th Cong., 2nd sess. S.R. 976, Serial 2087.

_____. _____. Report Relative to Opening a Part of the Sioux Reservation. 50th Cong., 2nd sess. S. Exec. Doc. 17, Serial 2610.

_____. _____. Biographical Directory of the American Congress. 92nd Cong., 1st sess. S. Doc. 8, Serial 12938.

U.S. Congressional Globe.

U.S. Congressional Record.

U.S. Constitution.

U.S. Department of the Interior. Annual Report of the Secretary of the Interior. 1877-88.

U.S. Statutes at Large. 1796, 1830, 1889, 1924.

Contemporary Pamphlets

Bland, T.A., editor. A Brief History of the Late Military Invasion of the Home of the Sioux. Washington, D.C.: The National Indian Defense Association, 1891.

_____. A History of the Sioux Agreement. Washington, D.C.: 1888.

- [_____] . The Sioux Nation and the United States: A Brief History of the Treaties of 1868, 1876, and 1889 Between that Nation and the United States. Washington, D.C.: The National Indian Defense Association, 1891.
- Dawes, Henry L. The Case of McGillycuddy. n.p., [1884]. Indian Rights Association Papers, reel 102, A16.
- Hare, William H. Letter of October 1, 1884. Philadelphia: Indian Rights Association, 1884. Indian Rights Association Papers, reel 102, A15.
- [Kirk, Rollin H.]. Many Secrets Revealed: Or Ten Years Behind the Scenes in Washington City. Washington, D.C.: N.p., 1885.
- Pancoast, Henry L. Impressions of the Sioux Tribes in 1882, with Some First Principles in the Indian Question. Philadelphia: Franklin Printing House, 1883. Indian Rights Association Papers, reel 102, A1.
- [Welsh, Herbert]. Senator Dawes Sioux Bill. Philadelphia: Indian Rights Association, 1886. Indian Rights Association Papers, reel 102, A47.
- Welsh, Herbert. Four Weeks Among Some of the Sioux Tribes of Dakota and Nebraska, Together with a Brief Observation of the Indian Problem. Germantown: Horace F. McCann, 1882. Indian Rights Association Papers, reel 102, A2.
- [_____] . The Honorable Commissioner of Indian Affairs and the Census at Pine Ridge Indian Agency, Dakota. Philadelphia: Indian Rights Association, 1886. Indian Rights Association Papers, reel 102, A61.
- _____. Secretary Welsh of the Indian Rights Association Reviews and Criticizes Dr. Bland's Recent Statements,--Dr. Sunderland a Self-Confessed Novice. Philadelphia: Indian Rights Association, 1886. Indian Rights Association Papers, reel 102, A70.
- _____. Report of a Visit to the Great Sioux Reserve, Dakota, Made During the Months of May and June, 1883, in Behalf of the Indian Rights Association, by Order of the Executive Committee. n.p., [1883]. Indian Rights Association Papers, reel 102, A3.
- [_____] . The Suspension of Dr. V.T. McGillycuddy, United States Indian Agent, Pine Ridge Agency, Dakota. Philadelphia: Indian Rights Association, 1886. Indian Rights Association Papers, reel 102, A59.

[____]. Synopsis of Three Indian Bills. Philadelphia: Indian Rights Association, 1886. Indian Rights Association Papers, reel 102, A64.

[Welsh, Herbert and Henry S. Pancoast.] The Sioux Bill. [Philadelphia: Indian Rights Association, 1884]. Indian Rights Association Papers, reel 102, A21.

Newspapers

Baltimore Sun, June 1887.

Boston Herald, March-June 1887.

Chicago Times, September-October 1882.

Council Fire, 1878-1889.

Denver Tribune, December 1878-June 1879.

National Republican, January-April 1885.

New York Times, August 1877-January 1878.

Valentine (Nebraska) Reporter, May 1883-April 1884.

Washington Post, January-April, 1885.

Books and Dissertations

Berkhofer, Robert F., Jr. The White Man's Indian: Images of the American Indians from Columbus to the Present. New York: Alfred A. Knopf, 1978.

Bland, Thomas A. Farming As A Profession. Boston: Loring, Publisher, 1870.

_____. Life of Alfred B. Meacham. Washington, D.C.: T.A. and M.C. Bland, Publishers, 1883.

_____. Life of Benjamin F. Butler. Boston: Lee and Shepard, Publishers, 1879.

_____. People's Party: Shot and Shell. Chicago: Charles M. Kerr and Co., Publishers, 1892.

_____. Pioneers of Progress. Chicago: T.A. Bland and Co., 1906.

- _____. The Reign of Monopoly. Washington, D.C.: Rufus H. Darby, Printer and Publisher, 1881.
- Brown, Dee. Bury My Heart at Wounded Knee. New York: Holt, Rinehart and Winston, 1970.
- Burgess, Larry E. The Lake Mohonk Conference of Friends of the Indian: Guide to the Annual Reports. New York: Clearwater Publishing Company, Inc., 1975.
- Carley, Kenneth. The Sioux Uprising of 1862. St. Paul: Minnesota Historical Society, 1976.
- Conetah, Fred A. A History of the Northern Ute Peoples. Kathryn L. MacKay and Floyd A. O'Neil, editors. Salt Lake City: Uintah-Ouray Tribe, 1982.
- Covington, James Warren. "Relations Between the Ute Indians and the United States Government, 1848-1900." Ph.D. dissertation, University of Oklahoma, 1949.
- Dawson, Thomas Fulton and F.J.V. Skiff. The Ute War: A History of the White River Massacre and the Privations and Hardships of the Captive White Women Among the Hostiles on Grand River. Denver: Tribune Publishing House, 1879.
- Degler, Carl N. Out of Our Past: The Forces That Shaped Modern America. 3rd ed. New York: Harper and Row, 1984.
- Dillon, Richard. Burnt-Out Fires. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1973.
- Dippie, Brian W. The Vanishing American: White Attitudes and U.S. Indian Policy. Middletown, Connecticut: Wesleyan University Press, 1982.
- Dunn, Jacob Piatt, Jr. Massacres of the Mountains: A History of the Indian Wars fo the Far West, 1815-1875. New York: Harper Brothers, 1886; reprint ed., New York: Archer House, n.d.
- Ellis, Elmer. Henry Moore Teller: Defender of the West. Caldwell, Idaho: Caxton Printers, Ltd., 1941.
- Elson, Ruth Miller. Guardians of Thought: American Schoolbooks of the Nineteenth Century. Lincoln: University of Nebraska Press, 1964.
- Emmitt, Robert. The Last War Trail: The Utes and the Settlement of Colorado. Norman: University of Oklahoma Press, 1954.

- Fay, George E., editor. Treaties and Land Cessions, Between the Bands of the Sioux and the United States of America, 1805-1906. Occasional Publications in Anthropology Ethnology Series, 24b. Vol. 2. Greeley, Colorado: University of Northern Colorado, 1972.
- Fritz, Henry E. The Movement for Indian Assimilation, 1860-1890. Philadelphia: University of Pennsylvania Press, 1963.
- Hagan, William T. The Indian Rights Association: The Herbert Welsh Years, 1882-1904. Tucson: University of Arizona Press, 1985.
- Haley, James L. The Buffalo War: The History of the Red River Indian Uprising of 1874. Garden City, New York: Doubleday and Co., 1976.
- Henriksson, Markku. The Indian On Capitol Hill: Indian Legislation and the United States Congress, 1862-1907. Helsinki: Finnish Historical Society, 1988.
- Horsman, Reginald. Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism. Cambridge: Harvard University Press, 1981.
- Howe, M.A. DeWolfe. The Life and Labors of Bishop Hare: Apostle to the Sioux. New York: Sturgis and Walton Company, 1912.
- Hyde, George E. A Sioux Chronicle. Norman: University of Oklahoma Press, 1956.
- Jefferson, James and Robert W. Delaney. The Southern Utes: A Tribal History. Floyd A. O'Neil, editor. Ignacio, Colorado: Southern Ute Tribe, 1972.
- Jocknick, Sidney. Early Days on the Western Slope of Colorado and Campfire Chats with Otto Mears, the Pathfinder: From 1870 to 1883, Inclusive. Glorieta, New Mexico: Rio Grande Press, Inc., 1913; reprint ed., 1968.
- Johnston, Sister Mary Antonio. Federal Relations With the Great Sioux Indians of South Dakota, 1887-1933. Washington, D.C.: Catholic University of America Press, 1948.
- Keller, Robert H., Jr. American Protestantism and United States Indian Policy, 1869-82. Lincoln: University of Nebraska Press, 1983.
- Kingsbury, George W. History of Dakota Territory. vol. 1-2. Chicago: S.J. Clarke Publishing Company, 1915.

- Lamar, Howard Roberts. Dakota Territory 1861-1889: A Study of Frontier Politics. New Haven: Yale University Press, 1956.
- LaPolin, Armand S., editor. Native American Voluntary Organizations. New York: Greenwood Press, 1987.
- McDonnell, Janet A. The Dispossession of the American Indian, 1887-1934. Bloomington: Indiana University Press, 1991.
- McFeely, William S. Grant: A Biography. New York: W.W. Norton and Company, 1981.
- McGillycuddy, Julia B. Blood on the Moon: Valentine McGillycuddy and the Sioux. Palo Alto, California: Leland Stanford Junior University, 1941; reprint ed., Lincoln: University of Nebraska Press, 1990.
- McLaughlin, James. My Friend the Indian. Houghton Mifflin, 1910, n.p.; reprint ed., Seattle: Superior Publishing Company, 1970.
- Madsen, Brigham D. Glory Hunter: A Biography of Patrick Edward Connor. Salt Lake City: University of Utah Press, 1990.
- Manypenny, George W. Our Indian Wards. Cincinnati: Robert Clarke and Co., 1880.
- Marbut, F.B. News From the Capitol: The Story of Washington Reporting. Carbondale, Illinois: Southern Illinois University Press, 1971.
- Mardock, Robert Winston. The Reformers and the American Indian. Columbia: University of Missouri Press, 1971.
- Meacham, Alfred B. The Tragedy of the Lava Beds. In T.A. Bland, Life of Alfred B. Meacham. Washington, D.C.: T.A. and M.C. Bland, Publishers, 1883.
- Murphy, James E. and Sharon M. Murphy. Let My People Know: American Indian Journalism, 1828-1978. Norman: University of Oklahoma Press, 1981.
- Murray, Keith A. The Modocs and Their War. Norman: University of Oklahoma Press, 1959.
- Nichols, David A. Lincoln and the Indians: Civil War Policy and Politics. Columbia: University of Missouri Press, 1978.
- Olson, James C. Red Cloud and the Sioux Problem. Lincoln: University of Nebraska Press, 1965.

- Peabody, Mary B. Zitkana Duzahan--Swift Bird: A Life of the Rt. Rev. William Hobart Hare, Bishop. Hartford, Connecticut: Church Missions Publishing Co., n.d.
- Perry, Bliss, editor. The Complete Poetical Works of Alexander Pope. Boston: Houghton, Mifflin and Company, 1902.
- Phinney, Edward Sterl. "Alfred B. Meacham: Promoter of Indian Reform." Ph.D. dissertation, University of Oregon, 1963.
- Pomeroy, Earl S. The Territories and the United States, 1861-1890. Seattle: University of Washington Press, 1947.
- Priest, Loring Benson. Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887. New Brunswick, New Jersey: Rutgers University Press, 1942.
- Prucha, Francis Paul. American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900. Norman: University of Oklahoma Press, 1976.
- _____. Documents of United States Indian Policy. 2nd edition. Lincoln: University of Nebraska Press, 1990.
- _____. The Great Father: The United States Government and the American Indian. 2 vols. Lincoln: University of Nebraska Press, 1984.
- _____. Indian Policy in the United States: Historical Essays. Lincoln: University of Nebraska Press, 1981.
- Rockwell, Wilson. Uncompahgre Country. Denver: Sage Books, 1965.
- Rushmore, Elsie Mitchell. The Indian Policy During Grant's Administrations. Jamaica, New York: Marion Press, 1914.
- Schell, Herbert S. History of South Dakota. Lincoln: University of Nebraska Press, 1975.
- Sprague, Marshall. Massacre: The Tragedy at White River. Boston: Little, Brown and Company, 1957.
- Schmeckebier, Lawrence F. The Office of Indian Affairs: Its History, Activities and Organization. Baltimore: Johns Hopkins Press, 1927.
- Textor, Lucy Elizabeth. Official Relations Between the United States and the Sioux Indians. Palo Alto, California: Leland Stamford Junior University, 1896.
- Trefousse, Hans L. Carl Schurz: A Biography. Knoxville: University of Tennessee Press, 1982.

- Utley, Robert M. The Last Days of the Sioux Nation. New Haven: Yale University Press, 1963.
- Waldman, Carl. Who Was Who In Native American History: Indians and Non-Indians From Early Contacts through 1900. New York: Facts on File, 1990.
- Washburn, Wilcomb E. Assult on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887. Philadelphia: J.B. Lippincott Company, 1975.
- _____. The Indian In America. New York: Harper and Row, 1975.
- White, Leonard D. The Republican Era 1869-1901: A Study in Administrative History. New York: Macmillan Company, 1958.

Articles

- Barsh, Russel Lawrence. "Indian Resources and the National Economy: Business Cycles and Policy Cycles." Policy Studies Journal 16 (Summer 1988):799-825.
- "Boston Sympathy for the Ponca..." Nation 30 (February 12, 1880):106-6.
- Burkey, Elmer R. "The Thornburgh Battle With the Utes on Milk Creek." Colorado Magazine 13 (May 1936):90-110.
- Chaput, Donald. "Generals, Indian Agents, Politicians: The Doolittle Survey of 1865." Western Historical Quarterly 3 (July 1972):269-82.
- Clow, Richmond L. "General Philip Sheridan's Legacy: The Sioux Pony Campaign of 1876." Nebraska History 57 (Winter 1976):461-477.
- "Commissioner Hayt's Removal..." Nation 30 (February 12, 1880):105.
- Cook, James H. "Sioux-Cheyenne Grievances at Pine Ridge Agency." Nebraska History 22 (January 1941):68-72.
- Davison, Kenneth. "President Hayes and the Reform of American Indian Policy." Ohio History 82 (Summer-Autumn 1973):204-14.
- Dawes, H(enry) L(aurens). "Have We Failed the Indian?" Atlantic Monthly 84 (August 1899):280-85.
- Dawson, Thomas F. "Major Thompson, Chief Ouray, and the Utes." Colorado Magazine 7 (May 1930):113-22.

- Delaney, Robert W. "The Southern Utes a Century Ago." Utah Historical Quarterly 39 (Spring 1971):115-28.
- D'Elia, Donald J. "The Argument Over Civilian or Military Indian Control, 1865-1880." Historian 24 (February 1962):207-25.
- Eriksson, Erik. "Sioux City and the Black Hills Gold Rush, 1874-1877." Iowa Journal of History and Politics 20 (July 1922):319-347.
- Feraca, Stephen E. and James H. Howard. "The Identity and Demography of the Dakota or Sioux Tribe." Plains Anthropologist 20 (May 1963):80-84.
- Foster, Charles. "The Sioux Commission of 1889." Magazine of Western History 12 (July 1890):226-32.
- Greene, Jerome A. "The Sioux Land Commission of 1889: Prelude to Wounded Knee." South Dakota History 1 (Winter 1970):41-72.
- Grobsmith, Elizabeth. "The Plains Culture Area." In Native North Americans: An Ethnohistorical Approach, 167-213. Edited by Daniel L. Boxberger. Dubuque, Iowa: Kendall/Hunt Publishing Company, 1990.
- Hafen, Ann Woodbury. "Efforts to Recover the Stolen Son of Chief Ouray." Colorado Magazine 16 (March 1939):53-62.
- Harvey, Mark W.T. "Misguided Reformer: Nathan Meeker Among the Ute." Colorado Heritage 2 (1982):37-44.
- Hoxie, Frederick E. "The End of the Savage: Indian Policy in the United States Senate, 1880-1900." Chronicles of Oklahoma 55 (Summer 1977):157-79.
- Illick, Joseph E. "Some of Our Best Indians Are Friends . . . Quaker Attitudes and Actions Regarding the Western Indians during the Grant Administration." Western Historical Quarterly 2 (July 1971):283-94.
- "Indians In Washington and Their Interview." The Voice of Peace 5 (February 1879):164-65.
- "It is Generally Admitted..." Nation 30 (January 1, 1880):1.
- Johnson, Jerome W. "Murder on the Uncompahgre." Colorado Magazine 43 (Summer 1966):209-24.
- Kirkpatrick, J.R. "The Ambush at Milk Creek." True West 38 (July 1991):24, 28-29.

- "The New Indian Policy: Land in Severalty." American (May 21, 1887):73-74.
- McKanna, Clare V., Jr. "Life Hangs in the Balance: The U.S. Supreme Court's Review of *Ex Parte Gon-Shay-Ee*." Western Legal History 3 (Summer/Fall 1990):197-211.
- Mathes, Valerie Sherer. "Helen Hunt Jackson and the Ponca Controversy." Montana 39 (?):42-53.
- Meacham, A.B. "North American Indians." The Great West: Its Attractions and Resources. Bloomington, Illinois: Charles R. Brodix, 1880.
- Mekeel, Scudder. "A Short History of the Teton-Dakota." North Dakota Historical Quarterly 10 (July 1943):137-205.
- Moorehead, Warren King. "The Passing of Red Cloud." Transactions of the Kansas State Historical Society 10 (1907-8):295-311.
- Munkres, Robert L. "Congress and the Indian: The Politics of Conquest." Annals of Wyoming 60 (Fall 1988):22-31.
- Murphy, Sharon M. "Native Print Journalism in the United States: Dreams and Realities." Anthropologica 25 (1983):23-30.
- Nichols, Roger L. "Printer's Ink and Red Skins: Western Newspapermen and the Indian." Kansas Quarterly 3 (Fall 1971):82-88.
- "Notes on Current Indian Legislation." Lend a Hand. April 1886, 234-37.
- "Notes on Current Indian Legislation." Lend a Hand. June 1886, 370-72.
- O'Neil, Floyd A. "The Reluctant Suzerainty: The Uintah and Ouray Reservation." Utah Historical Quarterly 39 (Spring 1971):129-44.
- Paulson, Howard W. "The Allotment of Land in Severalty to the Dakota Indians before the Dawes Act." South Dakota History 1 (Spring 1971):132-153.
- Phillips, George H. "The Indian Ring in Dakota Territory, 1870-1890." South Dakota History 2 (Fall 1972):345-76.
- Prucha, Francis Paul. "American Indian Policy in the 1840s: Visions of Reform." The Frontier Challenge: Responses to the Trans-Mississippi West, John G. Clark, editor. Lawrence: University of Kansas Press, 1971.

- Schulte, Steven C. "Indians and Politicians: The Origins of a 'Western' Attitude Toward Native Americans in Wyoming, 1868-1906." Annals of Wyoming 56 (Spring 1984):2-11.
- "Secretary Schurz Has Taken the First Step..." Nation 26 (January 10, 1878):18.
- "Several Witnesses Have Been Heard..." Nation 27 (December 12, 1878):358.
- Sievers, Michael A. "The Historiography of 'The Bloody Field . . . That Kept the Secret of the Everlasting Word: Wounded Knee.'" South Dakota History 6 (Winter 1975):33-54.
- Sully, Langdon. "The Indian Agent: A Study in Corruption and Avarice." American West 10 (March 1973):4-9.
- Thompson, Gregory C. "The Unwanted Indians: The Southern Utes in Southeastern Utah." Utah Historical Quarterly 49 (Summer 1981):189-203.
- Trefousse, Hans L. "Carl Schurz and the Indians." Great Plains Quarterly 4 (Spring 1984):109-20.
- Twiss, Gayla. "A Short History of Pine Ridge." Indian Historian 11 (Winter 1978):36-39.
- Utley, Robert M. "The Celebrated Peace Policy of General Grant." North Dakota History 20 (July 1953):121-42.
- Vickers, W.B. "Colorado." The Great West: Its Attractions and Resources. Bloomington, Illinois: Charles R. Brodix, 1880.
- "We Trust That the Indian Delegation..." Nation 25 (October 4, 1877):204.
- Weeks, Philip. "From War to Peace: Rutherford B. Hayes and the Administration of Indian Affairs." Old Northwest 11 (1985-86):149-72.
- _____. "Humanity and Reform: Indian Policy and the Hayes Presidency." Timeline 2 (1985):50-63.
- Welsh, Herbert. "The Indian Question Past and Present." New England Magazine. 3 (October 1890):257-66.
- "Women's Indian Association of Connecticut." Lend a Hand. March 1886, 172-73.
- Wrone, David R. "Indian Treaties and the Democratic Idea." Wisconsin Magazine of History 70 (Winter 1986-87):83-106.