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Judith A. Boughter
University of Nebraska at Omaha

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BETRAYING THEIR TRUST: THE DISPOSSESSION
OF THE OMAHA NATION, 1790-1916

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

Judith A. Boughter

May 1995

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THESIS ACCEPTANCE

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>Michael L. Tate</i>	<i>History</i>
<i>Karl A. Peterson</i>	<i>History</i>
<i>James R. Giddens</i>	<i>Geography</i>

Chairman *Michael L. Tate*

Date *February 23, 1995*

ABSTRACT

Most Americans are familiar with the Indian wars that raged on the western frontier during the nineteenth century. Images of Little Big Horn are firmly etched in the nation's collective memory and its popular culture. Wounded Knee has become a symbol for all that was wrong with United States—Sioux relations, and the Apache wars of the Southwest have been fodder for countless books and Hollywood films. Less well-known is the tragic story of the Omahas, a small Indian nation of present-day northeastern Nebraska which fell victim to geography, disease, shifting trade patterns, and white land hunger. The Omahas never clashed with the United States Army; instead, they became entangled in government "red tape" and fought a losing battle with federal bureaucrats, reformers, land speculators, and Nebraska politicians.

Because their ancestral lands lay in the path of westward expansion in 1854, the government forced the Omahas onto a small reservation along the Missouri River in Nebraska's northeast corner. And because the Omaha Reservation included some of the most accessible and fertile land in the state, local white settlers and land syndicates conducted a relentless campaign to alienate Indians from their property. Most Omahas reluctantly ended their buffalo hunts and resisted adopting agriculture as their sole means of subsistence. But their peaceful nature made them prime candidates to become homesteaders, and because of the actions and words of only a few "progressive" tribal leaders, both the government and reformers overestimated the tribe's degree of acculturation.

Due to this misconception, and often without their concurrence, the unfortunate Omahas became the prototype for several disastrous government programs during the assimilationist era. Omaha allotment preceded the 1887 Dawes Act by five years; whites

infiltrated the Omaha Reservation by leasing Indian lands long before the Indian Department formulated a broader leasing plan for tribes throughout the nation, and the Omahas were the first tribe to begin losing their lands as the result of competency commissions. All of these "firsts" had disastrous effects on the Omaha people. But most eastern reformers and many Indian Department officials, anxious to free Native Americans from wardship and to assimilate them into the national "melting pot," ignored the tragic results of the Omaha experiments. Although forewarned by a few concerned reformers and by Indian agents in the field, the government nevertheless allotted more tribal lands and allowed more white leasing and land purchases.

Unlike the Nebraska "land sharks" who preyed upon the Omahas, and Nebraska lawmakers whose primary interest was reelection, most reformers and Indian Office officials had good intentions. The Indian "problem" was a huge one with no quick or simple solution, and for decades the Department of Indian Affairs felt its way, trying to determine what was best for Native Americans, while at the same time bowing to the pressures of Manifest Destiny. Unfortunately, paternalistic reformers mistook the Omahas' desire to retain their tribal lands as a request for individual farms. The reformers' major sin was condescension; in their zeal to "help" the Nebraska tribe, they ignored Omaha traditions and made no attempt to understand the Indian concept of land tenure. By 1916, bureaucratic bungling, "special" legislation, and the misguided efforts of reformers had left many Omahas landless and facing an uncertain future.

The Omahas were just one of many Indian tribes who suffered at the hands of reformers and the government in the nineteenth and early twentieth centuries. The ultimate tragedy is found in how *much* the Omahas suffered, and how little government officials learned from their own mistakes. This study traces those mistakes, introduces the persons most responsible for them, and provides a better understanding of the government's overall Indian policy during this period in American history.

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INTRODUCTION

Then another [Omaha] man advanced in front of the [sacred] pipes, leading his four-year-old son. The man and boy were both in the dress of the white man. He had long been living and working on his farm, in every way committed to our mode of life, which added to the pathos of his act. "The pipes," he said, "were the care of my fathers. My son is born into their rights. Now we do not often see them." Tears filled his eyes, and with breaking voice he added, "I want my boy to touch the pipes of my fathers."¹

Alice C. Fletcher, circa 1893

Centuries ago, a nation of people who would become known as the Omahas followed the buffalo from as far east as the West Virginia mountains and eventually settled among the fertile, rolling hills along the Missouri River in what is now Nebraska. Today, the Omahas are one of only a few plains and prairie tribes who continue to live on a portion of their ancestral homeland. Unlike their unfortunate neighbors and kinsmen, the Poncas, they were not removed to Oklahoma, and unlike the Sioux bands, they never waged a disastrous war against the United States Army. Instead, they befriended and emulated whites, even intermarrying with traders. Having been attacked time and again by the Sioux, the Omahas hesitated to leave the relative safety of the Bellevue Agency when they ceded their lands to the government in 1854. But with a promise of military protection, they reluctantly returned north along the Missouri River to their beloved Black Bird Hills, where their ancestors lay buried and where they had seen their happiest days.

But Black Bird Hills had changed. The Omahas would pay a terrible price for their choice of these lands and for some of their leaders' affinity for white ways. White settlers and land speculators resented Indian ownership of fertile northeastern Nebraska lands, and beginning with the early 1850s, used every means at their disposal to separate the Omahas from their real estate. Unfortunately, Nebraska senators and congressmen worked closely

with land speculators to promote special legislation which little by little, law by unfair law, encouraged Indians to lease, and eventually sell, most of their land.

Because a few tribal leaders appeared ready to be assimilated into white society, the Omahas became sociological "guinea pigs." Totally ignoring the reality that the majority of Omahas knew little English, understood nothing of capitalism, and had no desire to be farmers, government officials and reformers made them the prototype for nearly every disastrous Indian program of the late-nineteenth and early-twentieth centuries. Omaha lands were allotted five years prior to the 1887 Dawes Act; the tribe was allowed to informally lease grazing lands long before Congress enacted a leasing act for all Indians; and the very first Indian competency commission operated on the Omaha Reservation in 1909-1910. Time and again, Congress and the Indian Office ignored the warnings of economic collapse from this Nebraska reservation. Despite obvious problems with Omaha allotments, the Dawes Act extended the process to nearly all Indians throughout the United States, and leasing irregularities on the Omaha and Winnebago reservations did not prevent the government from legalizing the practice nation-wide. Despite the wholesale land loss resulting from the work of the Omaha competency commission, "progressive" bureaucrats later expanded the commissions to a majority of reservations, with the same tragic results.

The Omahas had not always been victimized by whites. Their first European contacts had been French traders, and during the late-eighteenth century, as the most powerful Indian nation on the middle Missouri River, they defined the terms of their own trade, as well as that of tribes further upstream. But a smallpox epidemic in 1800 claimed the lives of hundreds of Omahas, including their brilliant, autocratic chief, Black Bird. The tribe's influence and population quickly waned. The Sioux, earlier held in check by Black Bird, now preyed upon the hapless Omahas, and many observers predicted the tribe's demise. The Omahas survived, but their traditional leadership and tribal customs were subsequently undermined by government officials and fur traders who created "paper

chiefs" and introduced the Indians to whiskey and greed. Tribal autonomy also began to slip away, as the Omahas recognized the supremacy of the United States government in "peace treaties" signed in 1815 and during the 1820s.² In two subsequent agreements, at Prairie du Chien, Michigan Territory in 1830, and at Bellevue, six years later, the government robbed the Omahas of much of their hunting grounds and left the people without their full payment of annuities and without adequate protection from their Sioux adversaries.³

During the 1840s, the Omahas came face-to-face with Manifest Destiny as waves of white emigrants crossed Indian country, killing off small game, polluting streams, and decimating the buffalo herds. Most emigrants continued west along the Platte River Trail, but the Mormons remained in their "winter quarters" on Omaha lands for two full years, creating problems for the Indians and a political dilemma for the government. During their controversial stay, the Mormons did provide the Omahas some degree of protection against the Sioux, but upon the Mormon departure for Salt Lake, the Dakota bands escalated their raids against the unprotected and badly outnumbered Omahas.

Fur traders and westbound emigrants had shown no interest in owning Omaha lands, but in the late 1840s, to clear a path for further westward expansion and for a railway to the Pacific Ocean, the government devised a plan to move all Indians either north or south of the main emigration corridor along the Platte River. Railroad advocates, expansionist lawmakers, and Nebraska "boomers" all agitated for the creation and settlement of a Nebraska Territory. At virtually the same time as the passage of the Kansas-Nebraska Act in 1854, a new treaty forced the Omahas to relinquish their remaining Nebraska lands and to relocate on a tiny fraction of their former domain.

The original reservation provided for the Omahas in their 1854 treaty proved completely unsatisfactory to the tribe.⁴ In efforts to relocate them away from white populations, the treaty framers planned to settle the Omahas on a reserve near their historic

enemies, the Sioux. Frightened and confused, the Omahas retreated southward to the Platte River and refused to go farther north until they were guaranteed protection in a home of their own choosing. Once the Indian Department coaxed the Omahas onto their present reservation in Thurston County, the government broke nearly every promise it had made to the Indians when they relinquished their lands.

Politics, greed, and corruption combined to create controversy during the Omahas' early reservation period. Agents seldom remained for long, and most proved dishonest, inept, or dictatorial. Rivalries among "progressive" and "traditional" tribal leaders split the Omahas politically and culturally, leaving the reservation in chaos. Ethnocentric Presbyterian missionaries further undermined tribal unity by favoring progressive Omahas, ignoring the majority of the tribe, and by attempting to rob Omaha children of their "Indianness." In 1869, President Ulysses S. Grant's Peace Policy brought Quaker agents and more dissention to the reservation, as these Friends and the Presbyterians fought bitterly for control of the mission school and Omaha souls.

In 1865 and again in 1873, the already small Omaha reserve was further reduced when the government coerced tribal leaders into selling part of their lands to the Winnebagoes, who had fled their desolate reservation in South Dakota and had sought shelter with the Omahas. The 1865 Winnebago Treaty also provided for the first Omaha land allotments, which were completed in 1871.⁵ But six years later, when Omaha allottees questioned their land titles in the wake of the Poncas' forced removal to Indian Territory, they found that they held nothing but worthless paper.

When pioneering anthropologist Alice C. Fletcher visited the Omahas in 1881, concerned tribal leaders asked for her help in confirming their rights to the land. As a result of Fletcher's lobbying, Congress passed an allotment act in 1882, granting the Omahas land in severalty, complete with tax-free status for twenty-five years.⁶ A year later, Fletcher, with the aid of Omaha Francis La Flesche, allotted nearly 79,000 acres of

reservation land to 954 Indians. Allotment left the tribe in a precarious legal position and created more problems than it solved. Subject to Nebraska laws, but denied services due to their tax-exempt status, the Omahas made an unsuccessful attempt to govern themselves and run their own mills and shops. While the tribe floundered in legal and political limbo, local "land sharks" pounced on Omaha lands, renting them from Indians for a pittance, and re-leasing them at huge profits. Those who resisted the "Pender Ring," as the land syndicate was called, found themselves embroiled in ugly and expensive court battles.

The perceived success or failure of Omaha allotment left lawmakers and reformers divided over the subject of a general allotment act. While many in policy-making positions supported land in severalty, many more, including members of the House Indian Affairs Committee, saw it as a potential disaster.⁷ Ignoring negative reports on the Omaha "experiment," Congress followed the advice of Alice Fletcher and other proponents and compounded its earlier error by passing the 1887 General Allotment (Dawes) Act, which applied to Indians throughout the United States.⁸ In 1893, all but about 5,000 acres of the remaining Omaha lands were allotted, and in 1909, proceeds from the sale of these few acres were scheduled to be divided among 520 landless Omaha children born after 1893.⁹

In the 1890s, leasing made the Omahas idle landlords, but beginning in 1902, laws legalizing and even encouraging land sales made them paupers. A 1902 law allowing heirs of deceased Indians to sell their lands was closely followed by a disastrous clause in the Burke Act of 1906, which authorized the Interior Secretary, at his discretion, to declare an Indian competent to receive his land with no sale or tax restrictions.¹⁰ This short paragraph in a bill otherwise designed primarily to protect Indians, paved the way for the first competency commission, whose irresponsible and arbitrary actions left many Omahas landless and destitute.

By late 1916, after decades of exposure to reformers' good intentions, the Omahas were left with mortgages, tax bills, and a generation of children with no land to call their

own. The irony and tragedy of the Omaha story is that this small peace-loving Indian tribe whose "progressive" leaders truly wished to "walk the white man's road" were led part way down that road and then expected to continue on their own without the necessary skills or resources to survive in the world that had been created for them. This paper will attempt to explain the many events and forces that shaped the Omahas' world during those unfortunate times, and will introduce the characters, good and evil, both Indian and white, who influenced this crucial period in Omaha tribal history.

When I began this project, I had no idea how complex it would become or how far it would lead. I would like to thank those individuals who helped me create what I hope is a coherent story from the numerous and varied materials on Omaha-white relations. The staff of the Federal Records Center in Kansas City kindly supplied me with finding lists and was most helpful when I visited their facility to do research. I would like to thank Nebraska State Historical Society personnel for promptly filling my interlibrary loan requests for microfilm and for their assistance in the use of their archival materials. My sincere thanks to Jo Behrens of the University of Nebraska at Omaha for sharing her rare volumes of Council Fire, and to Dr. Richmond R. Clow of the Native American Studies Department at the University of Montana for making his research notes on Omaha taxation available to me. I owe a special thank you to Mary Mick and Catherine Walker of the University of Nebraska at Omaha's Interlibrary Loan Department, who kept their good humor despite my almost daily requests for microfilm, rare books, and articles from obscure journals.

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Geography Department for serving on my thesis committee, and to Dr. Harl Dalstrom for sharing his extensive knowledge of Nebraska history. I am also grateful to the University of Nebraska Foundation for the Presidential Graduate Fellowship which allowed me to devote eighteen months to research and writing. My sincere thanks to my daughter, Lisa, for her artistic input and her constructive comments. As always, I appreciate my husband's support and encouragement. And thank you, Molly and Charley, for keeping me company during my marathon late-night writing sessions.

Finally, I am grateful to the Omaha Indians who left their own accounts of these events in testimony, petitions, and especially in wonderful personal letters which revealed their private thoughts on events that shaped their lives. Unfortunately, only a few of the people left written records, and the overwhelming majority of Omahas from those earlier generations must remain forever silent. Hopefully, this study will provide a glimpse into their lives, thoughts, and actions over that great expanse of time.

NOTES

¹Alice C. Fletcher, "Personal Studies of Indian Life: Politics and 'Pipe-Dancing' ", Century Illustrated Monthly Magazine 45 (November 1892-April 1893): 455.

²Charles J. Kappler, comp. and ed., Indian Affairs: Laws and Treaties, vol. 2 (Washington, D. C.: Government Printing Office, 1904), 115. Treaty with the Mahas, American State Papers, Indian Affairs, vol. 2, 226. Kappler, Indian Laws and Treaties, vol. 2, 260.

³Kappler, Indian Laws and Treaties, vol. 2, 309. Kappler, Indian Laws and Treaties, vol. 2, 479.

⁴Kappler, Indian Laws and Treaties, vol. 2, 611.

⁵Kappler, Indian Laws and Treaties, vol. 2, 872.

⁶22 Statutes at Large 341.

⁷U. S. Congress. House. Lands in Severalty to Indians, H. Report 1576, 46th Cong., 2nd sess., 1880, 2-6. [Ser. set 1938].

⁸24 Statutes at Large 388.

⁹U. S. Congress. House. Disposal of Unallotted Lands of the Omaha Indian Reservation, H. Doc. 1479, 60th Cong., 2nd sess., 1909, 2. [Ser. set 5557].

¹⁰34 Statutes at Large 182.

CHAPTER ONE

FROM RULERS OF THE RIVER TO AN EMBATTLED CULTURE, 1790s -1830

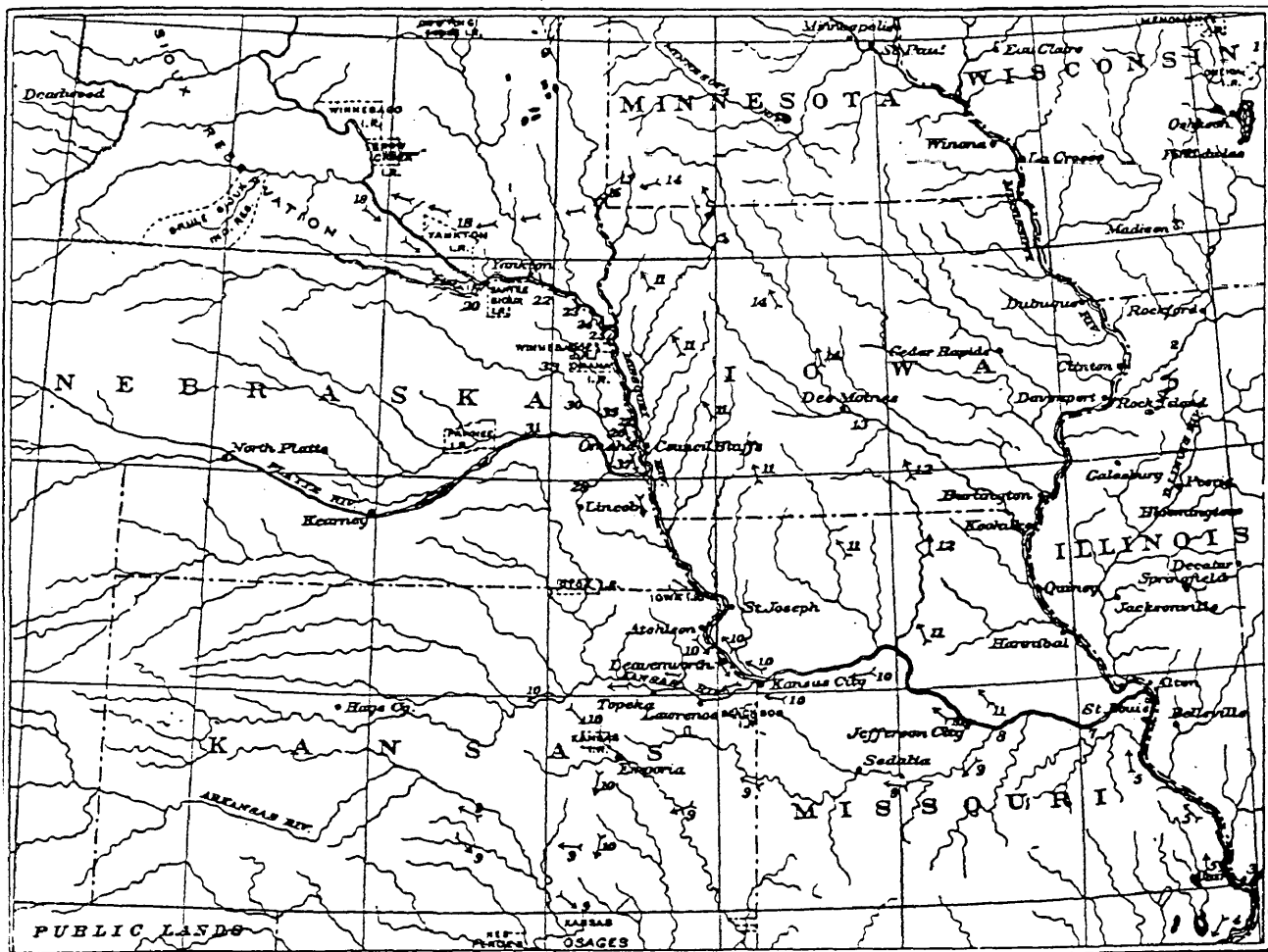
The white people speak of the country . . . as "a wilderness" . . . without human interest or history. To us Indians it was as clearly defined then as it is today; we knew the boundaries of tribal lands, those of our friends and those of our foes; we were familiar with every stream, the contour of every hill. . . . It was our home, the scene of our history, and we loved it as our country.¹

Francis La Flesche, 1900

In 1854, the Omaha Indians signed a treaty with the United States government in which they relinquished what remained of their ancestral lands and agreed to settle on a 300,000 acre reservation in the northeast corner of present-day Nebraska. The 1854 treaty was the most damaging of a series of acts, agreements, and dealings that would drastically reduce the Omaha land base and nearly destroy the tribe's ancient and intricate culture. To appreciate the Omahas' loss, it is important to understand their past—their tribal legends, their reverence for the land, their almost total dependence on the buffalo, their rise to power, and the beginning of their tragic decline by the early nineteenth century. The Omahas were never a large tribe, but in the late eighteenth century, their strategic location and a powerful leader gave them an importance out of proportion to their numbers. For years, they dictated trading terms on their stretch of the Missouri River and reduced the threat from upstream tribes by denying them access to white traders and guns. But by the early 1800s, weakened by disease and with their leader dead, they began to lose control of their lands and their destiny.

The Omahas were relative latecomers to the Plains who left few clues to their eastern woodlands past. Because they quickly adopted Plains Indian culture and European trade goods, there is no distinct archaeological record of the tribe prior to the late 1700s, and their early migrations are preserved only in legends that are difficult to prove or disprove.² Fortunately, these oral traditions were recorded by frontier explorers as well as professional ethnographers, and recent archaeological findings have given further credence to some of these interpretations. A few sources claim that the Omahas and their cognate tribes came from somewhere north of the Great Lakes, moved south, crossed the Mississippi River, then settled where Europeans first contacted them.³ But most legends agree that the Omahas' ancestors emigrated from the east, probably following the buffalo herds, and migrated in a northwesterly direction to the present Iowa-Nebraska region, where they made their initial contact with whites (Map 1).

The most often repeated version of the Omaha Sacred Legend says that long ago, the Omahas lived with the Poncas, Osages, Kansas, and Quapaws "near a great body of water" east of the Mississippi River, where the Illinois tribes referred to them collectively as the "Arkansas." As they moved west, the tribes separated at the mouth of the Ohio River—the Quapaws going downstream and the rest of the Arkansas continuing up the Mississippi, taking the descriptive name, U-ma^{n'}-ha^{n'}, "those going against the wind or current."⁴ The two groups must have gone their separate ways prior to 1540 A. D., since the Spanish explorer Hernando de Soto encountered the Quapaws on the Arkansas River at about that time, and made no mention of an affiliated people.⁵ This date is reinforced by a Siouan time concept that refers to a period of about seventy years as an "old man." In 1880, the Omahas claimed to be under their fifth old man, thus dating their existence as a separate tribe to the early 1500s.⁶ At the Osage River, the remaining four tribes parted company. The Omahas and Poncas crossed the Missouri River, and after wandering for many years, arrived near the Red Pipestone quarry in Minnesota.⁷



MAP SHOWING MIGRATIONS OF THE OMAHAS AND COGNATE TRIBES.

Legend.

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Winnebago habitat. 2. Iowa habitat. 3. Arkansas habitat. 4. Kwapa habitat, after the separation from the Omahas, etc. 5. Route of the Omahas, Ponkas, Kansas, and Osages. 6. Their habitat at the mouth of the Missouri River. 7. Their course along that river. 8. Their habitat at the mouth of Osage River. 9. Subsequent course of the Osages. 10. Subsequent course of the Kansas. 11. Course of the Omahas and Ponkas, according to some. 12. Their course, according to others. 13. Where they met the Iowas. 14. Course of the three tribes. 15. Pipestone quarry. 16. Cliffs 100 feet high on each bank. | <ol style="list-style-type: none"> 17. Fort built by the three tribes. 18. Lake Andes. 19. Mouth of White River. 20. Mouth of the Niobrara River. 22. Omaha village on Bow Creek. 23. Iowa village on Ionia Creek. 24. Omaha village <i>i-ha-fia ji-fa</i> and <i>Zande buja</i>. 25. Omaha village at <i>Omadi</i>. 26. Omaha village on Bell Creek. 27. Probable course of the Iowas. 28. Omaha habitat on Salt Creek. 30. Omaha habitat at <i>Ane nat'ai fa</i>. 31. Omaha habitat on Shell Creek. 33. Omaha habitat on the Elkhorn River. 35. Omaha habitat on Logan Creek. 37. Omaha habitat near Bellevue. |
|---|--|

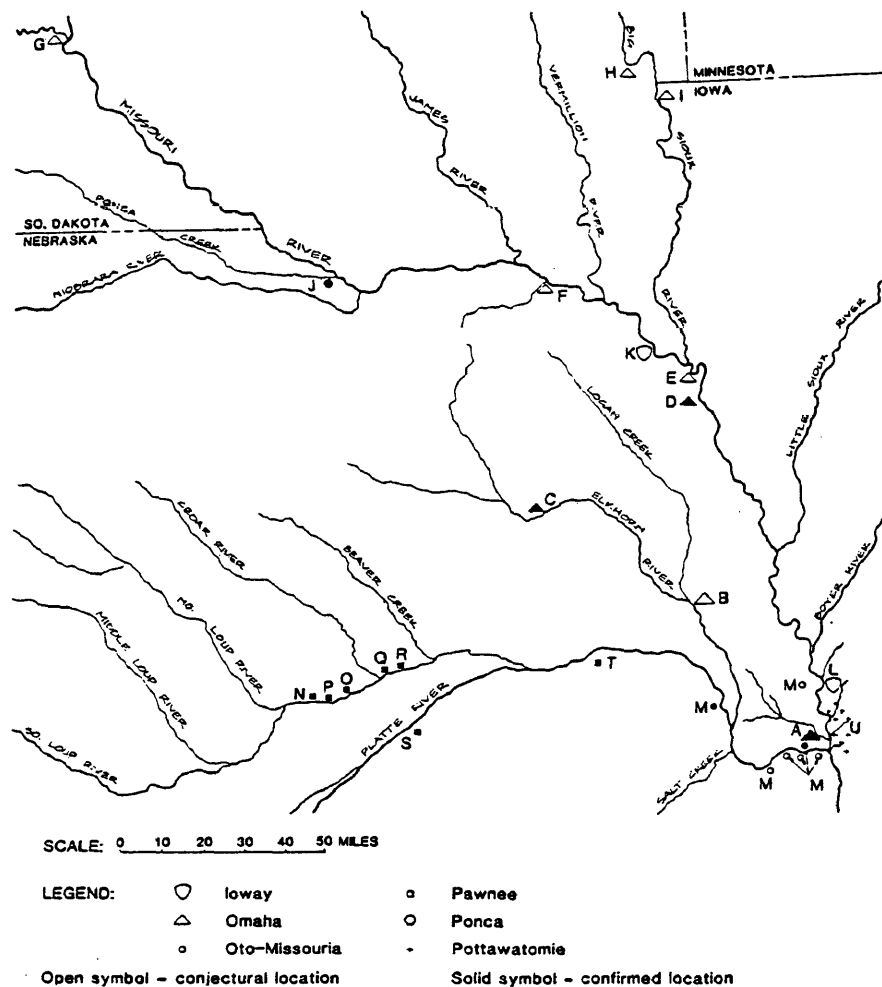
Map 1

James Owen Dorsey, Omaha Sociology,
 Third Annual Report of the Bureau of American Ethnology
 (Washington, D. C. : Government Printing Office, 1884), Plate XXX.

Omaha ethnographers and tribal spokesmen disagree as to the location of the people when they cut their Sacred Pole and organized their government. According to legend, the Omahas received the Sacred Pole and the two Sacred Pipes, and assigned customs and taboos to specific clans while living near Lake Andes in Dakota Territory, but tribal historians disagree. Wherever the Sacred Pole appeared, it was apparently after a government had formed, since its purpose was to conserve the new tribal order. Legends also say that the Omahas lived in the Upper Mississippi region when they selected as their leaders a council of seven wise, generous, and kind men.⁸

The Omahas' migrations did not end with their arrival on the Missouri; they traveled in Minnesota, Iowa, South Dakota, and Nebraska, moving from river to river, establishing villages as they went (Map 2). The Omahas first appeared on European maps in the 1670s, on lands in present-day southwest Minnesota and northwest Iowa, where tradition says they arrived by following the Des Moines River. By 1702, they had moved westward, to the Big Sioux River, where they built at least one village. The bitter animosity between the Omahas and the Sioux probably began here, where the Omahas met defeat at the hands of the Yanktons or the Brulé Teton. The vanquished Omahas fled further west, toward the Missouri River, and 1714 found them in South Dakota near the mouth of White River, in Arikara country. The Omahas borrowed aspects of Arikara culture during their troubled stay that produced constant warfare and a series of poor harvests.⁹

After a tribal split that resulted in the defection of the Poncas, the Omahas moved southeast along the Missouri River to a site on Bow Creek, Nebraska, where they built an earth lodge community that became known as "Bad Village" due to a murder and intra-tribal warfare that divided the tribe. But legends say they reunited about 1750 near what is now Ponca, Nebraska, and by 1758 could call on 800 men living in forty villages. Warfare with the Sioux and a desire to position themselves closer to Spanish trade routes drew the Omahas away from Ponca, and they moved even farther south into present-day Dakota



Omaha village sites: A= "Hill Rising from the Center of a Plain" (25SY14, 1846-1854); B= "Little Village" (25DD1, 1841-1843); C= Stanton site (25ST1, 1819-1833); D= "Big Village" (25DK5, 1775-1819, 1834-1841, 1843-1845); E= *tí-ttága žíga* (mid-1700s); F= "Bad Village" (early 1700s) and "Little Bow's village" (late 1700s); G= Omaha locale on the White River (early 1700s); H= possible late-1600s Omaha village near modern Sioux Falls; I= Blood Run site (13LO2, possible late-1600s Omaha village).

Map 2

John M. O'Shea and John Ludwickson, Archaeology and Ethnohistory of the Omaha Indians: The Big Village Site (Lincoln: University of Nebraska Press, 1992), 18-19.

County, to the banks of what is now known as Omaha Creek. Here they built their "Large Village."¹⁰

The new Omaha village became a familiar sight to Spanish and French traders plying the Missouri River, and two representatives of the Missouri Company described it in their reports. In 1796, Jean-Baptiste Truteau placed the Omaha village "two leagues distant from the banks of the Missouri," and a year later, James Mackay wrote in his "Table of Distances" that "the village is situated in a beautiful Prairie near to the foot of the hills a league from the Missouri." More observant than Truteau, he also mentioned Omaha Creek.¹¹

But the Omahas would not remain in their idyllic home. During the winter of 1800-1801, smallpox struck the village, and in their confusion and despair, the people abandoned their infected towns on the Missouri River and embarked on a "mourning war" against other Plains tribes. In 1804, upon finding no sign of Omaha occupancy where their village had stood, Meriwether Lewis wrote, "[They] have become a wandering nation. . . . They rove principally on the waters of the . . . Rapid River" (the Niobrara).¹² Eventually, the tattered remains of the tribe returned to Big Village, only to face renewed Sioux raids. Afraid to stay on Omaha Creek, the Omahas turned southwest, to an unnamed village on the Elkhorn River. Big Village was never again continuously occupied, though the people still returned there to bury their dead.¹³ In 1841, Little Village, at the mouth of Logan Creek, in what is now Dodge County, became the Omahas' temporary home. The people returned briefly to Omaha Creek, but when the Sioux burned their village in the summer of 1845, they fled to the relative safety of the Indian agency at Bellevue, Nebraska, where they remained until they traveled north to their reservation. ¹⁴

As the Omahas wandered along the Missouri River in search of a permanent home, they were not isolated from white men. Their first white contact may have been with Hudson's Bay traders, but the tribe was known to the French before 1724, when traders

built a post on the Missouri River to halt Spanish influence.¹⁵ In 1763, as a result of its defeat in the Seven Years' War, France ceded the region west of the Mississippi River to Spain to keep it out of British hands. Therefore, the Omahas' first regular white contacts were French-speaking Spanish subjects.¹⁶ These early meetings appear to have been amicable; in fact, in 1795 the trader James Mackay spent the winter in a cabin he built among the Omahas. In a grandiose gesture, Mackay dubbed his crude sanctuary "Fort Charles."¹⁷ Thus the records show that whites contacted the Omahas early and often; by 1854, when they signed the treaty creating their reservation, they had been exposed to white influence, with all its political, social, and economic effects, for over 150 years.

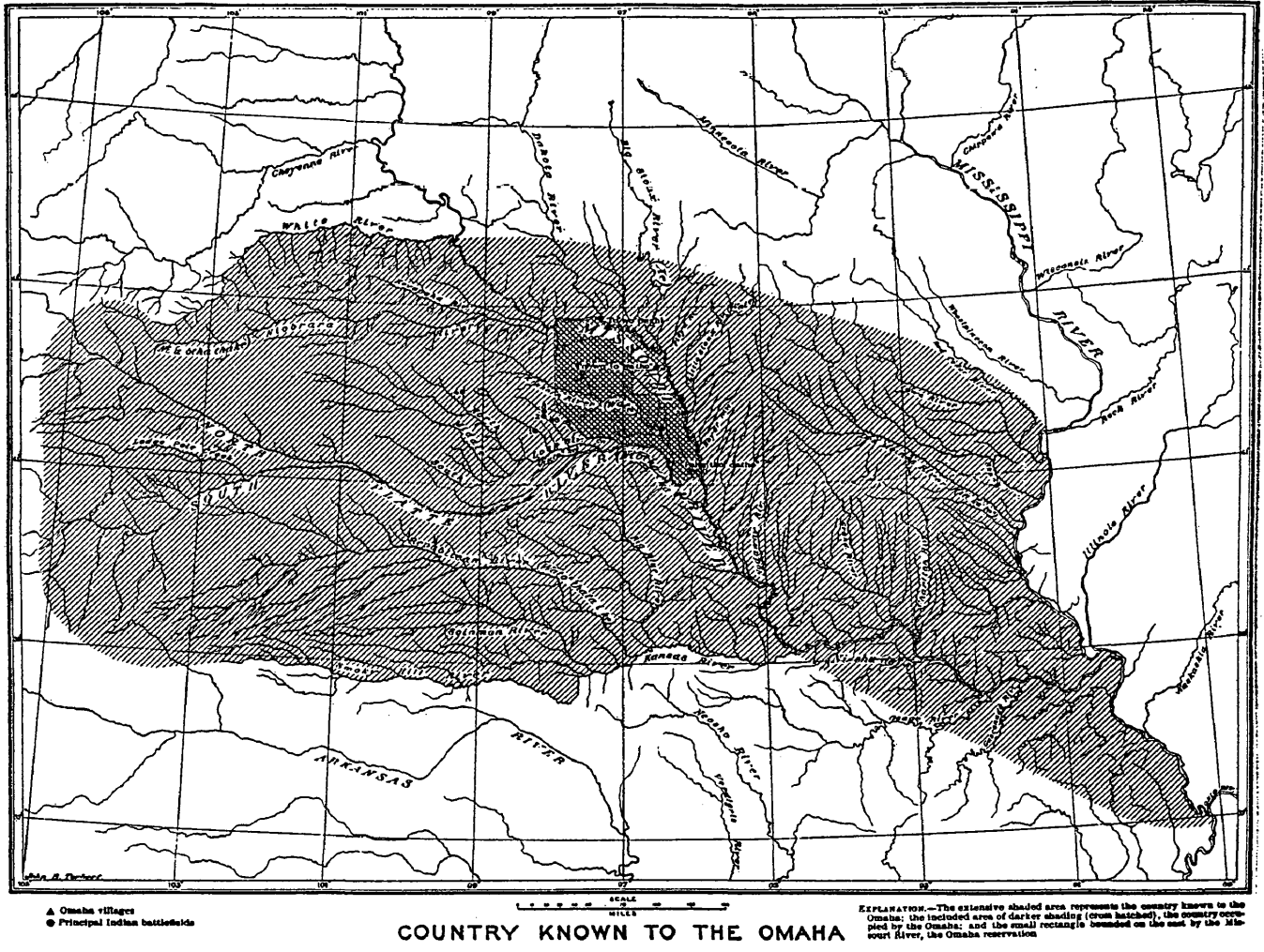
In the years between the coming of the first French traders and the devastating 1854 treaty, two Omaha constants remained—corn and the buffalo. For as long as tribal tradition had existed, buffalo and maize were the chief Omaha foods, the buffalo representing the hunter and maize the horticulturist.¹⁸ In one of the earliest documentations of Omaha food sources, Lieutenant-Governor Francisco Cruzat of Spanish Illinois implied that horticulture had some importance to the tribe, but was secondary to the hunt. According to Cruzat, the Omahas had always survived by "hunting beaver, deer, buffalo, and stags . . . ," and "their . . . cultivation of the soil extended only to the planting of maize and pumpkins for their necessary support."¹⁹ At one time, corn was probably more sacred than the buffalo since it sprang from Mother Earth, and the Omahas conducted elaborate ceremonies dedicated to corn cultivation. But by 1700, guns and horses had changed Omaha culture from a traditionally horticultural one to a society that depended heavily on the buffalo, whose religious symbolism also became increasingly significant. Siouan tradition saw corn and buffalo as inseparable; the corn would not grow without the buffalo, and if planting rituals were ignored, the buffalo would not come.²⁰

Although the Omahas continued to plant gardens in small tracts along the rivers, over half of their food came from hunting, and in their search for game, they may have ranged far and wide, from the Des Moines River in the east to the Nebraska Sand Hills in the west (Map 3).²¹ One western traveler claimed that the Omahas "owned" the country north of the mouth of the Great Platte, but ownership was too strong a word. The trader Auguste Chouteau explained that different tribes often claimed the same lands, making it difficult to determine tribal limits. He admitted that the Omahas claimed a large area bounded roughly by the Missouri and Platte rivers, but he could not pinpoint a western boundary.²²

Like other Nebraska tribes, the Omahas acquired and held territorial hunting rights by use and warfare, and these claims terminated only when a band no longer wished to hunt in a given area. Of course, hunting grounds were sometimes disputed, and rivalries caused contention among the tribes. Compromise was possible, however. For example, after fighting for years over territory near the Republican and Elkhorn rivers, the Omahas and Pawnees decided to hold the land in common; when hunting above the Platte, the Omahas directed the hunt, and when south of the river, the Pawnees took charge.²³

Omaha culture was elaborate and beautiful. The people revered all living things, treasured the land, and respected each other. Behind their complicated tribal organization lay a system of duality: the sky was father, the earth mother, and their union was essential to life. The tribal divisions, or moieties, consisted of the Earth People, responsible for all rites and duties related to the tribe's physical well-being, and the Sky People, in charge of all things supernatural. Duality also demanded two principal chiefs and two sacred pipes that could never be separated.²⁴

The Omahas spent little time in their permanent villages, as they followed the buffalo for months at a time. In adhering to a traditional Plains "annual round," they spent only about three months of the year in their fixed villages. When the summer crops were



Map 3

Alice C. Fletcher and Francis La Flesche, The Omaha Tribe,
 Twenty-Seventh Annual Report of the Bureau of American Ethnology
 (Washington, D. C. : Government Printing Office, 1911), Plate 21.

well established, the tribe conducted its annual buffalo hunt, returning in September for the important corn harvest. With the corn safely stored, they once more deserted their villages to trap along the rivers. A winter bison hunt completed the round.²⁵ Preceded by elaborate, lengthy rituals, the annual hunt was orchestrated so that individual hunters did not alarm the herds and cause the entire tribe to go hungry. Consequently, the highly social Omahas acted as a unit, with the benefit of the tribe taking precedence over individual hunting prowess.²⁶

As their tribal government evolved, the Omahas recognized the need for something visible and accessible to the people that would symbolize tribal unity. The two tribal pipes, with their complex rituals, did not fill this need, but the Sacred Pole did.²⁷ The revered pole was cut from a magical tree that burned in the night and was home to the Thunder birds. The Omahas cut down this tree, decorated it, and called it a man. The chiefs said of this "mystery tree": "Whenever we meet with troubles we shall bring all our troubles to Him, We shall make offerings and requests. All our prayers must be accompanied by gifts."²⁸ The Sacred Pole is cottonwood, but to the Omahas he was and is a person—a man who would provide for and protect his people through all their travails. He migrated with the tribe to their home on the Missouri River and stood for tribal identity when they controlled a portion of the river. Through conflict and sickness, he never deserted them. As a symbol of the chiefs' power, the pole had special significance during the annual buffalo hunts, when it was carried quite visibly on its "keeper's" back. On the hunt, the Sacred Pole's presence was vital, for it held the tribe together at a time when they might scatter.²⁹

Sources disagree as to when the modern Omaha socio-political organization began, but legend speaks of seven old men who visited the tribe and set its government in motion. Two "old" men of the tribe carried out the mythical visitors' plan, and were given responsibility for the two sacred pipes, which became their "badges of honor."³⁰ Perhaps in deference to the legendary seven, early tribal government was controlled by a council of

seven chiefs whose functions were to "maintain order, keep the peace, and . . . preserve decorum within the tribe." But above all, the seven chiefs answered to Wakoⁿ'da for the tribes' welfare. The council reigned supreme; its members could not be unseated except by resignation or death, and their decisions, coming directly from the Supreme Being, could never be questioned.³¹

The traditional Omaha hierarchy included two chiefly orders, one unlimited in membership and the other much more exclusive. The lower order, brown chiefs, referred to the color of the earth. Until a brown chief achieved greatness, he was indistinguishable from all others, like the color of the ground. Dark chiefs, on the other hand, represented elevated objects visible from a distance. A chief who performed great and generous deeds rose above the others and appeared as a dark figure against the horizon.³² Contrary to the popular image of Indian chiefs, Omaha leaders did not advance primarily due to their courage or military skills. Among Omahas, generosity, gift-giving, and wisdom were revered, and of the seven dark chiefs, the two who had distributed the greatest number of gifts became the principal leaders, each representing one half of the tribe. Dark chiefs could not be removed from office, but when a principal chieftainship did become available, it was filled by the remaining chief who could "count" the most gifts.³³

Chiefs were elected, and a man with a spotty reputation could become a tribal leader in the hope that his new responsibilities would make him a better person. Character, however, was the main criterion. Usually, a candidate for chieftom had to demonstrate leadership qualities and be tenacious. Alice Fletcher wrote, "The path to honor is open to every man in the tribe who has the courage, ability, and persistency to reach distinction," but above all, "A chief must be a man who can govern himself."³⁴ However, this idealistic "bootstrap" approach to chieftom was only part of the picture.

Clever horse stealers, savvy traders, and men who had been told the secrets of the gift-giving process could use their wealth and inside information to enter the chiefly ranks.

Trade goods often opened the door to chiefdom; seen as magical, these goods were associated with the Indian elite, who "used them to legitimize their sanctity as leaders."³⁵ In addition, if a member of the Omaha oligarchy resigned when he became old or ill, he kept his title and could designate his successor, a process which could become quite political, since the retiring chief's favorites had an advantage.³⁶ In the words of anthropologist Reo Fortune, who disputes Fletcher's "achievement by ability" explanation, "The social theory [was] aggressively democratic. The social practice [was] prevailingly aristocratic."³⁷ Even Alice Fletcher and Francis La Flesche admitted that nepotism was alive and well among the Omahas: "The order and value of these . . . acts were not generally known to the people. . . . Those who became possessed of this knowledge were apt to keep it for the benefit of their aspiring kinsmen."³⁸ It appears, then, that the path to Omaha chieftainship was strewn with contradictions. In theory, generosity made chiefs, yet if the secrets of the gift-giving requirements were limited to certain individuals, did this not make chiefdom in a way hereditary?³⁹

The Omahas' early ethnographers differed on interpretations of chieftainship traditions and never reached a consensus about whether leadership was achieved through elaborate gift-giving or by inheritance. In short, they disagreed about methods of acquiring chieftainship and also about when, why, or even if methods of power transfer changed. However, recent scholarship has shed new light on Omaha leadership in the 1800s. Using treaty signatures and James Owen Dorsey's tribal genealogies, researchers have shown that principal Omaha chiefs definitely inherited their offices, and that there was traditionally a third "quorum" leader, chosen from the "weaker" Earth moiety. Between 1815 and 1870, Omaha chiefs' signatures on at least seventeen government documents reveal a recurring hierarchical order; signing first on nearly all the documents were the two principal chiefs, followed by the quorum chief and the four remaining members of the seven-man council. The "Elk" gens, the "On the Left Side" clan, and the clan of the "Earthlodge Maker" were

heavily represented among the first three signers of many treaties, indicating that principal chieftainship was largely confined to these three groups. With the aid of Dorsey's genealogies, the researchers demonstrated that within these clans, chiefdom was hereditary, based on primogeniture, and "concentrated among a limited number of families within specific lineages. . . ." But despite its strong argument in favor of hereditary chieftainship, not even this definitive new study completely rules out competition as a factor, and Indian agents' reports refer to "paper chiefs" as a constant threat to traditional leaders.⁴⁰

Oddly, the first chiefs in Omaha recorded history were usurpers who gained their influence not through normal channels, but by being courted and declared "chiefs" by white men. In the late 1700s, an Omaha of uncertain identity visited St. Louis, and upon his return announced that he had been made a chief. This unknown chief then appointed "soldiers," one of whom was young Black Bird. A handsome Indian, Black Bird impressed the St. Louis traders, who awarded him a chieftainship. As early as 1777, traders dealt with "principal chiefs," showing that individuals held power and negotiated for the tribe. In his report on favored Indian tribes, Francisco Cruzat listed the ambitious *El Pajara Negro* (Black Bird) as leader of the Omahas.⁴¹

After the Louisiana Purchase, Americans continued the award-giving policy begun by the Spanish and British; in 1806, the Omahas Hard Walker and a different Black Bird received "commissions," accompanied by medals.⁴² Obviously, government meddling in Omaha politics continued; five years later, on May 13, 1811, Big Elk and White Cow, rivals for Omaha leadership, entered the camp of an American exploring party and asked the party's leader to decide which of them should be the tribe's principal chief.⁴³ The Omahas had come a long way from the leadership of "seven wise men."

In their glory days, the Omahas saw themselves as "the most powerful and perfect of human beings."⁴⁴ For a quarter of a century, they controlled a significant section of the Missouri River, influencing neighboring tribes and dictating to colonial governments. The

Omahas were at their most powerful between 1775 and 1800. Under their despotic chief, Black Bird, they ruled the river, pitting English, Spanish, and eventually American traders against each other. And because they had guns, they had no rivals among Missouri River tribes.⁴⁵ By 1775, Spanish documents listing Missouri Valley trading partners assigned two traders and 5,000 pounds of trade goods to the "Mahas," and when the Missouri Company incorporated in 1794, it assigned the mighty Omahas three traders and twelve percent of its trade goods.⁴⁶ Personal bribes, in the form of medals, flags, and gifts, also flowed up the Missouri River. The trader Jean-Baptiste Truteau considered the Omaha village a perfect spot to establish a post from which to supply the Upper Missouri trade, but he knew his scheme would require Black Bird's permission. To gain and keep the great chief's goodwill, Truteau suggested giving him a medal, a large flag, and annual presents.⁴⁷ Continuing the gift-giving process begun by the colonial powers, Lewis and Clark ascended the Missouri River well-supplied. Before leaving in the spring of 1804, they packed fourteen bales of Indian presents, including a large Jefferson peace medal for the current chief of the Omahas.⁴⁸

Despite the gifts that came their way, the Omahas traded on their own terms. Because of commercial agreements with the Sauks, Foxes, and Grand Pawnees, they had no real need for Spanish trade goods, and they made traders' lives miserable. From the bluffs overlooking the Missouri, Black Bird and his warriors would watch vessels approach, then stop them and demand that the traders unload their wares and carry them to the village, where the chief would bargain. The traders complained of "insults and violences" at the hands of Omaha and Ponca chiefs, and apparently, several were killed by Black Bird.⁴⁹ Truteau stated emphatically that the most dangerous spot for a trader ascending the Missouri was passing the Omahas and Poncas, and to overcome this obstacle, the Spanish protected their storehouses with palisades armed with swivel guns.⁵⁰

Heading upriver with a load of firearms in August 1794, the hapless Truteau tried to think of ways to keep his guns from falling into Omaha hands. Because it was late summer, the trader knew the tribe would soon be returning from their buffalo hunt, and he doubted that he could get beyond their village undetected.⁵¹ Truteau had reason to worry. When Spanish traders did meet the Omahas, the Indians usually profited. Both Big Rabbit, a second-ranking chief, and the clever Black Bird forced the long-suffering merchant to grant them "credit," which was thinly-disguised theft.⁵² The Missouri Company sent three expeditions upriver after 1796. The first safely passed the Omahas, the second did not, and the third was only allowed through after paying tribute to Black Bird, his minor chiefs, and the entire Omaha tribe.⁵³

The Omahas were justified in their halting of Spanish traffic on the Missouri River. They realized that their positions as middlemen would end if the Missouri Company managed to reach tribes further upriver, but even more important, they wanted to keep their enemies unarmed and under their control. Being politically astute, the Omahas knew they could continue their hegemony only if traders were kept downstream.⁵⁴ But by attacking Spanish trade missions and commandeering merchandise, much of which was earmarked for them anyway, Black Bird and company may have hurt their own cause. So serious was the Omaha problem that in 1801, the Missouri Company decided to reroute its trade to the tribes of the Upper Missouri via the Platte River, bypassing the troublesome Omahas and Poncas.⁵⁵

No one man is more closely associated with the rise and fall of the Omaha tribe and the Missouri River fur trade than the enigmatic Chief Black Bird. Known to the French as *Oisseau Noir*, and called *El Pajaro Negro* by the Spanish, he is described alternately as a "paper chief " and a "pliant tool" of traders, and as a beloved, gentle leader.⁵⁶ Similarly, some accounts of Black Bird's autocratic rule stress his cruelty and vindictiveness, while others say his power was spiritual.⁵⁷ According to ethnographers, explorers, and traders,

Black Bird was an Indian "Borgia," controlling his people with poisons supplied by traders who wished to see him remain in control. Arsenic gave the chief seemingly supernatural powers; it was easy for him to play on his people's beliefs by foretelling a rival's death, then to poison him to ensure that the prediction would come true.⁵⁸ One especially ethnocentric observer saw fear and awe as major sources of Black Bird's power, but condoned his methods since "ignorant and savage man" is best ruled that way.⁵⁹

As a trader, Black Bird managed to ingratiate himself to whites while he cheated them. He worked both sides of the street, managing to enrich both himself and the traders. When a merchant unloaded his goods, Black Bird confiscated the lion's share for himself, then allowed his trading partner to so severely overcharge the rest of the Omahas that he still made a huge profit.⁶⁰ On one occasion, after choosing his share of a trader's goods, the wily chief comforted him, saying, "Now, my son, the goods which I have chosen are mine, and those in your possession are your own. Don't cry, my son; my people shall trade with you at your *own* price."⁶¹

Black Bird liked to be called "the Prince of the Nations," since he wielded complete power over neighboring tribes, especially the Poncas, who considered "this great rascal of the Omahas" their protector. In 1796, Jacques Clamorgan, director of the Missouri Company, ordered medals for the Poncas, but refused to distribute them without Black Bird's concurrence.⁶² Realizing the Omaha chief's importance to his trading company's financial success, James Mackay argued that although Black Bird was "more despotic than any European prince," it was absolutely essential to keep him "elevated above every other chief." When suggesting an expensive annual gift to the prestigious Omaha, Mackay reasoned that, "It is better to fatten one who rules as a despot over various tribes, than to fatten many at less expense."⁶³

In 1800, the mighty Black Bird finally met an enemy he could not subdue when he contracted smallpox after visiting a neighboring village. Always larger than life, he

remained so even after death. According to romantic tales of his burial, the chief asked to be buried astride his favorite horse on a hill overlooking the Missouri River, so he could forever watch the traders come and go.⁶⁴ So lasting was the late Black Bird's reputation as a power on the Missouri that in 1804, when Lewis and Clark set out on their journey, among their bags of gifts was a special one for the leading Omaha chief. The bag contained red leggings, an army jacket, and an American flag.⁶⁵ Regardless of his methods or motives, Black Bird was a powerful presence on the Missouri in the late 1700s, and under his leadership, the Omahas had few equals.

Big Elk, who died in 1853, was, along with Black Bird, the best-known of the powerful Omaha chiefs. A diplomat rather than a despot, he held whites in high regard and at one point expressed a desire to someday "be a white man himself."⁶⁶ A signer of treaties in 1815, 1825, 1830 and 1836, Big Elk tried to lead his people into the future. He was also a prophet. After returning from a visit to Washington, D.C., shortly before his death, he told his people:

There is a coming flood which will soon reach us, and I advise you to prepare for it. Soon the animals which Wakoⁿ'da has given us for sustenance will disappear beneath this flood to return no more, and it will be very hard for you. Speak kindly to one another; do what you can to help each other, even in the trouble with the coming tide.⁶⁷

Troubles did come, in the forms of disease, warfare, and the cumulative social, economic, and cultural problems associated with over-dependence on the fur trade. While Sioux and Sauk attacks were an unfortunate fact of life for the Omahas, and the fur trade slowly robbed the tribe of its culture, it was smallpox that caused almost overnight devastation, turning the rulers of the Missouri into a forlorn band of prairie nomads. Shortly after 1800, the Skidi Pawnees conquered the mighty Omahas without a fight. Chief Black Bird, engineer of many Omaha successes, probably caused the tribe's downfall by carrying smallpox back from a Pawnee village. Within a few days after his return to camp,

Black Bird was dead, and many of his people died before the epidemic ran its course.⁶⁸ Having lost their chief and possibly as many as 400 warriors, the Omahas could no longer control the trade or assaults by neighboring tribes, and were forced to loosen their stranglehold on the Middle Missouri.⁶⁹

Understandably, the death of an autocrat such as Black Bird created a leadership vacuum, and the late chief's successor, Big Rabbit, was soon challenged by the traditional chiefs Big Elk and White Cow. The Sioux wasted no time; taking advantage of the power struggle and the Omahas' weakened condition, they resumed their attacks. In addition, the smallpox-ravaged Omahas soon lost control of their hunting grounds along the Middle Platte. With so much of their spiritual and cultural life revolving around the buffalo, their shrinking hunting grounds were a "psychological blow."⁷⁰

Sources do not always agree on the dates of the Omaha smallpox outbreak, but a letter from Louisiana's Governor-General to all traders ordering them to avoid the Omaha camps since the tribe had "suffered last winter from smallpox," dates the epidemic to the winter of 1800-1801.⁷¹ Likewise, informants dispute the severity of the outbreak; the reported number of dead varies from 400, to two-thirds of the tribe, to all but 300 Omahas, and William Clark referred ambiguously to the deaths of "400 men & Women & children in perpoposion[sic]."⁷² Some whites thought the Omahas would become extinct. In 1810, Washington Irving predicted that the Omahas "before long will be numbered among those extinguished nations of the west that exist but in tradition."⁷³ Others believe casualty reports among the Omahas were exaggerated, since their social organization remained intact, and a French trader who may have visited the tribe in 1802 reported 600 men and a huge cache of furs.⁷⁴ Regardless of the numbers, smallpox devastated the Omahas socially. The people did not understand the disease, and believing that their unborn children

would also be disfigured, the survivors reportedly entered into a tribal suicide pact that they hoped would take them all to "Some better countrey [sic]."⁷⁵

In the epidemic's aftermath, the Omahas once again fell prey to their longtime enemies, the Sioux. For over one hundred years, with only a respite under Black Bird, the Dakota bands had raided Omaha villages and forced the people to relocate along the Missouri River. In the late seventeenth century, the Omahas had neither horses nor guns, making them easy marks for armed enemies. Omaha traditions say that their people who lived near the Pipestone Quarry were "attacked and slaughtered" by the Yankton Sioux after about 1680. The people fled to near present-day Sioux Falls, but were once again raided. The Omahas' next home, near the mouth of the Big Sioux River, proved to be an unfortunate choice, since the Dakotas' war parties regularly traveled along that river. Attacked several times between 1700 and 1740, the practically unarmed Omahas had no choice but to flee.⁷⁶

After 1723, the Omahas, once again pressured by the Sioux, moved up the Missouri River, leaving good agricultural soil for marginal lands. French records show that attacks were planned against the Missouri River tribes in 1727 and 1729.⁷⁷ In 1729, two French emissaries explained to their minister that a band of Sioux failed to appear for a scheduled parlay because a "number of the prairie sioux" had enlisted their help in a war with the Omahas.⁷⁸ About 1750, the Omahas, Iowas, and Poncas relocated in northern Nebraska, but the Sioux followed. Keeping ahead of their enemies, the Omahas moved farther south to Omaha Creek.⁷⁹

The Sioux threat intensified during the early 1800s, in part because, unlike almost all the other Plains tribes, they actually grew in numbers, since many who were in the path of smallpox had been vaccinated.⁸⁰ Members of the Lewis and Clark expedition recorded a major battle in late August or early September 1804, in which the Brulés destroyed forty Omaha lodges, killed sixty-five to seventy-five men, plus some boys and children, and

took forty-eight prisoners, including twenty-five women. A soldier with the exploring party described in horror the grisly spectacle of Sioux women dancing while holding poles decorated with Omaha scalps.⁸¹ This deadly battle may have been the result of a tragic error. The Sioux had no central government, and bands acted independently. According to reports, one band of Brulés had agreed to a truce with the Omahas and Poncas, but another had not, and continued to attack. When the Poncas took revenge on the wrong Sioux village, the truce fell apart, resulting in the Omaha slaughter.⁸²

Threatened by the Sauks as well as the Sioux, the Omahas fled to the Elkhorn River about 1820 and remained there, not wanting to face the Yankton Sioux who had taken over their lands in northeastern Nebraska.⁸³ The Omahas nearly starved during the war-torn 1820s when they were reduced to eating only corn since they were "too busy fighting the Yankton and Brulés to hunt."⁸⁴ The depredations continued; in 1821, the Sioux attacked the Omahas near Fort Atkinson, killing two of Big Elk's brothers.⁸⁵ In a report accompanying the 1825 Fort Atkinson treaty, General Henry Atkinson and Major Benjamin O'Fallon informed the Secretary of War that the Omahas "are at peace with their immediate neighbors, but at war with the Sioux."⁸⁶

The Sioux continued to control northeastern Nebraska throughout the late 1820s, but the well-armed Sauks, who had moved across the Missouri River, now posed a problem. It may have been the Sauks, not the Sioux, who drove Big Elk and his tribal faction from Big Village in 1829.⁸⁷ Commissioner of Indian Affairs William Clark, desperate to restore order among the Nebraska Indians, invited the Missouri River tribes to an 1830 peace parlay at Prairie du Chien. Frightened of the Sauks, the Otos refused to attend. The Omahas decided to go, but certain that the Sauks would murder him en route, their negotiator Big Elk left his precious peace medal behind for his son.⁸⁸ Just thirty years earlier, an Omaha chief had ruled the Missouri River; now an Omaha leader risked his life to make peace.

Smallpox left many Omahas dead, and the hostile Sioux and Sauks kept the tribe on the run, but fur traders who injected themselves into Omaha lives undermined traditional leadership, disrupted the tribal economy, and nearly destroyed the people's culture. Ever since its inception, the cornerstone of Omaha government had been traditional chiefs whose legitimacy came directly from Wakoⁿ'da. Traders were a divisive influence, and as a result of their interference, two kinds of chiefs came to be recognized: 1) "paper chiefs," so-named because whites gave them documents supporting their leadership claims, and 2) traditional chiefs established by tribal right and custom.⁸⁹ Meddling by traders and governments diluted traditional chiefs' influence; superior hunters favored by traders became important, as did newly-appointed paper chiefs, many of whom had no right to the title. Because they claimed to have government support, paper chiefs could become influential, but their strength was practical rather than spiritual.⁹⁰

Traders understood the vulnerability of traditional chiefs and knew which tribal members could be "bought." In a letter to the Governor-General of Louisiana, Spanish Illinois' Lieutenant-Governor Zenon Trudeau claimed there were men among the Omahas who would be willing to undermine the authority of unfriendly chiefs in exchange for medals and blank commissions.⁹¹ Acting on this knowledge, traders showered pro-trade chiefs and head men with gifts, as "medals were hung about their necks. . . .And efforts were made to keep them loyal to the trading companies. . . ." ⁹² Clever "trade chiefs" sometimes went to great lengths to ingratiate themselves to whites. In competing for trade and its potential profit, some Indian entrepreneurs married their daughters to traders, arrangements that gave the brides financial security and led traders to believe they were assured of their fathers-in-laws' business.⁹³

Contrary to romantic accounts that picture Indians as commercial "babes-in-the-woods," the Missouri River tribes were quite familiar with barter; for centuries they had traded their surplus among fellow Indians. Well aware of the value of goods, these people

were "horse traders" in both senses of the word.⁹⁴ But practical, established trade customs changed with the coming of European goods, which were mostly items that could be accumulated—durable goods such as tools, guns, and cloth. No longer were only necessities received in trade; now possession of "things" gave their owners new riches and enhanced their status.⁹⁵ Indians began to crave luxuries which eventually became necessities. They no longer hunted only for food, but for what pelts could buy, and after the War of 1812, the Omahas found themselves scrambling to supply traders with pelts so they could procure the goods they had come to need.⁹⁶

"Pelts for profit" became a major factor in the decline of Omaha culture. Always before, the tribe had hunted buffalo without reducing the herds, but to traders, game was money, and to meet commercial demands, the Omahas began to kill the animals indiscriminately.⁹⁷ In what may be the first letter from a member of the Omaha tribe, Chief Big Elk in 1828 petitioned the government to help his people, whose method of subsistence had changed so drastically. In his wisdom, Big Elk saw the economic problems caused by fur traders: "The white people who have been in the habit of coming into my village have had great influence with us and have consequently [sic] kept us scouring the country in search of skins untill [sic] the animals themselves have left us. . . ."98

As traders' demands increased, the Omahas began to ignore religious rites associated with the hunt, and tribal bonds unraveled. Previously, hunting had been accompanied by religious ceremonies paying homage to Wakoⁿ'da, the great benefactor. But since commercial hunting was inconsistent with religious customs, these observances fell out of favor, weakening traditions and splintering the community.⁹⁹ Historically, Omahas were not self-centered or individualistic, and during annual hunts, the good of the tribe had always prevailed over individual rights. Now, solitary hunters armed with

modern weapons could kill at will and keep their prizes. Hunting in this manner had no religious significance, but the pelts piled up for aggressive hunters.¹⁰⁰

The pursuit of game had, of necessity, always occupied much of the Omahas' time and energy, but with dwindling buffalo herds and the raised expectations of white traders, they now extended their hunts to the detriment of village life and egalitarianism. With no one at home, villages suffered neglect, and new standards for wealth inflated the status of hunters. No group paid a higher price for tribal greed than women; always hard workers, wives found themselves overwhelmed by the huge numbers of hides to be processed for traders. The end result of this wifely labor shortage was an increase in polygyny, especially among wealthy and influential men.¹⁰¹

Although goods acquired in trade introduced Indians to more efficient tools and some new handcrafts, they also destroyed young Indians' incentives to learn traditional skills. For instance, metal pots led to the disappearance of pottery-making, glass beads put an end to quill work, and by 1920, Francis La Flesche could locate only two aged Omahas who recalled the highly-skilled, ancient art of bow-making.¹⁰²

In what has become a modern tragedy, rival fur companies competing for pelts introduced the Omahas to liquor. Ignoring the pleas of old chiefs and leading men and a law forbidding liquor sales to Indians, traders continued to ply the Omahas with illegal whiskey, since alcohol was cheap and fur profits huge.¹⁰³ Liquor destroyed lives and clouded judgment; even talented Big Elk fell under the influence of traders after he discovered whiskey.¹⁰⁴ Seeing liquor's debilitating effects on native buffalo hunters, some traders suffered momentary attacks of conscience, but the race for Indian pelts went on, and the liquor continued to flow.¹⁰⁵

An important agent for cultural change, the fur trade altered both inter- and intra-tribal relations, and with the exception of a few environmentalists, such as Edwin James, of Stephen Long's 1820 expedition, neither trading partner considered its future

consequences. The fur trade returned large profits, and its investors had no incentive to limit the number of furs brought out of the Missouri River region.¹⁰⁶ At the whites' insistence, Indians slaughtered huge numbers of buffalo, and as the herds shrank, so did the hunting grounds. Inter-tribal wars became commonplace, and with the buffalo gone, the Plains Indians could no longer feed themselves.¹⁰⁷ The fur trade had more impact on Indians than on whites. Indians lived where the trading occurred, and many along the Missouri River spent their whole lives influenced by traders. Ultimately, the Indians paid the price when the buffalo disappeared from this region and the fur trade ended.¹⁰⁸ In order to trade, Indians had abandoned their traditional subsistence patterns and now found themselves politically as well as economically dependent upon the government.¹⁰⁹

The activities of white fur traders harmed the Omahas in many ways, but traders had no interest in real estate, and after many years of white contact, the Omahas still held their territory in common, not realizing that the land they treasured was coveted by whites.¹¹⁰ "The only title to land recognized among the Nebraska Indians was continuous occupancy and use,"¹¹¹ and Omaha land tenure tradition extended even to garden plots where occupancy was everything. A tract being cultivated was never intruded upon; however, if left vacant, anyone could use it.¹¹² In addition, the procedure by which land could be bought and sold meant nothing to Indians. In their thinking, land could not change hands, but the right to occupy and use it was protected, and trespassers could be punished under certain conditions.¹¹³

Disregarding "occupancy and use," the conquering nations of Europe never truly recognized Indian title to American lands, and based their own claims upon discovery and exploration. When the lands that later became Nebraska passed to the new United States after the 1803 Louisiana Purchase, the United States Supreme Court, in a series of decisions, ruled that the government had the right to "extinguish the [Indian] title, either by purchase or conquest."¹¹⁴ But neither the Supreme Court, land claims of white pioneers,

nor army occupation convinced some experts that the United States had established a "basis for ownership of Indian lands." On the other hand, some thinkers have tried to rationalize American ownership and the dispossession of the American Indian.¹¹⁵ In an oration delivered on the 1802 anniversary of the Sons of the Pilgrims, John Quincy Adams expressed this latter groups' thoughts:

The Indian right of possession itself stands . . . upon a questionable foundation. Their cultivated fields, their constructed habitations, a space of ample sufficiency for their subsistence, and whatever they have annexed to themselves by personal labor, was undoubtedly by the laws of nature theirs. But what is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? . . . Shall the lordly savage not only disdain the virtues and enjoyments of civilization for himself, but shall he control the civilization of the whole world?¹¹⁶

To Adams and like-thinking Americans, the answer was an emphatic "no."

None of the three colonial powers operating in the Nebraska region attempted to claim Omaha lands—probably because it was unnecessary. Omaha land cessions did not begin until long after the Louisiana Purchase. Some of the earliest Indian treaties, including those with the Omahas, were touted as treaties of "peace and friendship," but were preliminary to later agreements that would involve Indian land titles.¹¹⁷

On July 20, 1815, at Portage des Sioux, near St. Louis, Black Bird's grandson Waanowrabai, Big Elk, and six other Omaha chiefs and warriors affixed their "x" marks to the initial treaty between the Omaha Indian tribe and the United States government (Appendix I).¹¹⁸ Short and to the point, this original treaty of peace and friendship returned relations between the Omahas and the government to pre-War of 1812 status and forgave hostilities committed by either party. Peace was promised forever, and most important for the future, the Omahas put themselves under the exclusive protection of the United States.¹¹⁹

The Omahas were one of a number of tribes influenced by British traders prior to the War of 1812. By returning Omaha-white relations to "the same footing upon which they stood before the late war," the United States intended to replace Great Britain as the Omahas' trading partner, and as planned, shortly after the treaty signing, Americans did establish trade with the Nebraska tribe.¹²⁰ With its promise of Omaha dependency, the innocuous-sounding Portage des Sioux Treaty was a first step toward the fateful land cession of 1854.

The Omahas' first actual land cession was temporary. In order to increase its presence in the west, the United States Army needed land along the Missouri River to build Cantonment Council Bluff (later Fort Atkinson), and it instructed Brigadier General Henry Atkinson to procure the necessary territory. On September 23, 1820, Atkinson and the Omahas signed a treaty by which the tribe would cede to the government a fifteen-square-mile parcel of land, with the new fort's flagpole at its center (Appendix II). If ratified by Congress, the treaty provided that in return for their lands, the Omahas would receive supplies, weapons, and ammunition by June 1821. In addition, the Omahas retained the right to hunt on portions of the cession not needed by the army.¹²¹ Congress failed to ratify the treaty, but both the Omahas and the army continued as if it had. To its credit, the government kept its promise to deliver goods to the Indians, and, content with the trade, the Omahas never questioned the legality of their land cession. The unratified treaty became obsolete in 1829 when the army abandoned Fort Atkinson in favor of Fort Leavenworth, and the Omahas reoccupied the land.¹²²

In 1825, the government began to assert its control over the Omahas. Billed as another "peace and friendship" agreement, the October 6 Fort Atkinson Treaty (Appendix III), signed by General Atkinson, Indian agent Benjamin O'Fallon, and fourteen prominent Omahas, was condescending, restrictive, and one-sided.¹²³ Now the Omahas acknowledged American supremacy as well as protection, and agreed that the United States

should regulate their trade. The government offered the Omahas "crumbs": Article Two arrogantly extended to the Indians "from time to time, such benefits and other acts of kindness as may be convenient." Article Three further restricted trade, limiting Omaha commerce to American traders and stated that the government would determine trade sites. According to the fourth article, the government agreed to provide traders to the Omahas, with the understanding that the Indians would protect them.¹²⁴

Article Five dealt with possible future crimes committed by either whites or Indians, and, though ethnocentric, began fairly enough, allowing for equal punishment for criminals of either race. But the article contained a disturbing proviso. The treaty provided for the unconditional recovery and return of any property stolen by an Indian; yet the proviso required *proof* if a white man was accused of stealing Indian property.¹²⁵

Not one acre of land changed hands in the 1825 Fort Atkinson Treaty, but it was a surrender of Indian rights and sovereignty, and set a precedent by which the United States government took from the Indians and gave little in return. The Omahas had already lost so much. The buffalo were disappearing, many lives had been lost to enemy raids and disease, and thanks to the fur trade, Omaha values had changed and their culture was in disarray. All they had left was the land, and it too was now threatened. Little by little, treaty by treaty, the Omahas would see their land base erode until in 1854, they would make a final move to their reservation. But in 1819, Big Elk, still trusting the white man, saw no future threat. At a fall tribal council, he had assured Agent O'Fallon that he and his nation loved the whites, and in response to American troop movements along the Missouri River, the chief had told his agent: "Some think, my father, that you have brought these warriors here to take our land from us, but I do not believe it. For though I am but a poor, simple Indian, yet I know that this land will not suit your farmers. . . ." ¹²⁶ How very wrong he was.

NOTES

¹Francis La Flesche, The Middle Five: Indian Schoolboys of the Omaha Tribe (Lincoln: University of Nebraska Press, 1978), xx.

²John M. O'Shea and John Ludwickson, Archaeology and Ethnohistory of the Omaha Indians: The Big Village Site (Lincoln: University of Nebraska Press, 1992), 16-17. G. Hubert Smith, Omaha Indians: Ethnohistorical Report on the Omaha People (New York: Garland Publishing, 1974), 11.

³James Owen Dorsey, "Migrations of Siouan Tribes," American Naturalist 20 (March 1886): 213.

⁴Dorsey, "Migrations," 215. Alice Fletcher and Francis La Flesche, The Omaha Tribe, Twenty-seventh Annual Report of the Bureau of American Ethnology (Washington, D.C.: Government Printing Office, 1911), 70-72. Early sources do not call these people the "Omahas." Many early documents refer to them as the "Mahas," probably because whites misunderstood native speakers, who softly sounded as "u" the first letter of Omaha, while placing the accent on the second syllable. They are also called the "Makas" and the "Mahars" in some sources. For the purpose of this paper, the modern "Omahas" will be used, except when quoting sources that use another form of the name.

⁵Fletcher, "Tribal Life Among the Omahas," Century Illustrated Monthly Magazine 51 (January 1896): 456.

⁶Dorsey, "Migrations," 221-22.

⁷James Owen Dorsey, Omaha Sociology, Third Annual Report of the Bureau of American Ethnology (Washington, D.C.: Government Printing Office, 1884), 212.

⁸Dorsey, Omaha Sociology, 212. Fletcher and La Flesche, The Omaha Tribe, 73-74.

⁹O'Shea and Ludwickson, Big Village, 17. Fletcher and La Flesche, The Omaha Tribe, 85.

¹⁰O'Shea and Ludwickson, Big Village, 20-21. Fletcher and La Flesche, The Omaha Tribe, 85-86. Tanis C. Thorne, "Black Bird, 'King of the Mahars': Autocrat, Big Man, Chief," Ethnohistory 40 (Summer 1993): 418.

¹¹"Truteau's Description of the Upper Missouri," in A.P. Nasatir, ed., Before Lewis and Clark: Documents Illustrating the History of the Missouri, 1785-1804, vol. 2 (St. Louis: St. Louis Historical Documents Foundation, 1952), 378. "Table of Distances

Along the Missouri in Ascending from the Mouth up the White River, Taken by James MacKay, 1797," in Nasatir, Before Lewis and Clark, 489.

¹²"William Clark's Journal, September 18, 1804," in Gary E. Moulton, ed., The Journals of the Lewis and Clark Expedition, vol. 3 (Lincoln: University of Nebraska Press, 1987), 399. Fletcher and La Flesche, The Omaha Tribe, 86-87.

¹³O'Shea and Ludwickson, Big Village, 37. Dorsey, Omaha Sociology, 213. Fletcher and La Flesche, The Omaha Tribe, 87-88.

¹⁴Dorsey, Omaha Sociology, 213-14. J. L. Bean to Thomas H. Harvey, December 31, 1845, Letters Received, Council Bluffs Agency, 1844-1846, National Archives, Records Group 75, Microcopy [M] 234, Reel 216.

¹⁵Fletcher and La Flesche, Omaha Tribe, 81. According to Mildred M. Wedel, in "The Ioway, Oto, and Omaha Indians in 1700," Journal of the Iowa Archaeological Society 28 (1981): 9, French explorer, trader, and prospector Pierre-Charles Le Sueur attracted bands of Sioux "as well as the Mahas . . ." to his fort near the Big Sioux River in 1700. The Omahas probably hoped to receive trade items.

¹⁶Smith, Omaha Indians, 13-14. Henry Putney Beers, French and Spanish Records of Louisiana (Baton Rouge: Louisiana State University Press, 1989), 15.

¹⁷Nasatir, Before Lewis and Clark, vol. 1, 98.

¹⁸Fletcher and La Flesche, The Omaha Tribe, 78.

¹⁹Francisco Cruzat, "Report of the Indian Tribes Who Received Presents at St. Louis, Dated November 15, 1777," in Louis Houck, The Spanish Regime in Missouri, vol. 1 (New York: Arno Press, 1971), 144.

²⁰George F. Will and George E. Hyde, Corn Among the Indians of the Upper Missouri (St. Louis: William Harvey Miner Co., Inc., 1917), 200, 204-05, 209. Thomas F. Schilz and Jodye L. D. Schilz, "Beads, Bangles, and Buffalo Robes: The Rise and Fall of the Indian Fur Trade Along the Missouri and Des Moines Rivers, 1700-1820," Annals of Iowa 49 (Summer/Fall 1987): 6-7.

²¹Addison E. Sheldon, Land Systems and Land Policies in Nebraska, in Publications of the Nebraska State Historical Society, vol. 22 (Lincoln: Nebraska State Historical Society, 1936), 2. Fletcher and La Flesche, The Omaha Tribe, 88.

²²Thomas Jefferson Farnham, Farnham's Travels in the Great Western Prairies, in Reuben Gold Thwaites, ed., Early Western Travels, 1748-1846, vol. 28 (Cleveland: Arthur H. Clark Company, 1906), 146. Smith, Omaha Indians, 77-78.

²³Sheldon, Land Systems and Land Policies, 5. Fletcher and La Flesche, The Omaha Tribe, 89-90.

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- ²⁴Fletcher and La Flesche, The Omaha Tribe, 135-35, 196.
- ²⁵Will and Hyde, Corn Among the Indians, 58. O'Shea and Ludwickson, Big Village, 7.
- ²⁶Fletcher and La Flesche, The Omaha Tribe, 271, 275, 693, 701-02.
- ²⁷Fletcher and La Flesche, The Omaha Tribe, 217.
- ²⁸Robin S. Ridington, "A Sacred Object as Text: Reclaiming the Sacred Pole of the Omaha Tribe," American Indian Quarterly 17 (Winter 1993): 84.
- ²⁹Ridington, "A Sacred Object as Text," 83. Fletcher and La Flesche, The Omaha Tribe, 225, 229.
- ³⁰Fletcher and La Flesche, The Omaha Tribe, 201. In this case, "old" pertains to wisdom, not necessarily age.
- ³¹Fletcher and La Flesche, The Omaha Tribe, 208-09. Margaret Mead, The Changing Culture of an Indian Tribe (New York: Columbia University Press, 1932), 61. It is generally agreed that in Mead's anthropological study, the mythical "Antlers" are the Omahas.
- ³²Alice C. Fletcher, "Personal Studies of Indian Life: Politics and 'Pipe-Dancing,'" Century Illustrated Monthly Magazine 45 (November 1892-April 1893): 443.
- ³³R. H. Barnes, Two Crows Denies It: A History of Controversy in Omaha Sociology (Lincoln: University of Nebraska Press, 1984), 33. Fletcher and La Flesche, The Omaha Tribe, 208. Dorsey, Omaha Sociology, 362.
- ³⁴Dorsey, Omaha Sociology, 358-59. Fletcher, "Politics and 'Pipe-Dancing,'" 441. Fletcher and La Flesche, The Omaha Tribe, 206.
- ³⁵Mead, Changing Culture, 61. Thorne, "Black Bird", 412, 418.
- ³⁶Fletcher, "Politics and 'Pipe-Dancing,'" 443.
- ³⁷Reo Fortune, Omaha Secret Societies (New York: Columbia University Press, 1932), 158.
- ³⁸Fletcher and La Flesche, The Omaha Tribe, 204.
- ³⁹Fortune, Omaha Secret Societies, 1, 156.
- ⁴⁰John M. O'Shea and John Ludwickson, "Omaha Chieftainship in the Nineteenth Century," Ethnohistory 39 (Summer 1992): 316-52. In their discussion of the few exceptions to the treaty-signing order, O'Shea and Ludwickson, 327, explain that

occasionally, chiefs who disagreed with treaty provisions refused to sign. Also, distance and danger sometimes became factors; for example, in 1830, Big Elk made the long, hazardous journey to sign the Prairie du Chien Treaty, but chiefs such as Little Cook and Hard Walker may have refused to cross hostile Sauk and Fox territory.

⁴¹Barnes, Two Crows Denies It, 29. Houck, Spanish Regime, vol. 1, 144.

⁴²O'Shea and Ludwickson, Big Village, 33.

⁴³John Bradbury, Travels in the Interior of America in the Years 1809, 1810, and 1811, in Reuben Gold Thwaites, ed., Early Western Travels, vol. 5 (Cleveland: Arthur H. Clark Company, 1904), 89-90.

⁴⁴Washington Irving, Astoria, or Anecdotes of an Enterprise Beyond the Rocky Mountains, vol. 1 (Philadelphia: Carey, Lea, and Blanchard, 1836), 170-71.

⁴⁵O'Shea and Ludwickson, Big Village, 23.

⁴⁶Smith, Omaha Indians, 40-41, 51-52.

⁴⁷"Journal of Truteau on the Missouri River, 1794-1795," in Nasatir, Before Lewis and Clark, vol. 1, 285. John C. Ewers, "Symbols of Chiefly Authority in Spanish Louisiana," in John Francis McDermott, ed., The Spanish in the Mississippi Valley, 1762-1804 (Urbana: University of Illinois Press, 1974), 275, states that Black Bird was the only Indian in Spanish Louisiana ever to be given a *gold* Spanish medal. Of course, in true Black Bird style, he demanded it.

⁴⁸Francis Paul Prucha, Indian Peace Medals in American History (Madison: State Historical Society of Wisconsin, 1971), 16-17.

⁴⁹George E. Hyde, The Pawnee Indians (Norman: University of Oklahoma Press, 1951), 131-32. "Truteau's Journal," in Nasatir, Before Lewis and Clark, vol. 1, 260.

⁵⁰"Truteau's Journal," in Nasatir, Before Lewis and Clark, vol. 1, 302. "Carondelet to Alcudia, Jan. 8, 1796," in Nasatir, Before Lewis and Clark, vol. 2, 389.

⁵¹"Truteau's Journal," in Nasatir, Before Lewis and Clark, vol. 1, 263.

⁵²"Truteau's Journal," 280-81, 290.

⁵³"Petition of Clamorgan, January 15, 1800," in Nasatir, Before Lewis and Clark, vol. 2, 608.

⁵⁴Schilz and Schilz, "Beads, Bangles, and Buffalo Robes," 12. Thorne, "Black Bird", 422-23. "Truteau's Journal," in Nasatir, Before Lewis and Clark, vol. 1, 264.

⁵⁵"Clamorgan to Salcedo, April 18, 1801," in Nasatir, Before Lewis and Clark, vol. 2, 633-34.

⁵⁶Fletcher and La Flesche, The Omaha Tribe, 82. Henry Fontenelle, "History of Omaha Indians," in Transactions and Reports of the Nebraska State Historical Society, vol. 1 (Lincoln: State Journal Co., 1885), 78.

⁵⁷Thorne, "Black Bird," 427.

⁵⁸Edwin James, Account of an Expedition from Pittsburgh to the Rocky Mountains, performed in the Years 1819, 1820 . . . under the Command of Maj. S. H. Long, in Reuben Gold Thwaites, ed., Early Western Travels, vol. 14 (Cleveland: Arthur H. Clark Co., 1905), 318. Irving, Astoria, 171-72. Fletcher and La Flesche, The Omaha Tribe, 82. Bradbury, Travels in the Interior of America, p. 85n. "Truteau's Journal," in Nasatir, Before Lewis and Clark, vol. 1, 283. Tanis C. Thorne, in "Black Bird," 428, states that the use of poisons to strengthen chiefs' powers was neither original nor unique to Black Bird. In the early nineteenth century, Big Elk owned a poison pouch that had been in his family's possession for over one hundred years, and the tribal council also threatened poisoning of uncooperative tribesmen.

⁵⁹Henry Marie Brackenridge, Journal of a Voyage Up the River Missouri, Performed in Eighteen Hundred and Eleven (Baltimore: Coale and Maxweld, 1815), 87-88.

⁶⁰James, Account of an Expedition, 318. "Truteau's Journal," in Nasatir, Before Lewis and Clark, vol. 1, 287-88. Irving, Astoria, 171.

⁶¹Bradbury, Travels in the Interior of America, 85n.

⁶²"Truteau's Journal," in Nasatir, Before Lewis and Clark, vol. 1, 293. Clamorgan to Carondelet, April 10, 1796, in Nasatir, Before Lewis and Clark, vol. 2, 418.

⁶³"Mackay's Journal, Oct. 14, 1795-Jan. 18, 1796," in Nasatir, Before Lewis and Clark, vol. 1, 359, 363.

⁶⁴Irving, Astoria, 175. James, Account of an Expedition, 317. Black Bird would not have been buried on horseback. In Omaha funeral customs, live horses were never interred with their owners, but were sometimes killed at the gravesite.

⁶⁵James P. Ronda, Lewis and Clark Among the Indians (Lincoln: University of Nebraska Press, 1984), 14.

⁶⁶James, Account of an Expedition, 281, 320.

⁶⁷Fletcher and La Flesche, The Omaha Tribe, 84.

⁶⁸Hyde, The Pawnee Indians, 133-34. O'Shea and Ludwickson, Big Village, 30.

⁶⁹O'Shea and Ludwickson, Big Village, 30. Richard White, "The Winning of the West: The Expansion of the Western Sioux in the Eighteenth and Nineteenth Centuries," Journal of American History 65 (September 1978): 325.

⁷⁰Schilz and Schilz, "Beads, Bangles, and Buffalo Robes," 18, 21.

⁷¹"Delassus to Casa Calvo, St. Louis, April 13, 1801," in Nasatir, Before Lewis and Clark, vol. 2, 631.

⁷²Bradbury, Travels in the Interior of America, 90. Irving, Astoria, 174-75. Farnham, Farnham's Travels, 146. "Clark's Journal, August 11, 1804 and August 14, 1804," in Moulton, Lewis and Clark, vol. 2, 467, 478-79.

⁷³Irving, Astoria, 170.

⁷⁴O'Shea and Ludwickson, The Big Village, 31. Barnes, Two Crows Denies It, 9.

⁷⁵Fletcher and La Flesche, The Omaha Tribe, 86-87. Farnham, Farnham's Travels, 146. "Clark's Journal, August 14, 1804," in Moulton, Lewis and Clark, vol. 2, 478-79. Irving, Astoria, 174-75.

⁷⁶George E. Hyde, Red Cloud's Folk, (Norman: University of Oklahoma Press, 1957), 9-10, 14.

⁷⁷Hyde, Red Cloud's Folk, 14-15.

⁷⁸Beauharnais and Hacquart to the French minister, Oct. 25, 1729, in Reuben Gold Thwaites, ed., Collections of the State Historical Society of Wisconsin, vol. 17 (Madison: Wisconsin State Historical Society, 1906), 77-78.

⁷⁹Hyde, Red Cloud's Folk, 15.

⁸⁰White, "Winning of the West," 328-29.

⁸¹"Clark's Journal, September 26, 1804," in Moulton, Lewis and Clark, vol. 3, 119. "The Original Journal of Private Joseph Whitehouse," in Reuben Gold Thwaites, ed., Original Journals of the Lewis and Clark Expedition, 1804-1806, vol. 7 (New York: Arno Press, 1969), 64.

⁸²White, "Winning of the West," 326.

⁸³Smith, Omaha Indians, 79, 129.

⁸⁴Schilz and Schilz, "Beads, Bangles, and Buffalo Robes," 24.

⁸⁵Sally A. Johnson, "The Sixth's Elysian Fields: Fort Atkinson on the Council Bluffs," Nebraska History 40 (March 1959): 24.

⁸⁶H. Atkinson and Benj. O'Fallon to Sec. of War James Barbour, November 8, 1825, in American State Papers, Indian Affairs, vol. 2, 606.

⁸⁷Smith, Omaha Indians, 129, 181. O'Shea and Ludwickson, Big Village, 39.

⁸⁸U.S. Congress. Senate. William Clark to John L. Bean, April 25, 1830, in Correspondence on the Subject of the Emigration of Indians Between the 30th November, 1831, and 27th December, 1833, 23rd Cong., 1st sess., 1835, S. Doc. 512, vol. 2, 66-67 [Serial 245]. William Clark to the O'Maha Tribe, April 24, 1830, in Ibid., 67. William Clark to Sec. of War John H. Eaton, November 1, 1830, in Ibid., 182-83.

⁸⁹Fletcher and La Flesche, The Omaha Tribe, 85.

⁹⁰Fletcher and La Flesche, The Omaha Tribe, 212.

⁹¹Trudeau to Carondelet, May 30, 1795, in Nasatir, Before Lewis and Clark, vol. 1, 326.

⁹²Fletcher and La Flesche, The Omaha Tribe, 82, 631.

⁹³John C. Ewers, "The Influence of the Fur Trade Upon the Indians of the Northern Plains," in Malvina Bolus, ed., People and Pelts: Selected Papers of the Second North American Fur Trade Conference (Winnipeg, Manitoba: Peguis Publishers, 1972), 17.

⁹⁴Ewers, "Influence of the Fur Trade," 2-3.

⁹⁵Schilz and Schilz, "Beads, Bangles, and Buffalo Robes," 5-6.

⁹⁶Brian Dippie, The Vanishing American: White Attitudes and U.S. Indian Policy (Lawrence: University Press of Kansas, 1982), 43. Smith, Omaha Indians, 59-60.

⁹⁷Alice C. Fletcher, "Hunting Customs of the Omahas," Century Illustrated Monthly Magazine 50 (May -October 1895): 693.

⁹⁸The Big Elk, Chief of the Omahaws Nation of Indians, Cantonment Leavenworth, June 24, 1828, accompanying Dougherty to Clark, June 23 [sic], 1828, in Letters Received by the Office of Indian Affairs, 1824-81; Upper Missouri Agency, 1824-1835, National Archives, Record Group 75, Microcopy 234, Reel 883.

⁹⁹Fletcher and La Flesche, The Omaha Tribe, 271, 614.

¹⁰⁰Schilz and Schilz, "Beads, Bangles, and Buffalo Robes," 7-8. In Keepers of the Game: Indian-Animal Relations and the Fur Trade (Berkeley: University of California Press, 1978), 19, 39, 61-62, 65, Calvin Martin argues that the religious significance of the

hunt had been waning before the coming of the fur trade. Prior to white contact, there appear to have been limits placed on the number of animals a hunter could kill, since he was required by tradition and spirituality to treat the remains of his prey with respect. Failure to do so would result in retaliation by animal spirits—poor hunting or tribal illness, for example. But European diseases and Christian interference with native beliefs changed the Indian world view. Later, lured by European trade goods, armed with European weapons, and encouraged by European traders, Indians began to hunt indiscriminately, and because they had begun to lose respect for both animals and the land, slaughter of wildlife became acceptable. Christianity supported the fur trade by "elevating man above Nature" and secularizing the hunt. The cycle continued: participation in the trade increased Indian callousness toward nature as it whetted the desire for more durable goods. Although writing specifically about the Indians of sub-Arctic Canada, Martin's observations could easily apply to the Omahas as well.

¹⁰¹Fletcher and La Flesche, The Omaha Tribe, 615. Schilz and Schilz, "Beads, Bangles, and Buffalo Robes," 8.

¹⁰²Ewers, "Influence of the Fur Trade," 11. Francis La Flesche, "Omaha Bow and Arrow Makers," in Annual Report of the Smithsonian Institution, 1926 (Washington, D.C.: Government Printing Office, 1927), 487-88.

¹⁰³Fletcher and La Flesche, The Omaha Tribe, 618.

¹⁰⁴Johnson, "The Sixth's Elysian Fields," 25.

¹⁰⁵Ewers, "Influence of the Fur Trade," 17.

¹⁰⁶Schilz and Schilz, "Beads, Bangles, and Buffalo Robes," 6. Ewers, "Influence of the Fur Trade," 20-21.

¹⁰⁷Ewers, "Influence of the Fur Trade," 20-21.

¹⁰⁸Ewers, "Influence of the Fur Trade," 1-2.

¹⁰⁹Smith, Omaha Indians, 60-61.

¹¹⁰Ewers, "Influence of the Fur Trade," 17.

¹¹¹Sheldon, Land Systems and Land Policies, 5.

¹¹²Fletcher and La Flesche, The Omaha Tribe, 269.

¹¹³D'Arcy McNickle, "Indian and European: Indian-White Relations from Discovery to 1887," in Annals of the American Academy of Political and Social Science, vol. 311 (Philadelphia: The American Academy of Political and Social Science, 1957), 6-7.

¹¹⁴Sheldon, Land Systems and Land Policies, 14-15. Charles C. Royce, comp., Indian Land Cessions in the United States, Eighteenth Annual Report of the Bureau of American Ethnology, Part 2 (Washington, D.C.: Government Printing Office, 1899), 527-28. Johnson and Graham's Lessee v. McIntosh, 8 Wheaton, United States Reports, 543 (1923). See Royce's Indian Land Cessions, 528-33, for a thorough discussion of this precedent-setting Supreme Court decision.

¹¹⁵Royce, Indian Land Cessions, 16-17.

¹¹⁶Royce, Indian Land Cessions, 536. In his study of the western Sioux, Richard White argues convincingly that the Plains Indians did not range "accidentally" over the land. Although individuals may not have possessed private property, tribes recognized and enforced territoriality, Despite their fluidity, tribal boundaries did exist, and inter-tribal wars were frequently fought over rights to game and other natural resources. The politically astute Sioux declared that they held their lands in the same way Americans did—by "right of conquest." "Winning of the West," 341.

¹¹⁷Smith, Omaha Indians, 73-74.

¹¹⁸Charles J. Kappler, comp. and ed., Indian Affairs: Laws and Treaties, vol. 2 (Washington, D.C.: Government Printing Office, 1904), 115.

¹¹⁹Kappler, Indian Laws and Treaties, 115.

¹²⁰Kappler, Indian Laws and Treaties, 115. Fletcher and La Flesche, The Omaha Tribe, 622. Smith, Omaha Indians, 75.

¹²¹American State Papers, Indian Affairs, vol. 2, 226.

¹²²O'Shea and Ludwickson, Big Village, 38. Smith, Omaha Indians, 80-81.

¹²³Kappler, Indian Laws and Treaties, 260-62.

¹²⁴Kappler, Indian Laws and Treaties, 261-62.

¹²⁵Kappler, Indian Laws and Treaties, 261.

¹²⁶James, Account of an Expedition, 258, 260.

CHAPTER TWO

MAKING WAY FOR WHITES: TREATIES AND TROUBLES, 1830-1853

I am like a large prairie wolf, running about over these barren prairies, in search of something to eat, with his head up, anxiously listening to hear some of his fellows howl, that he may dart off towards them, hoping to find a friend who has a bone to divide.¹

Omaha Chief Big Elk, 1835

Big Elk's predicted "flood" soon began to engulf his people, as the government moved eastern Indians onto traditional Omaha hunting grounds and whites discovered that the "Great American Desert" could be farmed profitably. Between 1830 and 1853, the Omahas signed two official treaties and several agreements that were never ratified, received cash for land for the first time, and joined the ranks of annuity Indians. The tribe also witnessed the further destruction of the great buffalo herds as white hunting parties slaughtered the precious animals by the thousands. The Sioux conducted relentless raids, time and again forcing the Omahas from their homes. Alcohol, supplied by unscrupulous whites, continued to be a serious problem, and traders pounced on Omaha annuities and attempted to manipulate treaties to their benefit. The Omahas were no match for the new spirit of Manifest Destiny. Like the Otoes, Missourians and Pawnees, they had the misfortune to be "border tribes" blocking western migration, and as such, they became victims of political infighting over territories and lucrative railway routes to the Pacific. Despite the humanitarian efforts of a few agents and other Indian Department officials, the Omahas continued to suffer, and in late 1853 were poised to sign an historic treaty that

would drastically reduce their land base and confine them to a reservation much too close to the Sioux.

On July 15, 1830, at Prairie du Chien in Michigan Territory, the Omahas made their first permanent cession of land to the United States government, when, along with the Sauks and Foxes, Sioux bands, and the Iowa, Otoe and Missouri tribes, they ceded hunting grounds east of the Missouri River, in present-day Iowa.² The government's primary motive for arranging a treaty at this particular time was to prevent bloodshed among the Indians. Misunderstandings over boundaries and land cessions in the 1825 Fort Atkinson Treaty had caused a great deal of dissension among the Iowa and Nebraska tribes. The Sauks and Foxes asserted that the treaty's terms awarded them lands east of the Missouri River which were already claimed by the Omahas and Otoes. On the other hand, the Omahas and other destitute bands accused the Sauks and Foxes of selling their hunting grounds and using their annuities to finance a war to take control of the disputed lands. Because there was little game left in their own territory, access to these lands remained crucial to Omaha survival. The Sauks, weary of waiting to be told where their tribal boundaries lay, stepped up the pressure, and a major Indian war seemed imminent.³

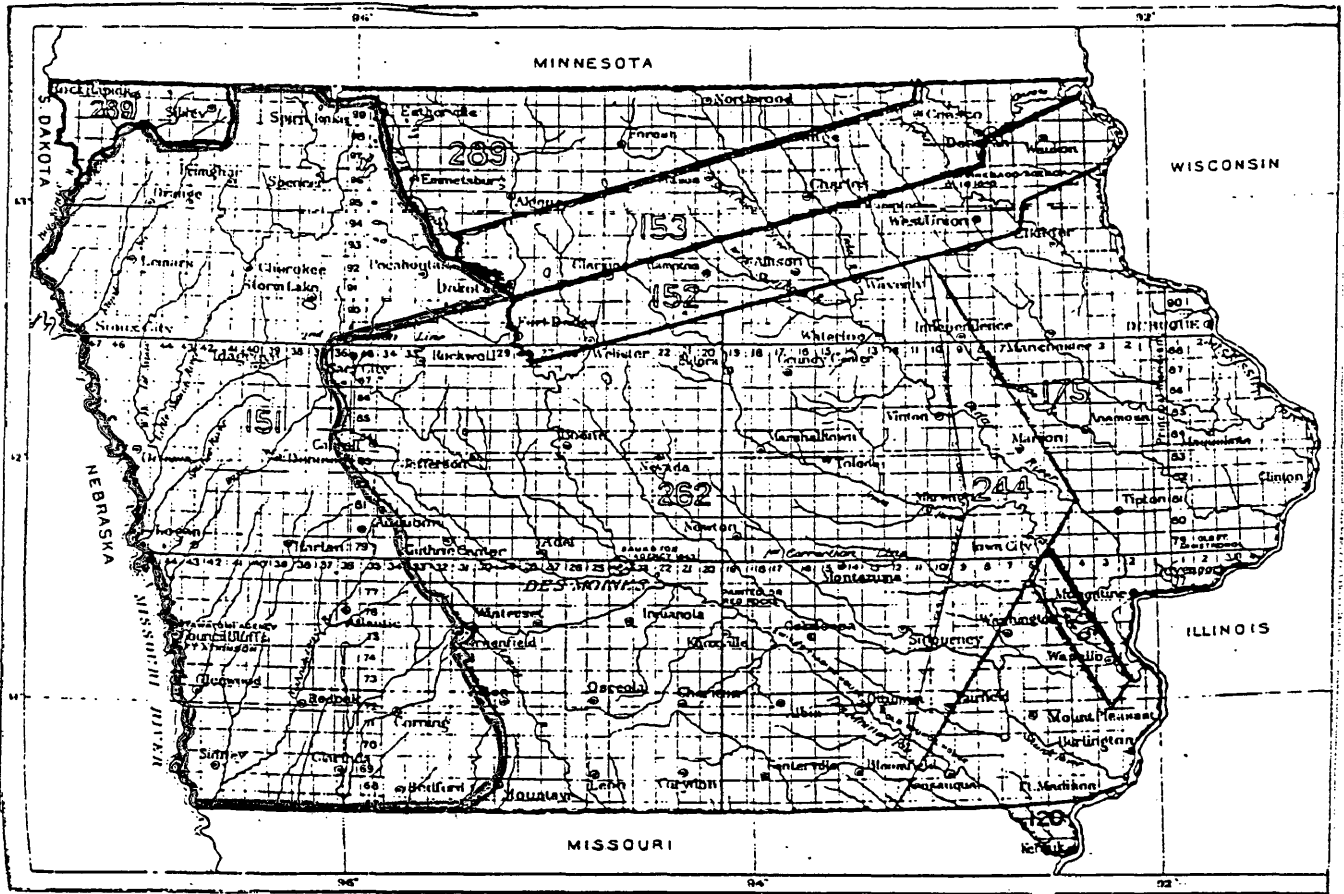
On February 1, 1830, Omaha agent John Dougherty informed the Secretary of War that the Yanktons, Omahas, Otoes and Iowas desired a treaty to guarantee peace with the Sauks and Foxes. The tribes proposed that the government buy the disputed land and reserve it as a common hunting ground. Accordingly, President Andrew Jackson ordered a conference at Prairie du Chien, and as an incentive to the Indians, made \$3,000 in goods available if and when they reached an agreement.⁴

The job of securing delegations from all involved tribes fell to Indian Superintendent William Clark and Colonel Willoughby Morgan, commander at Fort Crawford. Even after raising the value of gifts to \$5,000, it took over two months to assemble the tribal representatives. Clark threatened Sauk and Fox chief Keokuk with

bodily harm if he refused to attend the council, and the Omahas' fear of the fierce Iowa tribes forced Agent Dougherty to consider sending his charges to Michigan Territory by a more circuitous route.⁵ On July 10, after their safe arrival, the tribal representatives signed an informal treaty of peace, and five days later, the delegates, including Omahas Big Elk, White Horse and White Cow, put their names to a formal document ceding their western Iowa lands (Appendix IV).⁶ This treaty marked the Omahas' first payment for lands, and began their troubled history as annuity recipients.

The Prairie du Chien Treaty's opening lines clearly state its two purposes—to remove the bases for friction among the tribes, and, in light of the disappearing buffalo herds, to encourage ways of subsistence other than the hunt.⁷ By the provisions of Article One, the Omahas relinquished all rights to land east of the Missouri River (Maps 4 and 5), a government admission that they previously held title to the land by virtue of it being their long-used hunting grounds. The first article included an ambiguous and later troublesome passage stating that the ceded lands were to be assigned and allotted to the tribes "now living thereon, *or* to such other Tribes as the President may locate thereon, for hunting and other purposes."⁸

In return for their lands, the Omahas were to receive \$2,500 "annually for ten successive years . . . either in money, merchandise, or domestic animals, at their option." In addition, the government pledged the services of a blacksmith for ten years and \$500 worth of agricultural implements. Articles Five and Eight offered further incentives; for ten years, the Omahas would receive a \$3,000 annuity for their children's education, and at Prairie du Chien, they shared in \$5,132 worth of merchandise.⁹ At the Indians' request, the treaty also established a reservation between the Grand and Little Nemaha rivers in present-day southeastern Nebraska for Omaha, Iowa, Otoe, Yankton and Santee Sioux mixed-bloods. Since these "Half-Breed Tract" lands had originally belonged to the Otoes, the other tribes agreed to pay them \$3,000 over ten years, from their collective annuities.¹⁰



Land in the Future State of Iowa Ceded in the 1830 Prairie Du Chien Treaty
Map 4

Charles C. Royce, comp., Indian Land Cessions in the United States,
Eighteenth Annual Report of the Bureau of American Ethnology, Part 2
(Washington, D. C. : Government Printing Office, 1899), Plate CXXXI.

It is obvious that the Omahas were confused by the strange wording of the treaty's first article, since they continued to hunt on the ceded lands.¹¹ In 1837, without prior notice, the government moved the Prairie Band of Pottawatamies plus small bands of Chippewas and Ottawas onto a reservation in what is now southwestern Iowa. Almost 3,000 "eastern" Indians were now located almost directly across the Missouri River from the Bellevue Agency, cutting the Omahas off from their western Iowa hunting grounds, which they understood were still theirs to use.¹²

Both John Dougherty and Pottawatami Agent Edwin James recognized the unfairness of the government's actions, and Dougherty presented the Omahas' case in Washington that fall. When Indian Commissioner Carey A. Harris requested information on the Iowa lands, Dougherty responded with an angry letter protesting the government's move and citing problems with the 1830 treaty. Dougherty understood that the sole reasons for the treaty were to promote peace and more clearly define the blurred tribal boundaries that had been a frequent source of dissention. The agent argued that neither he nor the Indians believed they were surrendering all rights and title to those lands for "the paltry consideration of Five Thousand dollars annually for Ten Years!!" Dougherty, who had been the Omahas' interpreter as well as their agent at Prairie du Chien, stated that the Pottawatamies were merely *joint* owners of the western Iowa lands, and both the treaty commissioners and the Omahas believed that hunting rights would remain forever. The irate agent's argument hinged on a single word in Article One. As stated, the treaty made it possible for the president to locate certain tribes on the ceded lands to the exclusion of the Omahas. Dougherty pointed out that the inadvertent substitution of the word "or" for "and" completely changed both the meaning and intent of the treaty, and that the president was never meant to have the powers falsely granted him by Article One. Warning that the Omahas would be in a desperate condition without either access to the hunting grounds or

liberal compensation, Dougherty urged Harris to send provisions enough to tide them over until they could learn agriculture.¹³

Early in 1838, in response to Dougherty's plea for help, Commissioner Harris sent the agent a draft copy of a treaty by which the Omahas would relinquish any remaining interest in the Iowa lands in return for a cash payment of \$15,000. The Omahas signed the treaty on April 22, but the Senate refused to ratify it, leaving the unfortunate tribe with no Iowa hunting grounds and little money to buy much-needed food.¹⁴

The lands ceded by the Indians in 1830 included a parcel west of the original Missouri state boundary running north from the juncture of the Kansas and Missouri rivers, and the ink was barely dry on the Prairie du Chien Treaty when it came under fire from citizens of western Missouri who objected to Indian hunting grounds blocking their access to the Missouri River and preventing white settlement in the area. Missourians' desire for this land was understandable; the area in question, known as the "Little Platte Region," is that part of present northwest Missouri "watered by the Little Platte and Nodaway rivers, one of the world's richest bodies of brown loess soil . . . and according to Indian legend, the 'beginning of the road to Paradise.'" Originally omitted from Missouri due to a desire for neat boundary lines and the lack of initial white demand for these lands, the Little Platte region was now coveted by settlers along the Missouri border.¹⁵ Land-hungry Missourians claimed that the state line had been incorrectly marked, and they gave several reasons why the Little Platte region should be incorporated into the State of Missouri: 1) it would create the natural boundary of the Missouri River as a more likely way to separate the races; 2) Indians held no land title; 3) the country was unsuitable for Indians in that the area was too small for any tribe, and no doubt more important to Missourians, Indians in the Little Platte region would be "troublesome neighbors"; 4) the land would bring a good price; and 5) it would help protect settlements from Indian attacks.

A memorial to Congress, signed by over 150 concerned citizens, asked, "Shall so beautiful and fertile a country remain a wilderness?"¹⁶

The Missouri state legislature quickly joined private citizens in pleading the state's case for annexation of this desirable area. Lawmakers warned of future "calamities" due to the "restless hordes of native savages," and pictured the area as one that would be valuable to a "cultured population." Taking a sarcastic tone, the legislature reminded Congress that the government must have been aware of the "wretched condition" of the border tribes, since Indian agents constantly called it to the public's attention, and if the tribes really were that destitute, it did not bode well for white Missourians. Claiming that starving Indians would steal to eat, the memorialists continued, "If the Indian tribes alone were to suffer . . . we should leave them in their misery to the wisdom and humanity of Congress. But we, too, are involved in the evils of their lot."¹⁷

In 1835 and 1836, Missouri Senator L. F. Linn conducted an extensive correspondence with Indian commissioners and agents to drum up support for his state's annexation campaign. His correspondents all seemed to agree, especially on two points: 1) the land was an inappropriate spot for Indians; and 2) Missouri needed access to the river. In a May 1835 letter to Secretary of War Lewis Cass, Linn stated his feelings on the matter:

The humane policy pursued by the Government . . . has accumulated horde upon horde upon our borders, ready and willing at a favorable moment to rush upon our frontier settlements; the inconvenience of their presence is sufficiently great without throwing them between us and our great navigable waters.¹⁸

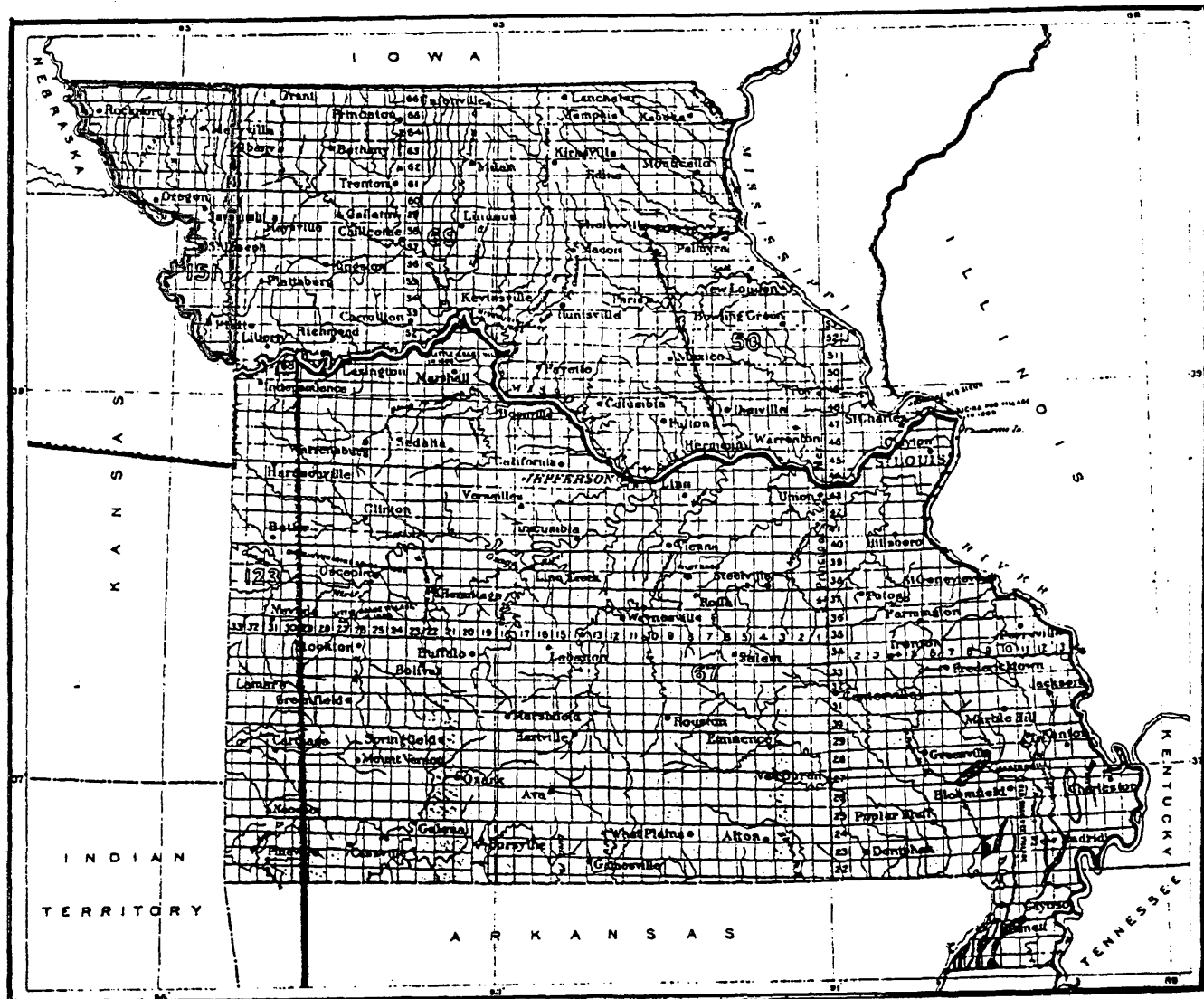
Linn and his fellow legislators knew the Indians who signed the 1830 treaty were willing to sell their lands, and in their eagerness to acquire treaties, the Missouri congressmen offered to conduct the negotiations themselves, at no charge. When confronted with the terms of the 1834 Indian Intercourse Act,¹⁹ they assured Secretary Cass that they understood the government's promise not to disturb the Indians, and were in

favor of the policy—except in the case of Missouri's border. Their concern seemed to be that unless the state owned the land, they would have no guarantee that the Little Platte region would not be permanently turned over to Indians.²⁰

Missouri had its way. In its report to the Senate on March 16, 1836, the Committee on Indian Affairs agreed that Indian title to the Little Platte lands should be extinguished as soon as possible, but did not think it necessary to appoint a treaty commission. Instead, they believed it would be cheaper and more efficient to have Indian agents who were already in the field conduct the negotiations.²¹ But Congress was impatient; in June 1836, months before the treaty negotiations took place, it approved a bill to extend Missouri's border.²²

On October 15, 1836, at Bellevue, Upper Missouri, Indian agent John Dougherty, sub-agent Joshua Pilcher, and tribal leaders of the Omahas, Otoes, Missouriias, Yankton and Santee Sioux consummated the treaty often referred to as the "Platte Purchase" (Appendix V). According to Article One, the Indians agreed to relinquish all claims between the State of Missouri and the Missouri River (Map 5), thus creating "a natural boundary between the whites and Indians. . . ." In addition, as compensation for abandoning their fall hunts to attend the treaty negotiations, each tribe shared in \$4,520 worth of "presents." Article Three of the brief treaty immediately affected the Omahas. Since they were forced to relocate near Bellevue because of the Sioux threat, the government promised to break and fence 100 acres of farmland near the new Omaha village "as soon as it can be done after the ratification of this convention."²³

The Platte Purchase was a bargain for the government. The Indians received no cash, and no future annuities were promised. In return for this "beautiful . . . valuable" tract, the tribes received nothing but the trade goods distributed at the treaty signing. In his diary, Reverend Moses Merrill, missionary to the Otoes, thanked the Lord for making agents Pilcher and Dougherty so generous.²⁴ Obviously, Merrill knew nothing about



The Platte Purchase
Map 5

Charles C. Royce, comp., Indian Land Cessions in the United States,
Eighteenth Annual Report of the Bureau of American Ethnology, Part 2
(Washington, D. C. : Government Printing Office, 1899), Plate CXLIV.

potential land values. Traders, often lurking at the fringes of Indian policy, meddled with the treaty; among original provisions excluded from the ratified document was one to repay Omaha debts to traders Joseph Robidoux, Sr. and Lucien Fontenelle.²⁵ And late in 1845, the government still had not plowed and fenced the 100 acres near Bellevue that had been promised to the Omahas nine years earlier.²⁶

Not since the smallpox epidemic at the turn of the century had the Omahas been as dispirited and destitute as they became in the years following the Bellevue Treaty. During the late 1830s and throughout the next decade, the Omaha people were raided by Sioux, victimized by traders, and ignored by the government. White emigrants cut a destructive swath through Omaha lands, and for two years, Latter-Day Saints illegally squatted in Indian country, defying the government and destroying Omaha resources. After 1840, left without annuities and often too frightened of the Sioux to venture onto the prairie in search of game, the little band barely managed to survive. Their numbers dwindled in the 1840s: in 1838, there were approximately 1,400 Omahas, and five years later, Agent Daniel Miller's census counted 1,301. By 1847, this once "considerable tribe" numbered just over 1,000, many of them children.²⁷ Concerned Indian agents, superintendents, commissioners and even Mormon sympathizers begged the government to help the struggling tribe, but the "Great Father" either did not hear, or chose not to listen.

It was evident as early as 1830 that the Omahas were in trouble. Liquor kept them in poverty, the Sioux threat made a permanent home impossible, and any half-hearted government attempts to turn them into farmers failed miserably. The supply of game had run so low that the Omahas "starve[d] almost half the year—and [were] very badly clad."²⁸ In 1831, Agent John Dougherty, who perhaps did not appreciate their dedication to the hunt, saw the Omahas' future as one of limited choices: they must either "cultivate the Soil or perish by hunger."²⁹ Despite these problems, Omaha leaders appeared willing to cooperate with the government. In 1833, just a few weeks before he presided over an

informal treaty of peace among the border tribes, Special Commissioner Henry L. Ellsworth forwarded a plea for help from the Omaha tribe. While expressing their desire to till the soil and educate their children, they reminded the president that they were starving and needed assistance. Describing their band as once "numerous and happy," Big Elk and the other leaders begged, "Will not our great father help us . . . that we may once more have enough to eat, and our women and children not starve and die when the cold weather comes?"³⁰

When the Prairie du Chien treaty annuities expired in 1841, the Omahas were once more forced to depend on hunting profits, but they were "so reduced in number, and so poor in horses, that their hunting trips [were] attended with but little success."³¹ With small hunting profits and no annuity extension, the Omahas were soon destitute.³² During the winter of 1843-44, they needed food so badly that they crossed the river and stole corn, cattle, and pigs from the Pottawatamies. Big Elk promised to make restitution, but Pottawatami Agent Richard Elliott had little sympathy for the starving Omahas, calling them "too lazy to work and too cowardly to hunt."³³

In 1845, Agent J. L. Bean described the Omahas as a people with "no resting place," situated as they were between the Sioux and the Pawnees. That summer the Sioux had burned the Omaha village at Blackbird Hills, forcing the tribe to flee down river to the Bellevue Agency. After their arrival, they lived on "roots, the wild pea, with now and then a stray raccoon or muskrat." Almost completely unarmed, they were terrified to leave the agency to look for larger game. The Pottawatamies shared their provisions, but finally had to tell the Omahas not to come back, because their own supplies were running low. Bean was convinced that had it not been for the hoes and axes that their blacksmith made to help them dig roots, many Omahas would have died. He feared for the Indians—"how they are going to get through the Spring months the Lord only knows."³⁴ In response to Bean's urgent request for help, Superintendent Thomas Harvey asked Indian Commissioner

William Medill to authorize the purchase of \$600-\$800 worth of corn to see the band through its crisis.³⁵

The corn arrived, but the Omahas remained "a poor dispirited people."³⁶ By 1846, the band had shrunk to "a pitiable handful of scarcely more than a hundred families," and at least one observer believed they would shortly disappear.³⁷ Mormon advocate Thomas Kane accused the government of not sending the Omahas "a single sheep or a single soldier to stand in the way of their death by murderers or starvation."³⁸ In 1849, Father Pierre-Jean De Smet, Jesuit missionary and keen observer of American Indians, painted a grim portrait of the Omahas. According to De Smet, the tribe was in "a state of nearly absolute destitution," hunting birds, digging roots, and always wary of more powerful enemies who often killed the old, the women, and the children.³⁹ But perhaps Presbyterian missionary Edward McKinney best summed up the 1840s when he reported that the Omahas' "entire destitution . . . [left] them almost always both naked and hungry."⁴⁰

Many of the Omahas' problems in the 1830s and 1840s were either the direct or indirect results of white contact, and in most cases, "whites" meant traders. Whether bartering for furs or annuity money, traders adversely affected Indian economy, society and government. John Dougherty was especially vocal regarding traders' influence, which he believed counteracted government efforts to improve the Indians' condition. The conscientious agent became frustrated because he saw himself and the traders constantly pitted against each other: "While the agent is advising the Indians to give up the chase and settle themselves . . . the traders are urging them on in search of skins."⁴¹ In 1838, he became so angry that he recommended a change in the intercourse law to allow a government officer to clear an Indian village of white men, including licensed traders.⁴²

In the 1840s, traders who formerly had gone to the Indians to barter for furs now traded goods for annuity money. Indians derived little benefit from annuities since many owed traders money, and their creditors hovered about the posts ready to snap up the cash

when it arrived. Commissioner T. Hartley Crawford knew exactly what transpired, and he argued that "the recipients of money are rarely more than conduit pipes to convey it into the pockets of their traders."⁴³ Also, annuity payments made to chiefs and head men created a powerful temptation for them to misuse tribal funds by purchasing items on credit. As a result, individual debts became tribal ones, and in some cases, the government had to make annuity payments directly to traders.⁴⁴ Even former traders took a lively interest in Omaha annuities; for example, before the payments ended in 1841, Joshua Pilcher, ex-trader and now Superintendent of Indian Affairs, suggested that the government buy some Omaha land, the profits from which would help the tribe. From past experience, Pilcher knew that a continuation of annuities from land sales would be a boon to traders. Pilcher's successor, David D. Mitchell, himself a former trader, repeated the land purchase recommendation the following year.⁴⁵

Many traders had friends in high places, and did not hesitate to use their political influence to remove "over-zealous" agents from their posts. In 1847, Commissioner Medill received a tip that the "most active representatives of the Indian Traders" threatened to pull political strings to prevent crusading St. Louis Superintendent Thomas Harvey from prosecuting fur companies for "fraud and liquor smuggling." The biggest problems were the large trading companies such as Pierre Choteau, Jr., and Company and W. G. and G. W. Ewing, who took advantage of Indians to acquire their annuities. These companies were nearly impossible to prosecute, since they bribed agents, traded through "front-men," and had United States congressmen in their pockets.⁴⁶ The American Fur Company had powerful representation in Congress in the person of Missouri Senator Thomas Hart Benton, who helped install former traders Joshua Pilcher and D. D. Mitchell as Missouri River Indian Service employees.⁴⁷

Indian agents did sometimes attempt to police traders. In 1850, Omaha Sub-agent John E. Barrow, on hearing that the Indian Department planned to grant additional trading

licenses, asked Commissioner Luke Lea to refer applicants to him, since he knew the types of people who were waiting across the river to come into Indian country. Calling western Iowa a den of "thieves, counterfeiters, robbers, and liquor dealers to Indians," he assured the commissioner that "no place in America [was] inhabited by a more unmitigated set of villains than in the country immediate[ly] opposite called Council Bluffs."⁴⁸ But screening applicants did not work in practice. Nearly anyone could obtain a license, and those who could not, traded illegally. With no enforcement arm, the Indian department could do little to prevent such abuses.⁴⁹

Of all the white man's vices carried into Indian country by traders, alcohol abuse was by far the most pervasive and destructive. Unscrupulous traders may have cheated the Omahas of their annuity payments, but liquor robbed them of their dignity and destroyed the vitality of their traditional culture. The easy availability of illegal whiskey curtailed hunts, turned formerly honest Omahas into thieves, and forced the people deeper into poverty. Competing traders plied hunters and chiefs with liquor, circumventing the law by claiming to *give* whiskey away. Soon no transaction between Indians and traders took place without alcohol playing a role, and many tribesmen became so addicted to whiskey that anyone attempting to trade without it came away empty-handed.⁵⁰ By the early 1830s, alcohol abuse had become so widespread that "not an Indian could be found among a thousand who would not (after a first drink) sell his horse, his gun, or his last blanket, for another. . . ." ⁵¹

Despite the 1834 intercourse laws, whites continued to contact Indians, and in the 1830s and 1840s, the Indian office received numerous complaints about the importation of liquor onto Indian lands along the Missouri River. In 1841, Superintendent Mitchell reported that 300 barrels of whiskey had been smuggled in, and that well over 100 Indians had died in drunken brawls. Besides the loss of life, alcohol abuse led to civil wars resulting in tribal breakups, and caused hunters to stay home, leaving their families to

starve.⁵² In an 1831 letter to John Dougherty, Upper Missouri Sub-agent J. L. Bean lamented that "liquor flows as freely as the Missouri. . . . If it was possible to imagine half the human misery I have witnessed . . . you would use utmost influence in having it stopped."⁵³

But the liquor continued to flow, and the government had little success in stemming the tide, as both large and small trading companies smuggled alcohol into Indian country. When the government put a stop to their upriver liquor shipments, the American Fur Company, fearing a loss of business, smuggled in a still and made its own whiskey, some of which found its way into the Omaha camp. In late 1831, Joshua Pilcher reported having seen Big Elk leave an American Fur Company post with an eight-gallon keg.⁵⁴ Of the small traders, the most difficult to control were the liquor-sellers who persuaded Indians to cross state lines to trade where they were not subject to the intercourse laws. Agent John Miller argued that whiskey purchased from these Iowa and Missouri dealers impeded the tribe's prosperity and turned them into horse thieves. When the Indians traded their own ponies for liquor, they then stole at least an equal number from whites.⁵⁵ In just one year, the Omahas traded thirty horses for liquor, and were cheated in the deal, a pony bringing only two to four gallons of watered whiskey. During winter, Miller's charges crossed the frozen Missouri River to barter with Pottawatami mixed-bloods who got their trading whiskey from whites living near the Missouri line. When lectured about the evils of drinking, the Omahas replied simply, "The white man makes it and sells it to us."⁵⁶ ✓

Medal-giving continued well into the nineteenth century, perpetuating trader influence and eroding the power of traditional chiefs. Throughout his long career, the usually pro-white Big Elk complained of trader interference with his leadership. When Major Thomas Biddle visited the Omaha camp in 1819, the chief told him that it was difficult to govern his people when traders gave medals and "[made] chiefs of every man

who [could] obtain a party to trap beaver." Biddle regretted that traders' meddling and alcohol had cost the government the services of a "valuable and sensible Indian" possessing "some traits that do honor to human nature. . . ."57

Big Elk continued his campaign against trader influence. Twenty-five years after his conversation with Biddle, in the winter of 1844, the aging chief complained to his agent that trader A. L. Papin had given medals to several of his young men, who now considered themselves his superiors. Big Elk confided that one of these young competitors had even threatened his life, and predicted that "before the grass was an inch long" he would be a dead man unless the medal-giving stopped. Although he also had a medal, the chief swore that when he received his, he was told to be kind to everyone. Feeling like "an old scabby Buffalo Bull who had got separated from his band on the Prairies," the old man covered his head with his robe and lay down, thinking "his Great Father had thrown him away." When confronted by Miller, Papin told the agent that thousands of medals had been given to Indians, and that in a young man's mind, a fifty-cent pewter medal was as valuable as a horse.⁵⁸

Big Elk probably had reason to fear for his life. On December 6, 1847, American Hat, an Omaha chief friendly to whites, was murdered by three young tribesmen. Earlier on the night he was killed, the chief told Agent John Miller about death threats he had received because he cooperated with the government. Realizing that they were a strong civilizing influence on the tribe, Miller urged the government to protect the older chiefs.⁵⁹

The Omahas had their first brush with Manifest Destiny in the 1840s as emigrants began to surge west in search of Oregon, California, and Great Basin lands. While traveling through Indian country, future settlers showed little respect for the land or for natural resources, as they "fouled the water, used up the wood, ruined pastures, and drove off game animals."⁶⁰ White hunters accompanying emigrant trains "wantonly killed the buffalo," sometimes keeping only the tongues. While admitting that Indians also killed

large numbers of buffalo, Superintendent Harvey warned that "all experience proves that game rapidly disappears before the fire-arms of the white. . . . He kills for the sake of killing."⁶¹ The destruction of game became an economic and demographic disaster for the Omahas whose lands included a section of the heavily-traveled Oregon and Mormon trails. Now the Omahas' increasingly far-ranging hunts often took them into Sioux territory where their lives were constantly at risk.⁶²

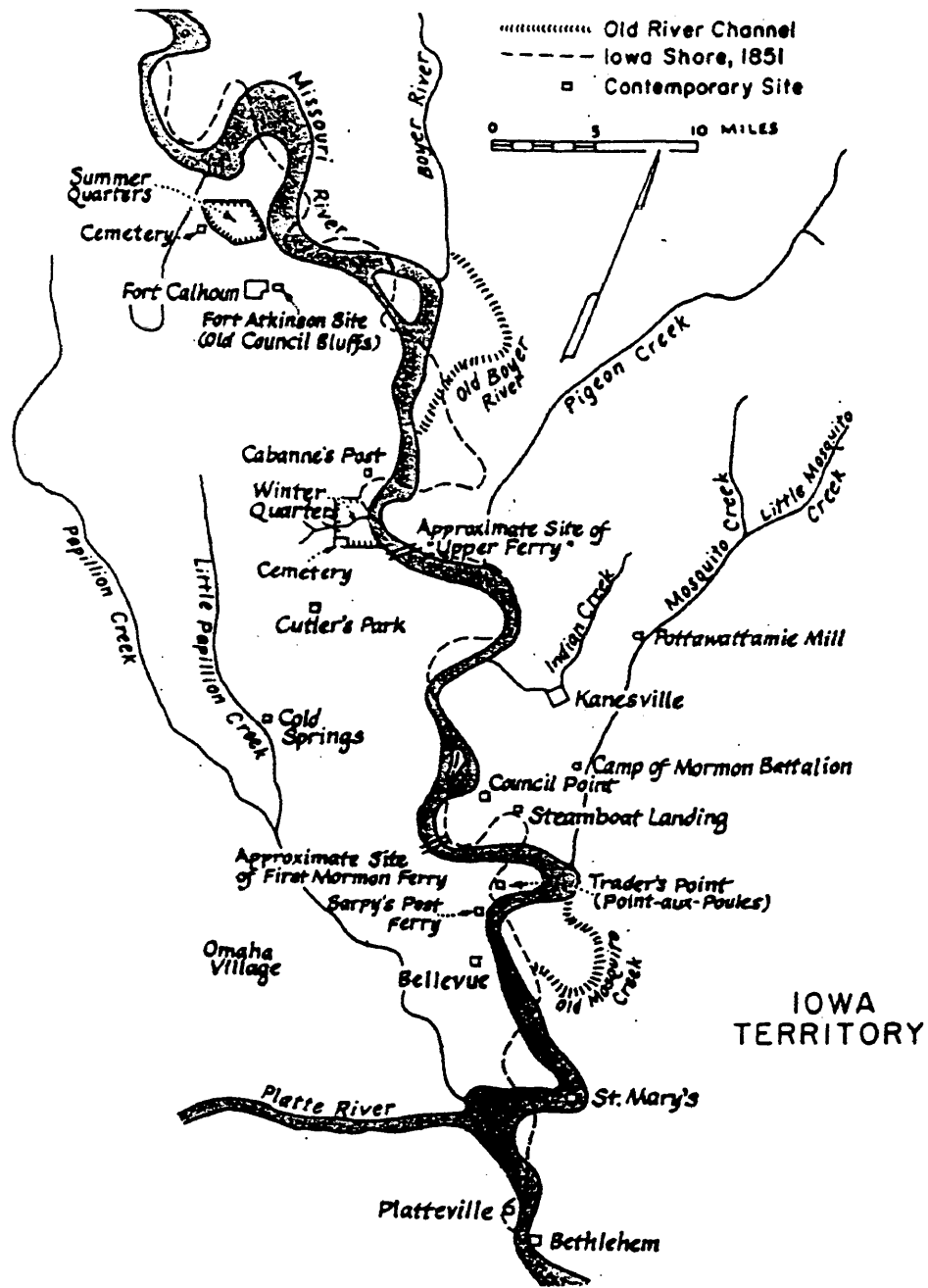
Reporting that emigrant traffic had "excited the anxiety of several of the western tribes" who regarded whites passing through their lands as a violation of their treaties, Harvey feared that settlers and their livestock would become targets of hungry Indians who blamed whites for their troubles.⁶³ With this in mind, Indian department officials offered their own solutions to the problem. Thomas Harvey suggested locating the hunting tribes on acreage south of the Missouri River which could be purchased from the Omahas, at a low price.⁶⁴ D. D. Mitchell, Harvey's successor, offered an alternative to farming by supplying the Indians with cattle and sheep and turning them into herdsmen—"the Tartars of America."⁶⁵ But by 1853, Indian Commissioner George W. Manypenny thought it in the best interests of both races that the border tribes be "placed out of the paths of emigrants. . . ."⁶⁶

The Otoes, Pawnees, and Omahas "suffer[ed] and [felt] the effects of this vast emigration more than all the other tribes together; . . ." and in his 1850 report, Council Bluffs Sub-agent John E. Barrow warned Superintendent Mitchell that unless westbound emigrants stopped trampling the Omahas' fields, villages, and hunting grounds, there were Omahas who would commit acts of atrocity.⁶⁷ Barrow had correctly sensed the Omahas' mood, for in the spring of 1851, tribal leaders visited F. J. Wheeling of Council Bluffs, a friend of the Indians, to complain about emigrant problems. The Omahas intimated to Wheeling that along with the other border tribes, they intended to stop the cross-country travel that was "starving them and their children." Wheeling urged the Omahas not to add to

their problems by going to war, and suggested instead that they visit the president. Early in 1852, he and J. E. Johnson, also of Council Bluffs, escorted an Omaha delegation to the nation's capital. Years later, the two good Samaritans still had not been reimbursed for their expenses.⁶⁸

Most of the westbound emigrants simply passed through Omaha lands, but one group stayed. In mid-summer, 1846, several thousand Latter-Day Saints (Mormons), fleeing persecution in Nauvoo, Illinois and bound for Salt Lake City, descended on western Iowa. When a military emissary from President James K. Polk contacted the group, requesting 500 volunteers for the Mexican War, Mormon leader Brigham Young made a private agreement with the army to provide a battalion in exchange for the right to winter on Indian lands. Neither Young nor his army contact had the authority to make such a deal, but later, in council with Big Elk and his band, Young gave the Omahas the impression that the Mormons had government permission to stay.⁶⁹ Knowing they were illegally on Indian lands,⁷⁰ the Mormon leaders appealed to Superintendent Harvey to let them stay until all the Saints had safely gone west. Harvey refused, stating that they had no government permission to remain. The Mormons presented a problem for the Indian Office: to remove them could cause a bloody conflict; to allow them to stay would harm the Omahas.⁷¹

Although they had obtained permission to remain for a time in Iowa, most of the Mormons crossed the river to Winter Quarters, on land claimed jointly by the Omahas and Otoes (Map 6). Both tribes wanted to negotiate with the emigrants, who were well-armed and could hopefully protect them from the Sioux, but it was the Omahas who signed a patently illegal treaty with Brigham Young's people in August 1846.⁷² Early on the morning of August 28, the Mormon High Council met with an Omaha delegation, including the aging Big Elk, his son Standing Elk, interpreter Logan Fontenelle, and seventy other chiefs and warriors. It was clear from the outset that each party knew exactly



Omahas and Mormons - Winter Quarters, 1846 -1848
Map 6

Richard E. Bennett, Mormons at the Missouri, 1846-1848: And Should We Die....."
(Norman: University of Oklahoma Press, 1987), 48.

what it wanted of the other. Besides asking permission to remain for two years and to use timber and grass, the Mormons hoped the Omahas would welcome them. For their part, the Omahas wanted protection from the Sioux, and were prepared to demand much in return for their cooperation.⁷³

As the council progressed, Young explained that his people needed a place to spend the winter until the Mormon Battalion returned, and in exchange for Omaha hospitality, he offered the services of gunsmiths and announced plans to set up a trading post which also would be illegally placed on Indian land.⁷⁴ After advising Young not to negotiate with the Otoes, Big Elk declared himself agreeable if his "Grandfather the President" approved. The chief offered warriors to help guard Mormon cattle, and asked the emigrants to please not kill all the game. To outmaneuver the Otoes, the wily old chief suggested that the Mormons settle on Omaha lands so he and his people could use their improvements after they left.⁷⁵ Big Elk agreed to sign "a writing," and on September 3, at the Omaha camp, the two parties signed an agreement allowing the Mormons to stay.⁷⁶

The Omahas and Mormons had a treaty, but they had no peace. Unsuccessful in recent hunts and unskilled as farmers, the desperate Omahas "either stole or starved."⁷⁷ The Mormons' cattle were handy, and rustling became an Omaha way of life, making a mockery of Big Elk's pledge of Indian cowhands. To protect their cattle, the Mormons camped in square formations and used dogs as early warning systems, but the thefts continued, and Young sent a delegation to the Omaha village to discuss the tense situation. When confronted, the chiefs freely admitted they knew about the rustling, and agreed to stop the depredations in return for \$200 worth of corn. However, the Omahas did not see themselves as stealing from the Mormons. The Indians viewed their relationship with the Saints as a reciprocal one, with food as payment for use of the land, and they further justified killing the Mormons' cattle by arguing that the Saints frightened the game and destroyed their precious timber supply.⁷⁸

It was inevitable that the approximately 4,000 Mormons at Winter Quarters would deplete the area's natural resources. They may have destroyed only small amounts of timber, but trees were so scarce that the extra lumbering proved disastrous for the Indians. In addition, the Mormons' expert marksmen killed much of the small game that the Omahas now depended upon.⁷⁹ By 1847, the Mormons had become "troublesome neighbors to the Indians," who were left with the choice of freezing to death or invading enemy territory to obtain wood.⁸⁰ Thomas Kane, the Mormons' gentile "lobbyist," presented their case in Washington, using as his argument the August 1846 "treaty," and pointing out that the Mormons protected the Omahas. In Kane's opinion, that protection was a fair exchange for timber and game. The Mormon apologist portrayed the Saints as the temporary "saviors" of the "pauper Omahas," even sharing their meager food supplies with the starving Indians.⁸¹ But Kane failed to mention the mutual distrust and the Mormons' broken promises. Big Elk remembered it all: "You can take our wood and it won't grow up tomorrow. . . . must not kill your Cattle but our game all scared away—You were here to protect us, but down comes the Sioux and murderers [sic] us. . . . You can't raise up our timber and can't raise up our dead men."⁸²

While the Mormons had Thomas Kane, the Omahas had Agent John Miller. A true friend of the Indians, Miller never failed to defend their interests, and in the two years of the "Mormon occupation," he and Brigham Young grew to hate each other. Miller was convinced that despite their insistence that they were moving on, the Mormons planned Winter Quarters as a continuous half-way house.⁸³ It appears from his reply to a letter from Brigham Young that the Mormons had asked Miller to move the Omahas south to join the Otoes. After refusing, the agent advised his adversary: "I will respectfully suggest . . . to you and your people, that the best services you can render the Omahas . . . will be . . . to leave."⁸⁴ In May 1848, the Mormons did leave, but not before Young cursed John Miller, saying "his bones should rot and his soul be damned."⁸⁵

The Omaha-Mormon controversy did not end when the Saints moved on to Utah. In May 1851, prospector, Nebraska booster, and self-proclaimed general Thomas Jefferson Sutherland wrote a letter to Indian Commissioner Luke Lea in which he accused Orson Hyde, editor of the Mormon newspaper, The Frontier Guardian, of encouraging Mormons and other emigrants to mistreat Indians. In an editorial, Hyde cautioned travelers not to "feed them [or] suffer them to come about their camps. . . ." and also urged Kanessville residents to whip any Omahas who crossed the Missouri River. These were strange and hypocritical words coming from a prominent member of a sect that only five years before had "crossed the river" and contributed mightily to the Omahas' destitution.⁸⁶

The 1840s were especially deadly years along the Missouri River. Omahas starved, froze to death, and were killed by the Sioux. Indian agents' reports were filled with accounts of Sioux depredations as the Dakota bands continued their merciless assault. Because they were never truly safe, the Omahas failed to become farmers as the government wished. The 100 acres near Bellevue remained unbroken in 1843, but the Omahas' agent believed it would be senseless to encourage the tribe to farm as long as the Sioux were on the attack.⁸⁷ The chiefs requested troops who never came, and not even the firepower of the Mormons could protect the band when the Sioux attacks intensified in 1847.⁸⁸

The testimony of traders, agents, and the Sioux themselves all point to a war of extermination against the Omahas. In 1844, a trader at Fort Vermilion informed the Council Bluffs sub-agent that he never heard the Sioux discuss attacking any tribe except the Omahas, and at a parlay with the Mormons after his people had killed thirty of the emigrants' cattle, Chief Eagle of the Sioux stated flatly that his tribe intended to kill Omahas, not whites. Like the Mormons, the Sioux placed the government in an awkward position; on the one hand, it was fairly obvious that they intended to wipe out the Omahas,

but on the other, an army campaign against them could lead to plains warfare and further danger to white emigrants.⁸⁹

For years, agents and superintendents campaigned for military garrisons to protect the Omahas, who had no guns or ammunition to protect themselves. Superintendent Mitchell believed forts were justified, and in 1844, Superintendent Harvey called for "an adequate military force." In response to Harvey's and Agent John Miller's requests for protection of the border tribes, in June 1848 the army established Fort Kearny, south of the Platte River. The Indians argued that a fort should not be located below the Platte, because the river was hard to ford, and crossing it would embarrass the soldiers. This location also seemed ridiculous to John Miller who wanted to see a fort above the Platte where the Sioux and the weaker tribes lived. He questioned Fort Kearney's purpose: "Protection for what? Not for the Indians." In April 1847, Harvey suggested establishing a garrison north of the Missouri River in Sioux country, and the following year, Miller proposed forts at Grand Island, Pawnee Village, and at the Mormon camp on the Missouri River, which would be available when the Latter-Day Saints continued on to Utah.⁹⁰

Perhaps the most ferocious Sioux attack of the 1840s occurred while the Omahas were being "protected" by the Mormons. On December 12, 1846, a large Yankton war party completely destroyed an Omaha village, killing seventy-three women and children while their husbands and fathers were hunting.⁹¹ According to a Mormon account, most of the victims had been shot while asleep, after which the attackers cut off their noses in a gesture of contempt.⁹² Agent John Miller sent Logan Fontenelle to investigate; on the way, the interpreter met the sixteen terrified survivors, nine of whom were badly hurt. Miller was distraught. He asked Superintendent Harvey, "Major, what will these poor Omahas do—will the government do nothing for them? If they go South, the Ioways are on them—if they go up the river, the Sioux are killing them off."⁹³ The government did nothing, and

the Omahas continued to be victimized by their enemies both at home and on hunts, until the mid-1860s.⁹⁴

While the Omahas struggled to survive, American Indian policy changed. Concentrating large numbers of Indians west of Missouri between the Red and Platte rivers interfered with white emigration, blocked a central railroad route, and did nothing to improve the Indians' condition. To clear a path for westward expansion, the Indian department formulated a policy to group Indians north and south of a corridor through which people and rails could pass.⁹⁵ The activities of Indian commissioners and superintendents in the 1840s actually preceded congressional agitation for an organized Nebraska Territory. Although the plan may have been considered for some time, the first published statement of the new policy to divide Indians into two colonies appeared in Commissioner T. Hartley Crawford's 1841 annual report. In presenting his plan, Crawford foresaw "a dense white population . . . interposed between the two settlements," and declared the scheme "an important point of national policy" that would benefit everyone.⁹⁶ Although the colony concept was still not concrete, treaties during the 1840s roughly followed north-south boundaries.⁹⁷

In the fall of 1848, realizing that they would not survive as they were, Superintendent Harvey presented his design to settle Indians with no farmland on a tract south of the Missouri River, to be purchased from the Omahas and Poncas.⁹⁸ However, Harvey's idea was never explored since almost simultaneously, bowing to pressure from territorial organizers, Commissioner William Medill unveiled a plan to clear a large western corridor. In order for the border tribes to survive, Medill urged moving smaller groups, including the Omahas, away from the main migration routes. Considering it "a measure of great humanity," the commissioner originally planned to relocate the Omahas among the Osages and Kansas to the south. The Omahas were "much attached to the whites," and considering their mild manner, Medill hoped to teach them white ways as an example to

other tribes. The commissioner was confident that the destitute Omahas would sell their land cheaply and would cost little to "civilize."⁹⁹

Medill's report naturally emphasized his plan's advantages to the Indians, arguing that separation from whites and confinement on small reservations would ensure their survival. But his plan was not strictly humanitarian, for the economy also had to be considered; grouping tribes would require fewer agents, meaning lower salary budgets. In addition, removing Indians played into the hands of expansionists such as Thomas Hart Benton of Missouri and Illinois' Stephen A. Douglas, who promoted a central rail route to the Pacific, and who knew that Congress would not back a railway through Indian territory.¹⁰⁰

In 1849, the new Indian commissioner, Orlando Brown, repeated Medill's suggestion that the Omahas be moved south, and his successor, Luke Lea, advocated the two-colony policy in language almost identical to Medill's. In 1851, Lea linked Indian policy to the Nebraska question:

The necessity for an appropriation to carry these measures speedily into effect is the more apparent . . . in view of the . . . demonstrations of the public feeling in favor of the early organization of a territorial government over the territory in which these Indians reside.¹⁰¹

In the late 1840s, pioneers crowded the Indian country's eastern border anxiously awaiting the natives' removal so they could take possession of their lands. But not everyone stayed east the Missouri River. Nebraska "boomer" T. J. Sutherland, who attempted to mount an exploring party to search for Nebraska gold in 1852, sang the praises of the Indian territory, calling it "the most splendid country in America, and insisted that "the Indians had no right to keep such fine lands."¹⁰² A year later, a group of Council Bluffs businessmen, including Dr. Enos Lowe and future congressman Bernhart Henn, formed a town company to encourage settlement in the proposed Nebraska Territory. As

early as June 1853, each of the company's partners had crossed the river to investigate sites for a future town.¹⁰³ Reports sent back by these first whites to infiltrate Indian country encouraged others to follow. Sadly, the government's "solemn guarantee" that this country would be Indian land "forever" meant nothing.¹⁰⁴

Soon lawmakers joined the clamor for white occupation of Indian lands, and no congressional voice was louder or clearer than that of Stephen A. Douglas. As a member of the House of Representatives in 1844, Douglas acted on the recommendation of Secretary of War William Wilkins and introduced a bill to organize the Territory of Nebraska.¹⁰⁵ In 1848, now-Senator Douglas, declaring that an Indian barrier "[had] become . . . ludicrous. . . .", presented a second Nebraska bill. In his proposal, the territory would stretch from forty to forty-three degrees north latitude and from the Missouri River to the Rocky Mountains. Though Douglas' bill was tabled, interest in Nebraska grew.¹⁰⁶ Missouri Representative Willard Hall introduced bills in both 1851 and 1852, suggesting that the lands west of the Missouri River be called the "Territory of the Platte."¹⁰⁷

The Nebraska question came to the fore in 1852-1853 when W. A. Richardson of Illinois, chairman of the House Committee on Territories, presented his Nebraska bill. In the ensuing debate, Volney E. Howard of Texas attacked Richardson's proposal, claiming that it was unfair to the Indians. Howard, not known for his pro-Indian views, may have had an ulterior motive, since Texans would have a better chance to capture a southern rail route if Indian country remained unorganized.¹⁰⁸ In reply to this and other criticisms, Richardson sprang to his bill's defense: "Five thousand settlers would do more to protect the lines of travel to Oregon, California, and New Mexico . . . than all the troops in your regular Army." An exasperated Congressman Hall added, "Everybody is talking about a Railroad to the Pacific Ocean. In the name of God, how is the railroad to be made if you will never let people live on the land through which the road passes?"¹⁰⁹

Expansionist lawmakers had help in their effort to organize the Indian country. In December 1849, the Missouri State Legislature asked Congress to make the Nebraska issue a reality, and in the summer of 1852, citizens of Parkville, Missouri composed a memorial to Congress in which they asked for "the immediate organization of the Territory of Nebraska," and demanded that Indians residing there be moved to assigned parcels of land so that their country could be quickly settled by whites. The Parkville petition was forwarded to Missouri Senator David Atchison who presented it to Congress without comment. According to Stephen Douglas, the petition from the Missouri town was just one of "piles" of memorials from westerners; "scarcely a day passes in which we do not receive more of them. . . ." ¹¹⁰ In western Iowa, Senators Augustus C. Dodge and George W. Jones held meetings on the Nebraska issue, and in October 1853, a Council Bluffs group supporting a provisional government for "Nebraska" met at Bellevue and elected Hadley D. Johnson as their delegate to Congress. A month earlier, Rev. Thomas Johnson of the Shawnee mission had been chosen to represent the southern part of "Nebraska" country—the Kansas area. The two Johnsons sat in the House for a short time, but were later removed. ¹¹¹

Because the country west of Missouri and Iowa had been permanently reserved for Indians and guaranteed to them in treaties, some congressmen objected to opening Nebraska to settlement. To placate these dissenters, the Richardson Bill was amended to provide that no whites could settle on Indian land as long as the Indians held title to it. Despite the amendment, the bill failed to pass in the Senate, but the 1853 Indian Appropriations Act included a rider authorizing \$50,000 to negotiate with the Indians west of Missouri for their lands and for their consent to a territorial government. ¹¹² President Franklin Pierce wasted no time complying with the provisions of the Indian Appropriation Act. During the winter of 1853-54, newly-appointed Indian Commissioner George W. Manypenny made a fact-finding visit to Indian country to explore it, to gather information

to be used in treaty negotiations, and to prepare the way for extinguishment of Indian land titles.¹¹³

None of the border tribes welcomed Manypenny. Alarmed and angry over illegal white incursions onto their lands, they had made plans to convene a great council in which the tribes would band together to drive out the white intruders. They had good reason to be angry, for several months before the commissioner's arrival, without permission from Congress or the Indians, Thomas Hart Benton had issued a printed statement claiming that much of Indian country was now open to whites. The former Missouri Senator even had an "official map of Nebraska" printed, allegedly at the request of Manypenny, who claimed he was unaware of its existence before he discovered a copy in the possession of "exploring parties." The commissioner promptly issued a press release denying any involvement in the map's publication and stating that no land in the proposed Nebraska Territory could be settled.¹¹⁴

But even after disassociating himself from Benton's scheme, Manypenny had difficulty calming the anxious Indians, most of whom initially resisted selling their lands. By the time the commissioner returned east, many of the tribes had reluctantly agreed to sell, but only on the condition that they remain on reservations on their former lands. Since this was not what the Indian office had in mind, and would, in Manypenny's opinion, retard Indian advancement, the government deferred actual treaty negotiations, hoping the Indians would see the benefits of relocating. Before departing, the commissioner made arrangements for Indian delegations to visit Washington the following spring to sell their lands.¹¹⁵

Manypenny's trip west was an eye-opener. He was disturbed to find that the border tribes' general condition had been misrepresented in agents' and superintendents' reports. The Indians were not as prosperous and "civilized" as he had been led to believe. Instead, he found most of them "indolent and intemperate, degraded and debased," leaving him

convinced that despite the best efforts of missionaries and the government, the plan to relocate Indians in a country of their own had been a failure. He believed that allowing small bands to wander large tracts at will had led to Indian degradation, and he had little confidence in their ability to reform without "a change of residence."¹¹⁶

Although Indian country had been steadily eroding since its establishment in the 1830s, the passage of the Kansas-Nebraska Act in 1854 effectively ended the "permanent Indian frontier."¹¹⁷ Father De Smet observed that "the aborigines [were] forced to sell and cede their lands, with the ashes of their ancestors . . . to make room for strangers. . . ."¹¹⁸ During 1853 and 1854, the Indian office engineered a series of treaties by which the border tribes ceded approximately 13,000,000 acres of land, and by 1854, what remained of the Missouri River tribes had either been relocated or assigned to "small portions of their former lands."¹¹⁹ In March 1854, the Omahas surrendered their Nebraska territory and found themselves bound for a reservation they were too frightened to accept. Once again, they became a wandering nation in search of a safe, permanent home. And their suffering at the hands of the government had just begun.

NOTES

¹U.S. Congress. House. Colonel Dodge's Journal, H. Doc. 181, 24th Cong., 1st sess., 1835, 6. [Ser.set 289]. [Unless otherwise stated, all Serial Set documents in this chapter are from the University of Nebraska at Omaha Microfiche Serial Set Collection].

²Alicè C. Fletcher and Francis La Flesche, The Omaha Tribe, Twenty-Seventh Annual Report of the Bureau of American Ethnology (Washington, D.C.: Government Printing Office, 1911), 622. Charles J. Kappler, comp. and ed., Indian Affairs: Laws and Treaties, vol. 2 (Washington D.C.: Government Printing Office, 1904), 305-310.

³Berlin B. Chapman, The Otoes and Missourias: A Study of Indian Removal and the Legal Aftermath (Stillwater, Oklahoma: Times Journal Publishing Company, 1965), 7-8.

⁴Chapman, Otoes and Missourias, 8-10.

⁵Extract of the Minutes of the Council held at Prairie du Chien, July 7 to 16, 1830, National Archives, Office of Indian Affairs, Treaty File, July 15, 1830, Box 3. Cited in Chapman, Otoes and Missourias, 10-11. U.S. Congress. Senate. Agent John Dougherty to Sub-agent J.L. Bean, May 14, 1830, Correspondence on the Emigration of Indians, vol. 2, S. Doc. 512, 23rd Cong., 1st sess., 1835, 93-94. [Ser. set 245].

⁶Chapman, Otoes and Missourias, 13. Kappler, Indian Laws and Treaties, vol. 2, 309.

⁷There was an additional, unstated reason for the treaty. Traders suffered as a result of Indian wars; warring Indians did not hunt, thus reducing traders' profits, and those who died in inter-tribal battles could not pay their debts. Chapman, Otoes and Missourias, 8.

⁸Kappler, Indian Laws and Treaties, vol. 2, 306.

⁹Kappler, Indian Laws and Treaties, vol. 2, 306-07. According to Fletcher and La Flesche, The Omaha Tribe, 622, the promised farm equipment and the blacksmith did not reach the Omahas until years later. This was the first of many instances of treaty promises being either ignored or delayed.

¹⁰Kappler, Indian Laws and Treaties, vol. 2, 307-08. Fletcher and La Flesche, The Omaha Tribe, 622, reported that all qualified Omaha mixed-bloods received their allotted lands; some lived on their lands, while others sold theirs and remained with the tribe. For more thorough discussions of the half-breed tract, see Berlin B. Chapman, "The Nemaha Half-Breed Reservation," Nebraska History 38 (March 1957): 1-24, and Robert L. Bohlken and C. James Keck, "An Experience in Territorial Social Compensation: Half Breed Tract, Nebraska Territory," Northwest Missouri State University Studies (February 1973): 3-12.

¹¹G. Hubert Smith, Omaha Indians: Ethnohistorical Report on the Omaha People (New York: Garland Publishing, Inc., 1974), 88.

¹²John M. O'Shea and John Ludwickson, Archaeology and Ethnohistory of the Omaha Indians: The Big Village Site (Lincoln: University of Nebraska Press, 1992), 45. Charles Henry Babbitt, Early Days at Council Bluffs (Washington, D.C.: Press of Byron S. Adams, 1916), 25-26, 30. In 1837, many of the Omahas were living temporarily at Big Village, north of Bellevue, but southwestern Iowa remained their most profitable hunting ground.

¹³O'Shea and Ludwickson, Big Village, 45-46. Dougherty to Carey A. Harris, December 6, 1837, Letters Received, Council Bluffs Agency [LRCBA], 1836-1843, National Archives [NA], Record Group 75, Microform M234, [RG 75, M234], Reel 215. The \$5,000 per year referred to in Dougherty's letter was the combined annuity payment of the Omahas, Otoes, and Missouriias. He was agent for all three tribes.

¹⁴Chapman, Otoes and Missouriias, 20-21. O'Shea and Ludwickson, Big Village, 46.

¹⁵Howard I. McKee, "The Platte Purchase," Missouri Historical Review 32 (January 1938): 129, 131-33.

¹⁶U.S. Congress. House. Boundary Line Between Land of the United States and Missouri, H. Doc. 107, 23rd Cong., 2nd sess., 1835, 7-8. [Ser. set 273].

¹⁷Boundary Line, H. Doc. 107, 3-5.

¹⁸U.S. Congress. Senate. Documents Relating to the Extension of the Northern Boundary of the State of Missouri, S. Doc. 206, 24th Cong., 1st sess., 1836, 1-6. [Ser. set 281]. Henry F. Ellsworth to L.F. Linn, January 27, 1835, Northern Boundary of Missouri, S. Doc. 206, 1-2. Pierre Menard and J. L. Bean to Linn, February 6, 1835, Northern Boundary of Missouri, S. Doc. 206, 2-3. Dougherty to Linn, January 26, 1835, Northern Boundary of Missouri, S. Doc. 206, 4-5.

¹⁹Statutes at Large, 729. Robert E. Trennert, Jr., Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System, 1846-51 (Philadelphia: Temple University Press, 1975), 5-6. The 1834 Indian Intercourse Act was designed to keep the unorganized territory west of the Missouri exclusively Indian by barring white settlers, trappers, and whiskey sellers. In 1834, the government believed Indians could be "kept out of the way" and civilized with little expense or effort.

²⁰U.S. Congress. Senate. Thomas H. Benton, L.F. Linn, and Albert G. Harrison to Secretary of War Lewis Cass, February 8, 1836, S. Doc. 251, 24th Cong., 1st sess., 1836, 5. [Ser. set 281].

²¹U.S. Congress. Senate. Report of the Committee on Indian Affairs, March 16, 1836, S. Doc. 251, 24th Cong., 1st sess., 1836, 2. [Ser. set 281].

²²Congressional Globe, 24th Cong., 1st sess., 372, 421.

²³Kappler, Indian Laws and Treaties, vol. 2, 479-80.

²⁴John E. Sunder, Joshua Pilcher: Fur Trader and Indian Agent (Norman: University of Oklahoma Press, 1968), 120. Moses Merrill, "Extracts from the Diary of Rev. Moses Merrill, a Missionary to the Otoe Indians from 1832 to 1840," Transactions and Reports of the Nebraska State Historical Society, vol. 4 (Lincoln: State Journal Company, 1892), 177.

²⁵Smith, Omaha Indians, 93-94.

²⁶Bean to Thomas H. Harvey, December 31, 1845, LRCBA, 1844-1846, NA, RG75, M234, Reel 216.

²⁷O'Shea and Ludwickson, Big Village, 45. Report of Agent Daniel Miller, September 16, 1844, Annual Report of the Commissioner of Indian Affairs [ARCIA], 1844, 140. [All Indian Commissioners', Superintendents', and Agents' reports are from the University of Nebraska at Omaha Microfiche Collection, Call #I 20.1]. Report of Agent John Miller, September 10, 1847, ARCIA, 1847, 139.

²⁸Dougherty to Colonel T. L. McKenney, January 30, 1830, John Dougherty Papers. Missouri Historical Society, cited in Ray H. Mattison, "The Indian Frontier on the Upper Missouri to 1865," Nebraska History 39 (September 1958): 248.

²⁹John Dougherty, "A Description of the Fur Trade in 1831," edited by Richard E. Jensen, Nebraska History 56 (Spring 1975): 114.

³⁰U.S. Congress. Senate. Henry L. Ellsworth to Elbert Herring, October 4, 1833; Omaha Indians to the President of the United States, October 3, 1833, Correspondence on the Emigration of Indians, vol. 4, S. Doc. 512, 23rd Cong., 1st sess., 1835, 595-96. [Ser. set 245]. Articles of a Ft. Leavenworth Treaty, November 12, 1833, Correspondence on the Emigration of Indians, vol. 4, 726-32.

³¹O'Shea and Ludwickson, Big Village, 42. Report of Agent Daniel Miller, September 3, 1842, ARCIA, 1842, 432.

³²In 1840, Agent Joseph V. Hamilton of the Council Bluffs Agency reminded his superintendent that the Omahas had always been friendly to whites, and recommended that the government continue to help them when their annuities from the Prairie du Chien Treaty expired in 1841. Report of Agent Joseph V. Hamilton, September 30, 1840, ARCIA, 1840, 319.

³³Report of Agent Daniel Miller, September 16, 1844, ARCIA, 1844, 139. Richard Elliott to T. Hartley Crawford, April 22, 1844, LRCBA, 1844-1846, NA, RG75, M234, Roll 216.

³⁴J. L. Bean to Harvey, December 31, 1845, LRCBA, 1844-1846, NA, RG75, M234, Reel 216.

³⁵Harvey to William Medill, February 6, 1846, LRCBA, 1844-1846, NA, RG75, M234, Reel 216.

³⁶Report of Superintendent Thomas H. Harvey, September 5, 1846, ARCIA, 1846, 72.

³⁷Thomas L. Kane, "Winter Quarters Among the Indians," in William Mulder and A. Russell Mortensen, Among the Mormons: Historic Accounts by Contemporary Observers (New York: Alfred A. Knopf, Inc., 1958), 212. Clyde B. Aitchison, "The Mormon Settlements in the Missouri Valley," Proceedings and Collections of the Nebraska State Historical Society, vol. 15 (Lincoln: Jacob North & Co., Printers, 1907), 9.

³⁸Thomas L. Kane to Medill, April 21, 1847, Office of Indian Affairs, Letters Received, St. Louis Superintendency, cited in Robert A. Trennert, Jr., "The Mormons and the Office of Indian Affairs: The Conflict Over Winter Quarters, 1846-1848," Nebraska History 53 (Fall 1972): 393.

³⁹Pierre-Jean De Smet, Letter to the Directors of the Association at Lyons, June 10, 1849, in Hiram Martin Chittenden and Alfred Talbot Richardson, eds., Life, Letters, and Travels of Father Pierre-Jean De Smet, S. J., 1801-1873, vol. 3 (New York: Francis P. Harper, 1905. Reprint, New York: Kraus Reprint Co., 1969), 1188.

⁴⁰Edward McKinney to John Miller, September 16, 1847, LRCBA, 1847-1851, NA, RG75, M234, Reel 217.

⁴¹Report of Agent John Dougherty, n.d., ARCIA, 1837, 26-27.

⁴²Extract from the Report of Agent John Dougherty, n. d., ARCIA, 1838, 504.

⁴³Francis Paul Prucha, "American Indian Policy in the 1840s: Visions of Reform," in The Frontier Challenge: Responses to the Trans-Mississippi West, edited by John G. Clark (Lawrence: University Press of Kansas, 1971), 93. Report of Commissioner T. Hartley Crawford, November 25, 1841, ARCIA, 1841, 238.

⁴⁴Trennert, Alternative to Extinction, 21.

⁴⁵Report of Superintendent Joshua Pilcher, November 4, 1840, ARCIA, 1840, 316-17. Report of Superintendent David D. Mitchell, November 3, 1841, ARCIA, 1841, 334. Smith, Omaha Indians, 101-02.

⁴⁶Trennert, Alternative to Extinction, 22, 149-50.

⁴⁷Mattison, "Indian Frontier," 251.

⁴⁸John E. Barrow to Luke Lea, April 25, 1850, LRCBA, 1847-1851, NA, RG75, M234, Reel 217.

⁴⁹Trennert, Alternative to Extinction, 8.

⁵⁰Major Thomas Biddle to Colonel Henry Atkinson, October 29, 1819, American State Papers, Indian Affairs, vol. 2, 357. In his letter, p. 358, Biddle recalled arriving at the Omaha camp and finding the otherwise responsible Big Elk too drunk to meet with him. When Biddle admonished him for his drunken condition, the chief apologized and admitted that alcohol addiction had cost him much of his power.

⁵¹William Clark to Herring, December 3, 1831, John L. Champe Papers, Manuscript [MS] 31, Box 2, Folder 1831, Nebraska State Historical Society [NSHS], Lincoln, Nebraska.

⁵²Trennert, Alternative to Extinction, 7-8. Report of Superintendent D. D. Mitchell, n. d., ARCIA, 1841. Cited in Trennert, Alternative to Extinction, 8.

⁵³Mattison, "Indian Frontier," 250.

⁵⁴Bernard De Voto, Across the Wide Missouri (Boston: Houghton-Mifflin Co., 1947), 121. Clark to Herring, December 3, 1831, John L. Champe Papers, MS31, Box 2, Folder 1831, NSHS.

⁵⁵Report of Agent John Miller, September 15, 1848, ARCIA, 1848, 465.

⁵⁶Report of Agent John Miller, September 10, 1847, ARCIA, 1847, 141.

⁵⁷Biddle to Atkinson, October 29, 1819, American State Papers, Indian Affairs, vol. 2, 358.

⁵⁸Daniel Miller to D. D. Mitchell, January 25, 1844, LRCBA, 1844-1846, NA, RG 75, M234, Reel 216.

⁵⁹John Miller to Harvey, December 8, 1847, LRCBA, 1847-1851, NA, RG75, M234, Reel 217.

⁶⁰Trennert, Alternative to Extinction, 138.

⁶¹Mattison, "Indian Frontier," 262. Indian Claims Commission, [ICC], Docket 225-A, Briefs, Omaha Tribe of Nebraska (New York: Clearwater Pub. Co., 1973), Card 1 of 3, p. 4 [All Indian Claims Commission references are from the University of Nebraska at Omaha Microfiche Collection, Call #E98.C6U6]. Report of Superintendent Thomas H. Harvey, September 5, 1846, ARCIA, 1846, 75.

⁶²Mattison, "Indian Frontier," 262.

⁶³Report of Superintendent Thomas H. Harvey, October 4, 1848, ARCIA, 1848, 441. George W. Manypenny, Our Indian Wards (Cincinnati: Robert Clarke & Co., 1880), 116. Report of Superintendent Thomas H. Harvey, September 5, 1846, ARCIA, 1846, 75.

⁶⁴Report of Superintendent Thomas H. Harvey, October 4, 1848, ARCIA, 1848, 441-42.

⁶⁵Report of Superintendent D. D. Mitchell, October 8, 1849, ARCIA, 1849, 133-34.

⁶⁶Report of Commissioner George W. Manypenny, November 26, 1853, ARCIA, 1853, 11.

⁶⁷Report of Sub-agent John E. Barrow, October 20, 1850, ARCIA, 1850, 40.

⁶⁸F.J. Wheeling to Henry Warren, January 14, 1852, LRCBA, 1852-1857, NA, RG75, M234, Reel 218. A. C. Dodge, George W. Jones, and Bernhart Henn to Manypenny, January 10, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218. Henn to Charles E. Mix, March 22, 1858, Letters Received, Omaha Agency [LROA], 1856-1863, NA, RG75, M234, Reel 604.

⁶⁹Trennert, "Mormons and the Office of Indian Affairs," 386.

⁷⁰The Mormons were in violation of Section Eleven of the 1834 Indian Intercourse Act, which stipulated a \$1,000 fine and possible forced removal of whites settling on Indian lands.

⁷¹Trennert, Alternative to Extinction, 145-46.

⁷²Juanita Brooks, ed., On the Mormon Frontier: The Diary of Hosea Stout, 1844-1861, vol. 1 (Salt Lake City: University of Utah Press, 1964), 188. Trennert, "Mormons and the Office of Indian Affairs," 386-87.

⁷³Brooks, Diary of Hosea Stout, 188. Richard E. Bennett, Mormons at the Missouri, 1846-1852: "And Should We Die" (Norman: University of Oklahoma Press, 1987), 70-71.

⁷⁴Trading posts in Indian country violated Section Four of the 1834 Indian Intercourse Act.

⁷⁵Brooks, Diary of Hosea Stout, 188-89. Bennett, Mormons at the Missouri, 72. Big Elk's request to use Mormon improvements contradicted a statement in Hosea Stout's diary, p. 189. Stout quoted the chief as saying, "You may stay two years or until we sell as we mean to sell and go away."

⁷⁶Brooks, Diary of Hosea Stout, 189-90.

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- ⁷⁷Bennett, Mormons at the Missouri, 96.
- ⁷⁸Brooks, Diary of Hosea Stout, 205, 250-51. Report of Agent John Miller, September 10, 1847, ARCIA, 1847, 140.
- ⁷⁹Report of Agent Daniel Miller, September 3, 1842, ARCIA, 1842, 432. Bennett, Mormons at the Missouri, 97-98.
- ⁸⁰Harvey to Medill, May 17, 1847, LRCBA, 1847-1851, RG 75, M234, Reel 217. Trennert, "Mormons and the Office of Indian Affairs," 395.
- ⁸¹Trennert, Alternative to Extinction, 146-47. Thomas L. Kane, "Winter Quarters Among the Indians," in William Mulder and A. Russell Mortensen, eds., Among the Mormons: Historic Accounts by Contemporary Observers (New York: Alfred A. Knopf, Inc., 1958), 212.
- ⁸²Winter Quarters, High Council Minutes, April 19, 1847, cited in Bennett, Mormons at the Missouri, 98.
- ⁸³John Miller to Harvey, August 9, 1847, LRCBA, 1847-1851, NA, RG75, M234, Reel 217.
- ⁸⁴John Miller to Brigham Young, April 14, 1847, LRCBA, 1847-1851, NA, RG75, M234, Reel 217.
- ⁸⁵Journal History of the Church. A Chronological Collection of Newspapers and Other Items Related to the Church of Jesus Christ of Latter-Day Saints as Compiled by Andrew Jensen, LDS Church Archives, May 8, 1848, cited in Bennett, Mormons at the Missouri, 110. Young's rage against Miller may be understandable. Bennett, p. 100, discusses the possibility that the agent, under pressure from his superiors, incited the Omahas against the Mormons to ensure that their stay in Indian country would be brief.
- ⁸⁶James C. Malin, "Thomas Jefferson Sutherland, Nebraska Boomer," Nebraska History 34 (September 1953): 187-88. Thomas Jefferson Sutherland to Luke Lea, May 22, 1851, LRCBA, 1847-1851, NA, RG75, M234, Reel 217. Orson Hyde, "Indian Depredations Again," The Frontier Guardian, vol. 3, May 10, 1851, NA, RG75, M234, Reel 217.
- ⁸⁷Report of Agent Daniel Miller, August 13, 1843, ARCIA, 1843, 401-403.
- ⁸⁸Daniel Miller to Mitchell, July 1, 1843, LRCBA, 1836-1843, NA, RG75, M234, Reel 215. Report of Superintendent Thomas H. Harvey, October 29, 1847, ARCIA, 1847, 100-101.
- ⁸⁹Elliott to T. Hartley Crawford, April 22, 1844, LRCBA, 1844-1846, NA, RG75, M234, Reel 216. John Miller to William L. Marcy, January 20, 1848, LRCBA, 1847-

1851, NA, RG75, M234, Reel 217. Bennett, Mormons at the Missouri, 93. Daniel Miller to Mitchell, July 1, 1843, LRCBA, 1837-1843, NA, RG75, M234, Reel 215.

⁹⁰Report of Agent Daniel Miller, August 13, 1843, ARCIA, 1843, 401. Report of Superintendent D. D. Mitchell, September 29, 1843, ARCIA, 1843, 387. Harvey to Crawford, February 20, 1844, LRCBA, 1844-1846, NA, RG75, M234, Reel 216. Report of Agent John Miller, September 10, 1847, ARCIA, 1847, 139-40. Harvey to Medill, April 22, 1847, John L. Champe Papers, MS31, Box 2, Folder 1847, NSHS. John Miller to Secretary of War William L. Marcy, January 20, 1848, LRCBA, 1847-1851, NA, RG75, M234, Reel 217.

⁹¹John Miller to Harvey, December 15, 1846, LRCBA, 1844-1846, NA, RG75, M234, Reel 216. Diary of Hosea Stout, 217.

⁹²The Diary of Milo Appleton Harmon, Winter 1846-1847, 10, cited in Bennett, Mormons at the Missouri, 96.

⁹³John Miller to Harvey, December 15, 1846, LRCBA, 1844-1846, NA, RG75, M234, Reel 216. Brooks, Diary of Hosea Stout, 219.

⁹⁴O'Shea and Ludwickson, Big Village, 51.

⁹⁵James C. Malin, Indian Policy and Westward Expansion, Bulletin of the University of Kansas, vol. 22, Humanistic Studies, vol. 2 (Lawrence: University of Kansas, 1921), 77.

⁹⁶Malin, Indian Policy and Westward Expansion, 77. Report of Commissioner T. Hartley Crawford, November 25, 1841, ARCIA, 1841, 231.

⁹⁷Malin, Indian Policy and Westward Expansion, 80.

⁹⁸Report of Superintendent Thomas H. Harvey, October 4, 1848, ARCIA, 1848, 442.

⁹⁹Trennert, Alternative to Extinction, 152. Report of Commissioner William Medill, November 30, 1848, ARCIA, 1848, 388-89.

¹⁰⁰Report of Commissioner William Medill, November 30, 1848, ARCIA, 1848, 386. Trennert, Alternative to Extinction, 31-32.

¹⁰¹Report of Commissioner Orlando Brown, November 30, 1849, ARCIA, 1849, 12. Reports of Commissioner Luke Lea, November 27, 1850, ARCIA, 1850, 7; November 27, 1851, ARCIA, 1851, 6-7. St. Louis Superintendent D. D. Mitchell did not believe separating the border Indians into north and south colonies would work. As an alternative, he suggested an early form of severalty that would not involve relocating the Indians. He proposed giving each family a plot of land without right of transfer for fifty years, reasoning that by the end of that time, Indians would have been influenced by whites and could protect their land. At that point he would make them citizens. Any surplus land

would be purchased by the government for "something like a fair price," and opened to white settlement. In Mitchell's opinion, the lands were worthless to the border tribes now that the game was gone, and in discussion with the tribes, he reported that the "more intelligent" among them favored his proposal. Report of Superintendent D. D. Mitchell, October 25, 1851, ARCIA, 1851, 61.

¹⁰²Thomas Jefferson Sutherland to the editors of the Cincinnati Daily Nonpareil, May 29, 1851, Cited in Malin, "Nebraska Boomer," 189. Thomas Jefferson Sutherland, "Nebraska—A glympse of it—a peep into its unwritten history—together with a few facts for a future historian," Putnam's Monthly (May 1854), cited in Malin, "Nebraska Boomer," 185. Malin, "Nebraska Boomer," 181.

¹⁰³Robert C. Peters, ed., A Comprehensive Program for Historic Preservation in Omaha (Omaha: Landmarks Heritage Preservation Commission, 1980), 12.

¹⁰⁴Manypenny, Our Indian Wards, 116.

¹⁰⁵U. S. Congress. Senate. Report of the Secretary of War, November 30, 1844, S. Doc. 2, 28th Cong., 2nd Sess., 1844, 124-25. [Ser. set 449]. Congressional Globe, 28th Cong., 2nd sess., 41.

¹⁰⁶ Stephen A. Douglas to J.H. Crane, D.M. Johnson, and L.J. Eastin, December 17, 1853, in Robert W. Johannsen, ed., The Letters of Stephen A. Douglas (Urbana: University of Illinois Press, 1961), 270. Congressional Globe, 30th Cong., 1st sess., 467. James C. Malin, Indian Policy and Western Expansion, 52.

¹⁰⁷Congressional Globe, 32nd Cong., 1st sess., part 1, 80. Congressional Globe, 32nd Cong., 2nd sess., 47.

¹⁰⁸Congressional Globe, 32nd Cong., 2nd sess., 475. Congressional Globe, 32nd Cong., 2nd sess., 557-58. Alban W. Hoopes, Indian Affairs and Their Administration, with Special References to the Far West, 1849-1860 (Philadelphia: University of Pennsylvania Press, 1832), 217-20.

¹⁰⁹Congressional Globe, 32nd Cong., 2nd sess., 561. Congressional Globe, 32nd Cong., 2nd sess., 560.

¹¹⁰Congressional Globe, 30th Cong., 1st sess., 56. Congressional Globe, 32nd Cong., 1st sess., 1666. James C. Malin, "The Nebraska Question: A Ten-Year Record, 1844-1854," Nebraska History 35 (March 1954): 9. P. Orman Ray, The Repeal of the Missouri Compromise: Its Origin and Authorship (Boston: J. S. Canner and Company, Inc., 1965), 81-82, n. 82-83. Congressional Globe, 32nd Cong., 1st sess., 1760-61. Atchison's silence was probably due to his early opposition to organizing Nebraska. He later changed his mind.

¹¹¹James C. Olson, History of Nebraska (Lincoln: University of Nebraska Press, 1955), 74.

112 Congressional Globe, 32nd Cong., 1st sess., 1116. Manypenny, Our Indian Wards, 117. 10 Statutes at Large 238-39.

113 Report of Commissioner George W. Manypenny, November 26, 1853, ARCIA, 1853, 9. Smith, Omaha Indians, 108.

114 Report of George W. Manypenny, November 26, 1853, ARCIA, 1853, 9. Manypenny, Our Indian Wards, 117.

115 Report of George W. Manypenny, November 26, 1853, ARCIA, 1853, 8-10. Hoopes, Indian Affairs and their Administration, 220-21.

116 Report of George W. Manypenny, November 26, 1853, ARCIA, 1853, 10-11.

117 Olson, History of Nebraska, 71.

118 De Smet, Extract from a letter in French, dated on Board the Steamer Ontario, Fort Benton, Montana, June 10, 1866, in Chittenden and Richardson, eds., Life, Letters, and Travels of Father Pierre-Jean De Smet, vol. 3, 1200.

119 Trennert, Alternative to Extinction, 158.

CHAPTER THREE

POLITICS AND BROKEN PROMISES: THE EARLY RESERVATION YEARS, 1854 -1881

"We have much trouble in this land, but we have no one to help us."¹

Two Crows—Omaha, circa 1879

When he returned to Washington, D.C. in the fall of 1853, Commissioner George Manypenny quickly put the treaty-making process in motion. On October 19, he instructed Agent Thomas Gatewood to accompany an Omaha delegation to the nation's capital to negotiate a land cession.² With their leaders' fateful trip to Washington, the Omahas entered a new era in which they were buffeted from all sides by the government, hostile white settlers, missionaries and opportunists who were hoping to make a quick dollar at the Indians' expense. The early reservation years also saw tribal dissention, patterns of forced and voluntary acculturation, the demise of the annual buffalo hunt, and a new concept of chieftainship. Despite broken promises and neglect, the Omahas remained loyal to the government and attempted to become the agriculturalists that the Indian department wished them to be. It was in part this loyalty and cooperative spirit that captured the fancy of white reformers and prompted the government to allot Omaha lands in 1882. Omaha history from 1854 to 1881 has been viewed through the eyes and words of white men and acculturated or politically-active Indians, many of whom vied for power and profit. Unfortunately, the average Omahas were allowed little voice in these events precisely because they did not wish to walk the "white man's road."

Agent Gatewood finally received Manypenny's orders two months after they were issued, and when he informed the Omahas that the government wanted them to send representatives to Washington, the people refused to allow a delegation to negotiate a treaty at any place without the presence of all the men of the tribe. In other words, the treaty was an undertaking too important to trust to a few men, even if they were chiefs. Knowing that the government was anxious for a treaty, Gatewood negotiated on his own.³ On January 27, 1854, at the Council Bluffs Agency, the Omahas and their agent signed an agreement known simply as the "Gatewood Treaty" (Appendixes VI and VII).⁴

Although this treaty was never ratified, the document and the events surrounding it reveal the Omahas' state of mind immediately before their official treaty was consummated. By negotiating a treaty without proper authority, Gatewood displayed poor judgment, but he may have been trying to make the best of a difficult situation. His charges were willing to negotiate, but not to delegate—an ambiguous position that revealed much about changes in tribal politics. At an earlier time, one or more chiefs would have had complete control. But at least sixty Omahas attended the January 1854 council, where six men were appointed to travel to Washington with Gatewood to finalize the treaty.⁵

The first of the treaty's five articles described in detail the boundaries of the lands to be ceded by the Omahas. Article Two stated that as soon as the government provided a means for fulfilling the treaty's stipulations, the Omahas would settle on lands beyond Ayoway Creek, north of present-day Ponca, Nebraska. In addition, they relinquished all former treaty claims except the remainder of \$25,000 which had been provided for agricultural purposes in 1851. It was agreed that the president would distribute these funds at his discretion.⁶

The heart of the treaty was Article Three, which promised the Omahas \$40,000 per year for thirty years, and provided arms, ammunition, a blacksmith and a shop. Perhaps underestimating the Omahas' historic fear of their mortal enemies, Gatewood also pledged

protection from the Sioux and promised a future peace treaty to halt all hostilities. In return, the Omahas vowed not to make war and to submit all disputes to government arbitration. In a clause that seemed unfair to the tribe, the Indians agreed that if an individual stole from whites or other Indians, restitution would be made from tribal annuities. Finally, the Omahas agreed to pay debts to traders out of their first year's annuity: \$6,300 to Peter Sarpy, and \$500 each to Logan Fontenelle and Lewis Saunsoci. Article Four provided that all payments to the Omahas would be in *cash*, and the treaty concluded by giving six men—Logan Fontenelle, Joseph La Flesche, Village Maker, Standing Hawk, Little Chief, and Yellow Smoke—authority to represent the tribe and to "*slightly* modify, alter, or amend" the current treaty [author's emphasis].⁷

On February 20, 1854, Superintendent Alfred Cumming notified Commissioner Manypenny by telegram and by letter that Agent Gatewood and the Omaha delegation were en route to Washington armed with the signed draft of a treaty, and he warned the commissioner that the tribal representatives' power to negotiate could be restricted by the word "slightly" in Article Five.⁸ Upon his arrival, Gatewood explained to his superior that he had been unable to convince the Omahas to allow a delegation to act freely on their behalf, and he thought it proper to make a treaty and give the delegation amending power. Manypenny disagreed. The irate commissioner was convinced that had Gatewood acted properly, the Omahas would have allowed their representatives to negotiate for them in Washington. He disapproved of the premature treaty, especially its provisions for long-term cash annuities and the payments to Sarpy, Saunsoci, and Fontenelle:

The treaties, if they can be so called, are made in violation of law and are in my judgment such as might not be approved or sanctioned. Their provisions are in direct conflict with the reforms desired, and would have no other effect than to degrade the Indians and enrich the traders.⁹

It was important to Manypenny that these early treaties with Indians west of Iowa and Missouri be done correctly, so as not to compromise the ones to follow. He wanted the "influences adverse to the moral as well as the temporal interests of these people [met] at the threshold," and he would rather see no treaty than an improper one. Like Superintendent Cumming, Manypenny worried that the wording of the treaty's fifth article would allow neither the government nor the Indians enough latitude to negotiate the type of agreement he wanted.¹⁰ But the commissioner fretted needlessly; in spite of the Omaha delegation's limited powers, the government hammered out a treaty quite different and less advantageous to the Omahas than Gatewood's document.

Agent Gatewood told Commissioner Manypenny that his treaty was the result of Omaha intransigence, but events in January 1854 made the agent's motives suspect. An article in the *St. Mary's, Iowa, Gazette* on January 25, 1854 stated that on the previous day, Agent Gatewood had visited the Iowa side of the Missouri River, returning to the Omaha village the same day. On January 25, two days *before* the treaty signing, Peter Sarpy informed the paper's editor that a treaty with the Omahas "[was] consummated."¹¹ Perhaps not coincidentally, Article Three of the Gatewood Treaty included the provision to pay Sarpy money owed him by the tribe. His handling of the treaty situation was definitely unwise, and his actions may have been dishonorable, but to local white settlers, Gatewood was a hero. The *St. Louis Republican* declared:

Maj. Gatewood has . . . overcome all obstacles, and accomplished in two weeks . . . what his chief failed to do . . . in a whole season. Half of all the Indian country is now ceded, and were the negotiations intrusted to the gallant Gatewood it would not be many "moons" until the WHOLE OF IT were thrown open to the Anglo-Saxon plough! A thousand guns for Nebraska and the go-ahead James M. Gatewood! ¹²

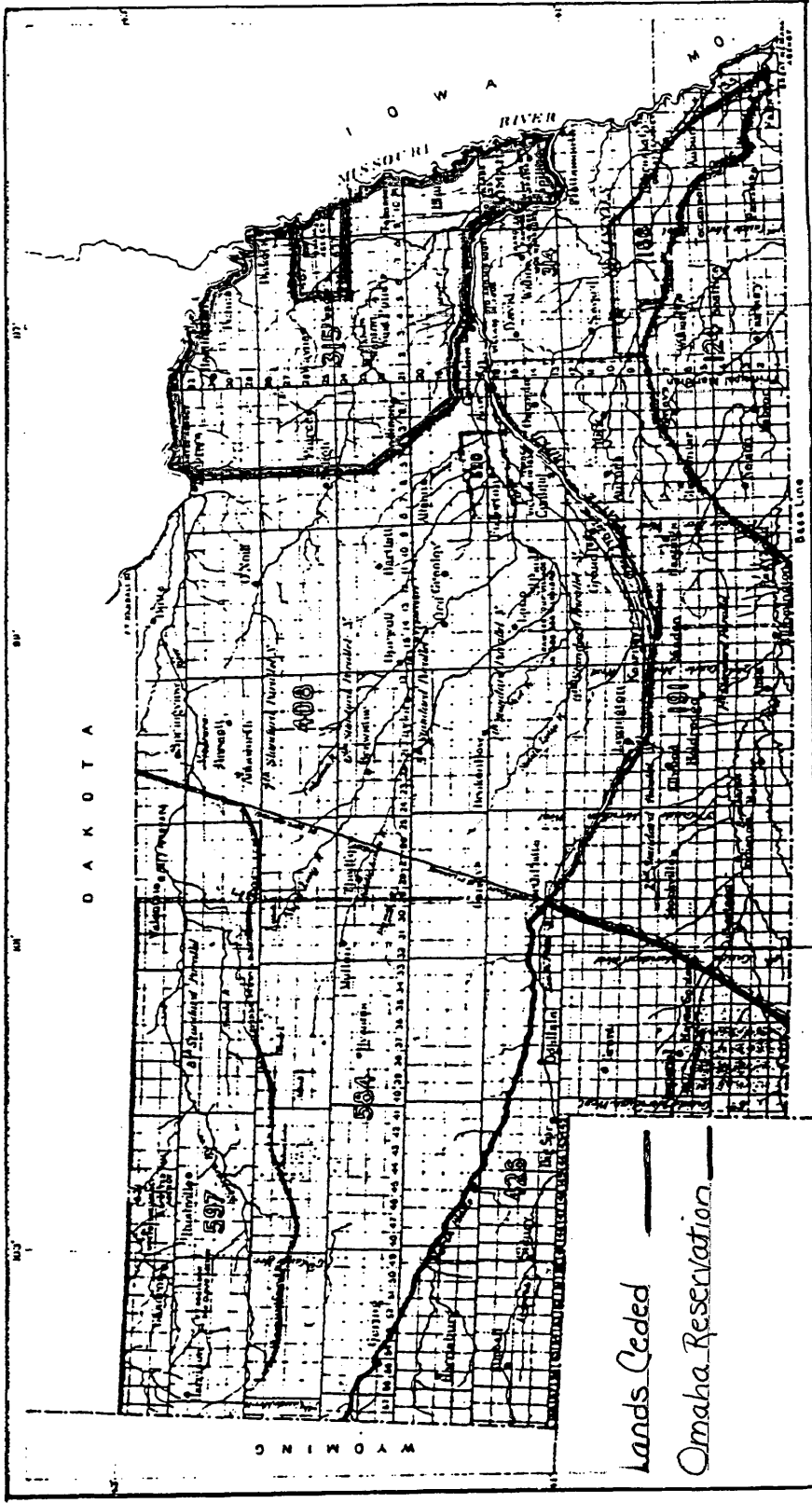
But Gatewood's career as Omaha agent would be short-lived. He had already angered both Cumming and Manypenny by reporting late to his post, then compounded his error by

being absent without leave shortly after he arrived in Nebraska.¹³ The abortive treaty was simply the last in his series of miscues. Congress never approved his appointment to the Omahas, and he was relieved as agent in the summer of 1854.

With Gatewood's impromptu document discredited, the Omaha leaders agreed to a complicated treaty (Appendix VIII) that would have enormous impact on their people's present and their future. Composed of fifteen articles, this agreement reflected the government's new approach to Native American policy. There were some similarities to the Gatewood Treaty, but for the most part, it was an entirely different document. In 1842, Agent Daniel Miller stated that the Omahas claimed "the country bounded by the Missouri river on the east, by Shell creek on the west, by the river Platte on the south, and on the north by the Poncas country." Although the "Poncas country" constituted a rather indefinite northern border, these boundaries were closely followed in the actual land cession (Map 7).¹⁴

Article One provided that if the lands north of Ayoway Creek, designated as the Omahas' future home, proved unsatisfactory, the Indians could select another site either "within or outside of the ceded country. . . ." To make this determination, a delegation from the tribe was to accompany their agent on an exploratory trip to the assigned region. If the site to the north suited the tribe, it was automatically their home; if not, the president was authorized to provide a new reservation of not more than 300,000 acres. As soon as possible, and not later than April 1855, the Omahas were to vacate their homes near Bellevue and move to their reservation of choice.¹⁵

As they would have in the Gatewood Treaty, the Omahas relinquished all claims under earlier treaties, but would receive the balance due from the 1851 appropriation. Article Four addressed one of Manypenny's major problems with the provisional treaty. Instead of \$40,000 per year for thirty years, or a total of \$1,200,000 in cash, the Omahas



Lands Ceded by the Omahas in the Treaty of 1854
Map 7

Charles C. Royce, comp., *Indian Land Cessions in the United States*,
Eighteenth Annual Report of the Bureau of American Ethnology, Part 2
(Washington, D. C. : Government Printing Office, 1899), Plate CXLVIII.

would now receive \$84,000 in decreasing annuities spread over forty years, with the president deciding whether payments would be in cash or in clothing, provisions and other items for their "improvement." Annuities were subject to deduction, however; use of liquor could result in lost payments, and annuity funds would pay for any depredations committed by Omahas. In a proviso no doubt disappointing to traders, no individual debts would be paid from annuity funds, but the government did agree to pay the Omahas' \$1,000 debt to Lewis Saunsoci for "services."¹⁶

In Articles Seven and Eight, the government made promises that it would later break. Regardless of where the Omahas decided to settle, the United States promised protection from the Sioux and other hostile tribes as long as the president considered it necessary. And to nudge them toward "civilization," the tribe would be provided with a saw mill, a grist mill, a blacksmith shop, and the services of a miller, a blacksmith and a farmer for ten years. Looking to future western growth, Article Fourteen provided rights-of-way for roads and railroads through the Omaha Reservation.¹⁷

No provision of the 1854 treaty was as important to the Omahas' future as Article Six, which provided land in severalty to the Indians. In the future, the president could have the Omaha Reservation surveyed and divided into lots to be assigned to individuals or families who would make the land their permanent homes. The following allotment schedule would apply: 1) single Indians over twenty-one would receive eighty acres; 2) a family of two rated 160 acres; 3) families of three to five, 320 acres; 4) families of six to ten, 640 acres; and 5) families of more than ten would receive 640 acres plus 160 acres for each five additional members. Rules of inheritance would be determined by the president, who could also issue patents with the stipulation that the land could not be leased for a term longer than two years. In an attempt to curtail hunting, the article stated that if a person granted a patent should refuse to farm it or should "rove from place to place," the patent could be canceled and annuity shares withheld. In the event that a patent holder failed to

return, the land could be reassigned or sold as excess. Any lands remaining after all the Omahas had been assigned permanent homes would be sold for their benefit, under rules "to be determined later." Finally, these lands could not be sold, taxed, or forfeited until Nebraska had a constitution and its legislature removed the above-mentioned land title restrictions, with congressional approval.¹⁸

As had been the case in previous Omaha treaties, Commissioner Manypenny's 1854 negotiations were hampered by outside parties "seeking to mold the treat[y] to suit their views and interests," which usually meant giving Indians as much cash as possible.¹⁹ Shortly before negotiations began, the Iowa congressional delegation asked Manypenny to include in the forthcoming treaty provisions to pay for depredations allegedly committed by Omahas against Iowa citizens.²⁰ As usual, traders were suspect. In January 1854, Presbyterian missionary William Hamilton expressed concern that they would play a large role in the treaty, since they controlled many agents and head men. He warned that unless Manypenny was very careful, traders instead of Indians would negotiate the treaty.²¹ Father Pierre-Jean De Smet considered the entire treaty process unfair. In his opinion, the sure destitution of the Omahas and other border tribes was "found in the disparity of the parties who make the treaty. On one side stands a shrewd and perhaps, unscrupulous Government officer; on the other, a few ignorant chiefs, accompanied by their half-breed interpreters, whose integrity is far from being proverbial."²² Manypenny ignored the Iowa legislators, and except for the payment to Saunsoci, outsiders had little impact on the treaty, which was signed on March 16, 1854 and quickly ratified by the Senate on April 17.²³

Shortly after the treaty was ratified, questions arose regarding Logan Fontenelle's role in the negotiations. After being told that Fontenelle was not a chief, Commissioner Manypenny wrote to George Hepner, the new Omaha agent, asking him to investigate the matter.²⁴ When questioned, the Omahas told Hepner that all the delegates sent to Washington in March 1854 were "chiefs on a par," and that a man could become a chief by

inheritance, by transfer, by charitable acts, by bravery, or by an ancient method hardly used at that time—smoking a pipe and interpreting the curl and ascent of the smoke. Hepner surmised that since he met none of the other criteria, Fontenelle was recognized as a chief due to his frequent feasts for the head men and "some other influence which the department well understands."²⁵ Hepner assumed Manypenny knew that Fontenelle had been a favorite of Thomas Gatewood, and that the former agent had passed him off as a chief in Washington.²⁶ Oddly, the makeup of the Omaha treaty delegation and the names appearing on the treaty disagree. According to his contemporaries, Two Grizzly Bears was a member of the delegation which went to "sell land," yet his signature is absent. One account says that when Commissioner Manypenny questioned Logan Fontenelle's presence in Washington, Two Grizzly Bears identified him as his interpreter.²⁷ Judging by the names on the treaty, Fontenelle may have signed for Two Grizzly Bears as well, thus leaving his name on an important document he was perhaps not qualified to sign.²⁸

Logan Fontenelle's true status within the Omaha tribe has never been resolved. Most whites who knew him considered him a chief, but many of Fontenelle's contemporaries insisted he was never a leader according to Omaha traditions. To many Omahas he remained merely a "half-breed" interpreter. In an 1854 narrative, Two Crows discussed the impending departure of the treaty delegation, which would be accompanied by *interpreters* Saunsoci and Fontenelle, and the Indian narrator of an account of the battle in which Fontenelle was killed referred to him as "the white interpreter who was with us."²⁹ Yet Henry Fontenelle insisted that his brother was named the principal chief at a tribal council held during Commissioner Manypenny's visit in 1853, and it is possible that because of his facility with English, Fontenelle was made a chief "for the express purpose of helping the Indians to make the treaty with the United States."³⁰ Because his father was a French trader and he was never adopted into the tribe, Logan Fontenelle probably did not qualify for chieftainship, yet despite his questionable credentials, when he died in 1855,

both Agent George Hepner and Joseph La Flesche referred to him as a principal chief.³¹

Properly signed or not, the 1854 treaty became effective, and Commissioner Manypenny instructed Agent Hepner to take a party of Omahas north to inspect their reservation so they could be moved early in the spring of 1855.³² Of the Omahas, only Logan Fontenelle agreed to accompany Hepner so far north. Along with Thomas Griffy, a white man whose status is unclear, Fontenelle and the agent made their way north to Ayoway Creek. On their return, Hepner filed a report totally rejecting the proposed reservation. It was, he said, too cold, too hilly for farming, and much too close to the Sioux and the Poncas. The agent did not believe the Omahas could survive there: "Should they be compelled to locate on this reservation, I doubt whether one would be left to tell their fate in twelve months." The area the Omahas wanted, and needed to survive, ran from the middle of the main channel of the Missouri River east of the lower end of Black Bird Hills, then eighteen miles up the river's main channel. This approximately 300,000 acres was eighty miles north of Bellevue, possessed trees, arable land, and probably ample water for mills. Hepner urged the government to provide protection and to move the Omahas there as soon as possible. Based on Hepner's unfavorable view of the Ayoway Creek region, St. Louis Indian office clerk John Haverty recommended that the Black Bird Hills site be substituted.³³

This was the official correspondence on the Ayoway Creek rejection. But in a deposition before Nebraska Territorial Secretary Thomas Cuming on behalf of Dr. B.Y. Shelley, whose land became part of the Omaha Reservation, Thomas Griffy told a different story. In Griffy's version, Fontenelle and Hepner admitted they were simply "going through the motions," and had no intention of even looking at the land to the north. Fontenelle claimed to be familiar with the area, and as "the principal chief and business agent of the Omahas," he refused to accept it, and insisted instead on Black Bird Hills. In

reply, Hepner intimated that the Indians could only get that desirable land if he agreed, and he would agree, for the right price.³⁴ If accurate, Griffy's testimony showed Hepner to be an opportunist out to line his own pockets. The agent's offer to accept a bribe gave credence to Joseph La Flesche's accusation that he was involved in a partnership with Peter Sarpy and Logan Fontenelle, and perhaps explained why Iowa Senator A. C. Dodge wanted to know if Sarpy accompanied Hepner on his inspection tour.³⁵

As early as January 1854, prior to the treaty negotiations and long before the Omahas made their wishes known, two Iowa congressmen forwarded to Secretary McClelland a letter from Council Bluffs businessman Hadley Johnson strongly objecting to locating the Omahas at Black Bird Hills. To Johnson's protest, the legislators added their own, not for political reasons, they said, but for the sake of peace, prosperity and the welfare of the Indians. They argued that a reservation at Black Bird Hills would place the Omahas close to sources of liquor and too close to white citizens already seething over numerous alleged Omaha depredations.³⁶ As if to underscore the Iowa delegation's objections, petitions and claims from Harrison County, Iowa, arrived in Commissioner Manypenny's office, along with the request for a treaty provision to pay for depredations by Indians.³⁷

Word that the Omahas had definitely chosen to settle at Black Bird Hills generated a flood of letters to the Indian office from Iowa lawmakers and their constituents, and from speculators who had designs on the area's fertile lands. Writing to his congressman on behalf of "many citizens" of Woodbury and Monona counties, Addison Cochran, himself a large landowner, pointed out that some families had already settled at Black Bird to take advantage of the good soil and abundant timber and water, and they wanted "other neighbors than Indians who [had] been in the habit of killing or driving off their stock." Cochran asked the congressman to please use his influence to locate the Omahas elsewhere.³⁸ A letter from Enos Lowe of Council Bluffs saw an Omaha reservation

interfering with "the great Railway Route North of the Platte," and pointed out that an election district had already been marked off at Black Bird Hills.³⁹ Iowa's congressmen agreed wholeheartedly with Lowe, and urged Manypenny not to approve the Omaha's move, since it would mean "eventual injury both to the Whites and the Indians."⁴⁰ Hadley Johnson expressed surprise that the Omahas were going to Black Bird Hills, since Senator Dodge had told him that would not happen. Johnson considered the locating of Omahas there to be "bad policy" because he was sure they were plotting another, more lucrative treaty and they would be moved again in the near future.⁴¹

In view of all the protest letters, Secretary McClelland began to have second thoughts regarding the Omahas' reservation choice. Perhaps to buy time, he instructed Manypenny to have Agent Hepner conduct a second exploration of the ceded lands to find a less controversial home for the tribe.⁴² When he received McClelland's orders, Hepner fired off a blistering letter explaining why a reinvestigation was unnecessary and also disclosing underhanded dealings by white settlers and speculators. He refused to look for another reservation site because 1) it was mid-winter; 2) the selection was to be made only with the Omahas' consent; 3) he knew they would not accept any other location; 4) the Omahas had once lived at Black Bird Hills, but had been driven away by the Sioux; and 5) he had trouble getting the Omahas to go north of Fort Calhoun, only a short distance above the Bellevue Agency.⁴³

The angry agent then shredded white objections, point by point. Discussing the mythical white village underway at Black Bird Hills, Hepner reported that when he was there in November 1854, no one lived there and no settlement preparations had been made. The only structure was a \$2.00 "claim house" built by a Council Bluffs company in which Hadley Johnson was a partner. Under the circumstances, Hepner said the president need not worry about "driving off white settlers to accommodate the speculating Indians," because "none [were] there to chase." He admitted that an election district called Tecama

(now the Tekamah area) had been established, with polling places at Tecama and Black Bird Hills, but that it was a front to make it appear that people lived there. Apparently, families from Council Bluffs and other communities each sent a representative north to be counted. At election time, Hepner claimed that a group started for Tecama, "got within twenty miles of the place, halted in the prairie, held the election and returned." As a result, "some fifty [voters] were [listed] in the district, when in fact not a family lived in it." Hepner could not understand why a reservation at Black Bird Hills would pose a problem for a railroad, since the reservation only extended eighteen miles along the Missouri River, and whites would only settle near the river, where there was timber. As to drunken Indians committing depredations, the agent said the Omahas drank less than any equal number of whites.⁴⁴

Hepner knew the government wanted to locate the Omahas as far north as possible, but he reminded his superiors that because of fear of the Sioux, no one but Logan Fontenelle had offered to investigate the Ayoway Creek site with him. In Hepner's opinion, forcing or even persuading the Omahas to locate north of Ayoway Creek would be an "act of inhumanity" since he even anticipated problems moving the Indians to Black Bird Hills without protection.⁴⁵

Realizing that the Omahas had the right to choose their reservation, but not wanting to deprive white settlers of the rich Black Bird Hills land, Manypenny proposed a compromise, suggesting that the Omahas should make their home on the Big Blue River, near the Otoe Reservation. Secretary McClelland agreed, but only if the Omahas consented to the move. If they refused to go south, he wanted them located at Black Bird Hills.⁴⁶ In compliance with telegraphed instructions, Agent Hepner presented Manypenny's plan to the Omahas, who flatly rejected the offer, arguing correctly that their treaty gave them permission to go where they chose. They vowed to plant their corn near Bellevue and not to leave the vicinity of the agency until they had received their annuities in cash. Calling his

determined charges "saucy and contrary," Hepner suggested a "show of force" to make them leave immediately.⁴⁷ But the government had a treaty to honor, and on May 11, 1855, McClelland gave Manypenny permission to move the Indians to Black Bird Hills and to place the area off limits to whites.⁴⁸ Later that month, the Omahas arrived at their new home. In early June, Hepner reported that the trek north from Bellevue had gone well, except that the Indians, as predicted, balked at going north of Fort Calhoun. Only the persuasion of leaders such as Joseph La Flesche and Lewis Saunsoci, and the promise of money when they arrived at Black Bird Hills, convinced them to move on.⁴⁹

Letters of protest continued even after the Omahas arrived at their reservation. In June 1855, a vindictive B.Y. Shelley, who later would successfully petition Congress for reimbursement of money spent in developing his Black Bird Hills land, accused Hepner of duplicity and charged that a few "half-breed" speculators were involved in this "fraud." He said settlers wanted their land back, and did not want to be driven from their homes "at the point of the scalping knife."⁵⁰ But in a petition to the president, residents of Nebraska Territory and Iowa stated perhaps the true reason that the Omahas were unwelcome at Black Bird Hills. They did not want Indians to have "the most highly favored section of the territory."⁵¹

Just eleven days after George Hepner described the uneventful trip to Black Bird Hills, a party of Yankton or Santee Sioux murdered an Omaha just six miles from the tribe's camp. Unnerved but determined, the Omahas left on their summer hunt, but Hepner was sure they would have problems on the plains.⁵² Once again the agent was right. He left the Omahas to escort the Otoes and Missourians to their reservation on the Big Blue River, and returned to discover that Logan Fontenelle and five others had been killed and scalped by Sioux in a battle on Beaver Creek, in present-day Boone County, Nebraska.⁵³ Accounts of Fontenelle's death vary slightly, but most agree that he was hunting with a small party eight to ten miles from the main Omaha camp when he was surprised by a

Sioux war party. Others hunting nearby, including Joseph La Flesche, returned safely to camp, and because Fontenelle "had a fast horse," they assumed he had escaped as well. But on their way home, the Omaha hunters discovered Fontenelle's bullet-riddled and arrow-pierced body. On a trip that took ten days, the frightened and grief-stricken Omahas carried his body to Bellevue for burial.⁵⁴

Logan Fontenelle's murder was a psychological blow to the troubled Omahas. After they buried their leader, they refused to return to Black Bird Hills, and instead camped along the Platte River, about fifteen miles west of Bellevue. Saying they could do nothing while "so exposed to their enemies the Sioux," the Omahas asked to "borrow a piece of ground from their great father" until they received protection at Black Bird Hills.⁵⁵ Agent Hepner suggested that the tribe join the Otoes on the Blue River, but they refused to live among other tribes. Commissioner Manypenny agreed to let the Omahas spend the winter near Bellevue with the understanding that they would return to their reservation in the spring. But the people had no corn planted and were afraid to hunt.⁵⁶

The Omahas remained huddled on the Platte, badly frightened, with little food and no real leader. To add to their misery, white settlers near Bellevue threatened to drive them away, but the Omahas stood their ground, preferring to be killed by whites rather than by the Sioux.⁵⁷ Both J. B. Robertson, the agency farmer, and Agent Hepner pleaded with the Omahas to return to Black Bird Hills. Robertson pointed out that the recent disaster would not have happened had they been settled and farming. Some of the head men agreed, and the farmer thought they might return if given protection. In mid- October, Hepner spent three days in council with the Omahas, but reported little progress. The Indians admitted they feared not only the Poncas and the Sioux, but also Sergeant Bluff, Iowa, traders who had threatened to call the Sioux down on their camps.⁵⁸

Black Bird Hills was very special to the Omahas, but in their fear they would have relinquished the lands of their choice. Speaking in a September 1855 tribal council,

Standing Hawk and Joseph La Flesche asked to exchange their reservation for one on the Platte River, where their lives and homes would be safe. Pouring out the pain and frustration the entire tribe must have felt, Standing Hawk decried the loss of their land, the delay in annuity payments, their forced removal, and the death of Logan Fontenelle due to lack of protection.⁵⁹

Peter Sarpy delivered the Omaha leaders' speeches to George Manypenny in Washington and returned with a proposal from the commissioner that the Omahas unite with the Pawnees. According to Sarpy, the Omahas approved the plan and even offered to sell the Pawnees part of their land. To ensure that the Omahas would stay on their reservation when they returned from their fall hunt, Sarpy sent supplies to Black Bird Hills and planned to arrange peace treaties between the Omahas and Poncas and among the Sioux bands. In late November, the trader informed Manypenny that he believed the Omahas had been convinced to leave their temporary camp on the Platte.⁶⁰ Sarpy's arguments must have been persuasive, because the Omahas did return to Black Bird Hills in May 1856. However, the Pawnees did not join them, the proposed peace treaties never materialized, and the Omahas were once again unprotected and on their own.

As it did in so many treaties, the government failed to keep its promises to the Omahas. Annuity payments came late; mills were delayed and often inoperative; the government expected the Indians to farm without capital or machinery, and the Omahas remained victims of Sioux attacks through the mid-1860s. They lived in constant fear, staying as far south and east on the reservation as they could. When their newly-arrived Presbyterian minister, William Hamilton, mentioned in 1856 that he might locate the mission school near the reserve's northern border, the Omahas warned, "Do not go there. The Sioux will kill the children."⁶¹ In 1859 alone, Sioux raiding parties stole fifty-nine horses, and summer hunts remained risky. The 1859 hunt on the plains of central Nebraska ended in tragedy; a party of seventy Omahas, mostly the old and the ill who could not keep

up, were attacked by either Cheyennes, Arapahoes or Sioux. Seventeen Omahas died, but not before they took four enemy scalps.⁶²

In September 1860, an outlaw Santee Sioux band or a party of Brulé Sioux under Little Thunder attacked the Omahas within sight of the mission and threatened to torch the agency buildings. Following this outrage, many Omahas deserted their villages, and some even left the reservation, which of course brought complaints from nearby settlers. Agent George Graff worried about the Omahas' livelihood as well as their safety, fearing they would starve if they did not return to plant corn.⁶³ At a council earlier in the year, Joseph La Flesche had reminded the government of its treaty obligation to protect his people, but months later they continued to wait for the protection promised them six years earlier.⁶⁴ Omahas and whites on the reservation were quickly losing patience with the government and with the Sioux. The Indians threatened to retaliate, and after eleven Winnebagoes temporarily residing on the Omaha Reservation were murdered, Agent Robert Furnas built an unauthorized two-story log blockhouse as an armory and a place of refuge, arming it with a six-pound cannon he found on the prairie. The agency also established a cavalry unit composed of whites, mixed-bloods, and English-speaking Omahas, who hoped to receive arms and ammunition from Fort Leavenworth, Kansas.⁶⁵

In 1865, Acting Commissioner of Indian Affairs R. B. Van Valkenburgh asked Agent Furnas to send him a report on Sioux depredations so that he could determine how to reimburse the Omahas for their losses. With the aid of testimony from Omaha chiefs and head men, two former agents, and mission employees, Furnas compiled a detailed list of thirteen Sioux attacks dating from June 1854 to May 1865. In the raids, \$1,000 worth of personal property had been stolen, the Omahas had lost 152 horses, and twenty-two of their people had been slain. Furnas calculated the value of horses at \$60 each, and since "there ought to attach some pecuniary consideration for loss of life," he considered the twenty-two Omaha lives worth a total of \$2,000. Reminding the department that the

Omahas were "a loyal and peaceable tribe," he asked that their claim be seriously considered.⁶⁶ But in 1875, the tribe had not yet been compensated for their losses at the hands of the Sioux.⁶⁷

In December 1854, Lewis Saunsoci asked Agent George Hepner when he would be paid the \$1,000 provided him in the March treaty.⁶⁸ This is but one of many instances of late payments, underpayments and arbitrary deductions from monies owed the Omahas. For example, the Omaha agency had no funds for the first nine months of 1861, and Agent O.H. Irish had to use his own money plus credit to keep the mill and farm operating.⁶⁹ Annuities often came late and on no particular schedule, requiring agents and superintendents to remind the government that the Omahas were in need.⁷⁰

In some cases, it appears that the government deliberately cheated the tribe. In 1862, Joseph La Flesche wanted to know why most of the Omaha annuity was paid in paper money when the more rebellious tribes received theirs in silver and gold. He considered the practice unfair since it made a \$7,000 difference in the Omahas' yearly income and the government expected its payments in coin. In 1866, the chiefs and head men questioned the payment of part of their annuity in goods when they previously had been paid cash; with the many deductions that reduced their payment, they needed the money now.⁷¹ When the Omaha annuity fell short in 1864, Agent Furnas investigated and found that without the tribe's knowledge, funds had been deducted for trampling a field, stealing a horse, and for "expenses" to a former agent's widow.⁷² The Omahas waited more than fifty years to be paid for the additional 483,365 acres of land they had ceded to the government when they chose their smaller reservation at Black Bird Hills. It was not until they filed suit with the United States Court of Claims in 1910 that they received \$94,739.34, or 19.6 cents per acre for the extra land.⁷³

In 1855, Commissioner Manypenny reported that the Omahas would have a saw mill "next season." Seasons came and went; in October 1856 and again in the fall of 1857,

Agent J. B. Robertson urged the department to erect the promised mill, since many Omahas wanted to build homes and live like whites.⁷⁴ When encouraged not to go on the hunt, one chief asked, "What can we do if we stay here, we have nothing to do with. . . ." ⁷⁵ The Omahas finally received their saw mill in the summer of 1858, but after running for three or four months, its boiler exploded, putting the mill out of commission for a year and a half.⁷⁶ On the treaty's tenth anniversary, the chiefs wanted to know if the mill's ten-year life dated from the treaty's signing, its ratification, or from when the equipment was actually installed and working. Asked to investigate, Agent Furnas contacted former Omaha farmer Joseph Betz, who corroborated the Omahas' testimony that the mill had successfully operated only five and one-half of the promised ten years. Consequently, Furnas recommended repairing the mill and continuing its operation for at least one more year so that all the Omahas could build homes. The mill continued to run, but eventually had to be rebuilt.⁷⁷

The saw mill was an integral part of the Omahas' efforts to become more like white men, since it enabled them to build frame houses to replace their earth lodges. Once on the reservation, the people clustered in three villages four to five miles apart: farthest south was Ton'-won-ga-hae's village; Ish'-ka-da-be's earth lodge settlement was in the center; and perhaps in keeping with the spirit of Big Elk's "farewell address," Joseph La Flesche and the progressive Omahas of his "young men's party" formed a village patterned after white communities. Built near the proposed Presbyterian mission, La Flesche's cluster of neat frame homes and gardens became known derisively by more traditional Omahas as the "make-believe white man's village." By 1861, La Flesche's little town boasted nineteen homes—more than in the neighboring white village of Decatur, Nebraska. But after 1865, residents gradually abandoned the white man's village as they moved onto allotments. Despite its desertion, the village never became a ghost town, since a shortage of building materials required the homes' owners to tear them down and reassemble them on their new

farms. In 1888, all that remained of La Flesche's village was a list of its occupants and a tiny sketch "drawn from memory by one of the Indians who lived there" (Fig. 1).⁷⁸

Joseph La Flesche, also called E-sta'-ma-za or "Iron Eye", (Fig. 2) dominated Omaha history during the early reservation years. The son of French trader Joseph La Flesche, Sr. and an Indian woman,⁷⁹ La Flesche lived among the Omahas and earned the respect of their leaders. Adopted by the revered Big Elk, La Flesche joined the Omaha tribal council sometime between 1845 and 1850 and became a principal chief upon Big Elk's death in 1853. A trader, tribal leader, campaigner for acculturation and a Christian, La Flesche has been described as a "man of sagacity, integrity and intelligence" as well as a self-serving, "shrewd . . . Indian Politician."⁸⁰ Like his mentor, he admired whites and believed his people could survive only by adopting their ways. Much to the annoyance of the more conservative Omahas, La Flesche supported a white style of education and befriended the missionaries assigned to the Omaha reservation, yet he never completely abandoned Omaha traditions. For years he participated in the hunt, and he had several wives.

After witnessing a murder during a drunken brawl, La Flesche had promised himself that if he ever achieved a position of authority, he would prohibit drinking among his people. When he became a chief, he used \$1,000 in tribal funds to establish a police force to stop drunkenness. Punishment was severe; regardless of station, anyone caught drinking could be flogged.⁸¹ Of course, La Flesche's authority did not go unopposed.

trails Members of the "chiefs' party" who wished to retain the tribal hunt and other ancient ways resisted his attempts at acculturation, and at one point threatened his life.⁸² But Agent O.H. Irish considered the Omahas lucky to have such a chief, and the Presbyterians sang his praises, saying that he was "doing everything in his power to civilize and elevate his people. . . ." Charles Sturges, superintendent of the mission school, called La Flesche "an



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| *1. Um-pa's house. | 14. Du-ba-mon-ne's house. |
| 2. The-me-ka-the's house. | 15. Wa-jac-pa's house. |
| 3. Wa-thu-bae-zin-ga's house. | 16. Wu-zin-ga's house. |
| 4. Me-ha-ta's house. | 17. Ne-ou-gu-shu-dae's house. |
| 5. Bron-tee's house. | 18. Wu-ne-u-wa-ha's house. |
| 6. Um-pa-ska's house. | 19. Ma-he-nin-ga's house. |
| 7. Joseph La Flesche's house. | 20. Sin-dae-ha-ha's house. |
| 8. Wa-na-shae-zin-ga's house. | 21. Wa-ha-nin-gae's house. |
| 9. Tac-on-ka-ha's house. | 22. Ma-wa-din-ne's house. |
| 10. Ca-hue-num-ha's house. | 23. Grue-dun-nuz-ze's house. |
| 11. Num-ba-tae-wa-thae's house. | 24. Bridge over stream. |
| 12. Ta-hae-zin-gae's house. | 25. Vegetable garden, La Flesche's. |
| 13. Ne-ma-ha's house. | |

The Make-Believe White Man's Village
Fig. 1

Alice C. Fletcher, Historical Sketch of the Omaha Tribe of Indians in Nebraska
(Washington, D. C. : Judd and Detweiler, 1885), Plate 6.



Joseph La Flesche
Fig. 2

Alice C. Fletcher and Francis La Flesche, The Omaha Tribe,
Twenty-Seventh Annual Report of the Bureau of American Ethnology
(Washington, D. C. : Government Printing Office, 1911), Fig. 49.

industrious man, [and] a friend of the mission" but qualified his praise, cautioning that "money [was] his idol."⁸³

It was La Flesche's pursuit of power and of the Omaha trading dollar that led to his conflict with the equally ambitious Agent Robert W. Furnas in 1865. On the reservation, La Flesche and Henry Fontenelle served in the lucrative and coveted positions of traders for the Omahas, who strenuously resisted having a white trader among them. Shortly before he left the agency in 1864, Agent Irish appointed the two mixed-bloods official traders, but their credentials were delayed so the new agent, Robert W. Furnas, could share in the trading decision. Furnas, who would be such a factor in La Flesche's career, owed his position as Omaha agent to Samuel G. Daily, Nebraska Territory's congressional delegate, and Daily had his own ideas about who should secure the Omaha trade. Cautioning Furnas not to give the business to "those half-Breeds at the Reserve," Daily told the agent to appoint the best possible man as trader, making sure to [give] him only as small a portion of the proceeds as [he could]." Furnas chose Robert Teare of Brownville, Nebraska for the job. Although the official "trader," Teare was merely an employee; Furnas, Daily and Indian Commissioner William P. Dole invested in the trade and split the profits.⁸⁴ Teare now had the trading license, but Fontenelle and La Flesche continued to sell goods to both the Omahas and the recently-arrived Winnebagoes. When Teare protested, Commissioner Dole, concerned about profits, told Furnas to stop their activity, even with troops if necessary.⁸⁵

As a former Civil War military commander, Furnas expected to be obeyed. Along with the trading issue, La Flesche may have annoyed the agent by not subordinating himself to his authority. Whatever the reasons, Furnas never missed an opportunity to accuse the chief of obstructionism, self-aggrandizement and hypocrisy. In a bitter indictment, Furnas charged La Flesche with "producing discord among the tribe," leaving the reservation without permission, encouraging tribal police to inflict unfair punishment,

lending money at usurious rates, and refusing to allow his people to deal with licensed traders. Furnas claimed that it was the "accidental" chief's wealth, not his personal popularity, that kept him in power. Citing his lavish feasts, Furnas quoted La Flesche as saying he "[could] fill the Omahas' bellies and then do as he pleas[ed] with them." If true, the agent's most serious charges showed La Flesche to be an enemy of his own people. According to Furnas, the chief advertised his support of tribal advancement, but behind the scenes did everything he could to hold the Omahas back. What most incensed Furnas was La Flesche's opposition to an 1865 treaty amendment providing universal Indian education. Accusing the chief of wanting only his own children to have a white education, Furnas charged that La Flesche, that "dreadful incubus upon the tribe," would not "if he could help it, allow the masses to be educated or benefited, for then they would be equal with him."⁸⁶

Furnas argued that as long as La Flesche pulled the tribal strings the Omahas would not progress. Therefore, the agent recommended that he be permanently deposed as chief and, if necessary, banished from the reservation. Superintendent E. B. Taylor agreed with Furnas' assessment, but Commissioner Dennis Cooley was reluctant to take such harsh measures against an influential Omaha who had been of such use to the government in the past. Since La Flesche's actions seemed to be heavily influenced by mission school superintendent R. J. Burt, Cooley asked the Presbyterian Church to recall Burt in the hope that his removal would change the chief's behavior. According to Furnas, La Flesche boasted that the missionary would shield him from any charges of misconduct. Burt was dismissed, and with his alleged protector gone, La Flesche hastily fled the reservation with his entire family on the night of April 17, 1866.⁸⁷ A few months later, Furnas reluctantly admitted that he may have judged La Flesche too harshly and agreed to allow him back on the reservation, but only if he were willing to be "subordinate to the agent."⁸⁸ La Flesche did return home, but he never again held a seat on the tribal council, and apparently was recognized as a leader only among his band of followers in the young men's party.⁸⁹

Was Joseph La Flesche a self-serving "politician" as Furnas charged, or did he really want to see his people advance? Did he worship money? In the long run, did he help or hinder his people? The questions are legion. Most of the evidence shows a man who correctly gauged the future and wanted his people, and especially his own family, to be prepared for the white world. His campaign to stop alcoholism was truly admirable, though his methods were not. In trying to force his people along the white man's road, perhaps he pushed too hard. In assessing his career, it appears odd that the only real criticism of this remarkable man, besides that of rival chiefs, came from an Indian agent with a hidden agenda. But Joseph La Flesche may have done his people a disservice simply by being who he was—an acculturated, high-profile Christian Indian whose image possibly convinced reformers and the government that all Omahas could become land-owning farmers. Perhaps it is best to let Joseph La Flesche speak for himself. Suffering from complications from an improperly amputated leg, he confronted his own mortality by stating that all he lived for was "to see his people on the road of improvement, their money matters all made straight, and the Mission full. . . ."⁹⁰

In his correspondence and his actions, Robert Furnas appeared grasping, domineering and vindictive, and perhaps he was. But for the most part, he did a good job under trying conditions. Reformers and the government dictated Indian policy, but it was the agents who dealt with everyday affairs, and the temptation to cheat was strong. In most cases far from Washington, agents often became despots and occasionally became thieves. Most agents were overworked; all were underpaid, and it took a man of rare character to settle himself, and often his family, in the western wilderness for \$1,500 a year. "For the weak and dishonest, it was a wide-open opportunity for quick wealth; for the honest man, it was an impossible job."⁹¹

Omaha agents were no different from others in these respects. Although the 1860s are considered the most corrupt period in nineteenth-century Indian administration, three

Omaha agents in succession left their posts under questionable circumstances a decade earlier. George Hepner, already suspect for his alleged role in the reservation selection, soon came under fire for neglecting the Omahas and being in league with a group of Indian leaders. According to missionary Hamilton and citizens of Council Bluffs, Hepner lived in St. Mary's, Iowa, and only saw the Indians under his care when absolutely necessary. In 1856, responding to numerous complaints, Nebraska Territorial Secretary Thomas B. Cuming filed a formal protest with Commissioner Manypenny.⁹² But charges that Hepner shorted the Omahas on provisions proved his undoing. When a shipment of flour bound for the Indians arrived in Omaha and was determined to be underweight and of poor quality, The Nebraskian, Omaha's territorial newspaper, attacked the agent in print. Noting that Hepner was conspicuously absent when the flour arrived, an editorialist asked, "Was he a party to the attempt to defraud the poor Indians, furnishing them inferior flour at the prices of a better article?"⁹³ In February 1856, Secretary of War Robert McClelland ordered Hepner to explain his actions or risk removal from office. Hepner defended himself to the satisfaction of investigator Daniel Vanderslice, who claimed that the agent had been the target of a "smear campaign" by merchants who wished to discredit him and replace him with someone more "pliable." Despite Vanderslice's recommendation that he be returned to duty, Hepner was suspended and never returned to the Omaha agency.⁹⁴

J. B. Robertson, a former Omaha farmer who replaced Hepner as agent in 1856, appears to have been an extortionist and a thief. Robertson was universally disliked by Presbyterians at the agency who accused him of neglecting the Omahas and undermining their mission.⁹⁵ William Hamilton was convinced that Robertson played a role in an alleged plot to move the Omahas to Ponca lands to open their reservation to speculators. In Hamilton's view, tricking the Omahas out of their lands would be as simple as "mak[ing] a chief or two and brib[ing] one interpreter."⁹⁶ Robertson may also have misappropriated Omaha funds. Shortly after taking office, he deposited \$2,000 with the Western Fire &

Marine Insurance Company in Omaha at three per cent interest per month. In September 1857, Robertson approached the company's auditor, saying he needed the cash back, since it was "government money, and if not paid would lead to his ruin and disgrace." When the company balked, Robertson threatened to have his son, who edited The Nebraskian, attack the firm in the press.⁹⁷

The construction of an agency building gave the dishonest agent another occasion to skim government funds by charging \$600 for a \$450 construction job. But a fourth charge finally attracted the government's attention. In 1866, the Omahas claimed that Robertson kept part of the \$25,000 provided them in the appropriation act of August 1851, and an investigation of the agent's books showed discrepancies. The Indians were right, and the government agreed to a \$13,000 settlement for the stolen funds. In 1882, payment was still pending.⁹⁸

Agent William F. Wilson lost his position as Omaha agent on the strength of a quite-possibly forged letter. On June 11, 1859, the Omaha chiefs and head men allegedly signed a petition to have Agent Wilson removed from office because he was "too old and infirm," had refused to pay their annuity at their village, and had exposed them to whiskey sellers. In addition, the Indians claimed that he replaced a competent engineer with an untrained one and refused to pay Indian employees. The Omaha chiefs later denied any knowledge of the letter, written by Henry Fontenelle, and categorically denied every charge Fontenelle brought against Wilson. In a signed statement, Lewis Saunsoci accused Fontenelle of forging his signature, and the testimony of two white men from Decatur, Nebraska who spoke to Fontenelle in Omaha the afternoon of the supposed council supported his charges.⁹⁹

Why would Henry Fontenelle forge such a letter? At this point the plot takes an interesting twist. The chiefs, Omaha Hiram Chase, and agency farmer David Jones all testified that in mid-June, Nebraska Governor S. W. Black, Territorial Marshall William A.

West, and "one Mr. Patrick"¹⁰⁰ visited the Omaha village. Governor Black passed himself off as the Commissioner of Indian Affairs while West claimed to be the new Omaha agent. The three men gave the Omahas money and asked leading questions whose "answers" appeared in the "petition." All the evidence indicates an attempt to discredit Wilson, who believed West wanted his job and had dictated the "petition."¹⁰¹ Disregarding the three men's mysterious visit, letters of support from missionaries and local citizens, and his own believable defense in which he claimed to be the victim of a vendetta by a "corrupt" tribal faction, Wilson was summarily dismissed on October 17, 1859.¹⁰²

While some agents and many outsiders hoped to profit from the Omahas, missionaries hoped to change them. In 1846, the Board of Foreign Missions of the Presbyterian Church established a mission and a boarding school at Bellevue for the Otoes and Omahas. When the Omahas moved to their reservation in 1855, the Presbyterians and their ethnocentricity went along. Charles Sturges, an early mission school superintendent, told the Omahas in council that the missionaries had come "to tell them how to live and how to die," and gave the impression that their tribe would disappear if they did not educate their children and accept the white man's God.¹⁰³

The churchmen criticized or ridiculed what they did not understand. Sturges complained that several "chiefs and men" wanted to observe the Sabbath, but had no concept of time. One Indian recognized the Sabbath because that was the day the missionary came to see them, and another counted on his fingers to represent the seventh as Sunday. R. J. Burt of the Omaha mission thought the Omaha language "a very poor one," with a "scarcity of . . . words" to communicate religious ideas. While admitting that pride probably prevented the Omahas from being emotional, Sturges accused the Indians of underreacting to his gospel message.¹⁰⁴ Presbyterians also believed the Omahas immoral, which seems strangely hypocritical in light of moral lapses by the churchmen. Reverend

Burt reportedly had an extramarital affair, which caused Joseph La Flesche to remark that he had "as good a right to another wife as Mr. Burt [sic],"¹⁰⁵ and in 1854, William Hamilton borrowed \$1,800 from La Flesche with the understanding that he would earn ten per cent interest and would have his money back in six months. Three years later, La Flesche, who could not read English, learned that the note read *six* per cent interest, not ten. Only the intervention of Charles Sturges prevented La Flesche from suing Hamilton for his money.¹⁰⁶

The Presbyterians, along with Omaha agents, advocated a program of forced acculturation by discouraging common ownership of property, by attempting to depose chiefs, and by curtailing hunts, even though these often were the Omaha's only source of meat. Instead, they encouraged private land ownership, acquisitiveness, and detribalization of the Omahas.¹⁰⁷ But they directed most of their energies toward changing the Omaha children, believing that white ways learned at an early age would become permanent. In 1858, Charles Sturges asked the government to force Omaha chiefs to send all children aged eight to fourteen to the mission school to "fill up [the] school and keep it so." Seven years later, Agent Robert Furnas recommended that the treaty of that year include a provision requiring parents of children aged five to twenty to educate them or lose their annuities.¹⁰⁸

The acculturation process began by missionaries giving their students English names to replace their difficult-to-pronounce and "heathenish" Indian ones. Traditional Indian dress was taboo, as noted by Joseph La Flesche's son, Francis, who related an incident from his days at the mission school. Wanting to look his best, an Omaha boy arrived at school for the first time dressed in his "embroidered moccasins, his leggings and [his] little buffalo robe" and he was immediately sent to the storeroom, where La Flesche and a fellow student fitted him with white clothing. His fine Indian costume was bundled up and returned to his parents. Since the government and the church considered the English

language basic to civilization, children were forbidden to speak in Omaha, a rule "rigidly enforced with a hickory rod." But despite the rules and the rod, R. J. Burt insisted, "There still exists a too general disposition to converse in their native language."¹⁰⁹ The Presbyterians meant well, and they hoped their presence would "humanize government policy" and help the Omahas survive. Board of Foreign Missions secretary Walter Lowrie believed agriculture would solve all the Omahas' problems. All they had to do, according to Lowrie, was "to give up their hunting, and settle each on his own farm, and live like white men."¹¹⁰ It would not be that easy.

In 1869, President Ulysses S. Grant's "Quaker Policy" brought Hicksite Friends to the Omaha Reservation as agents. Like the Presbyterians, these Quakers misunderstood and under-appreciated Omaha culture and the huge problems confronting the tribe. Also, like the Presbyterians, they hoped to turn the Omahas into "civilized," Christian farmers. The Friends treated the Indians as "spiritual equals" but "cultural inferiors" who must learn white ways or perish. Important to their aims were allotment of lands and the creation of individual farms, both of which contributed to the destruction of traditional Indian government and social structure.¹¹¹

At first, Presbyterian missionary William Hamilton, Quaker Agent Edward Painter, and his superintendent, Samuel M. Janney, had a good relationship, and a Quaker report in 1869 praised Hamilton's efforts, vowing that Friends would work "shoulder to shoulder" with him to improve the Omahas.¹¹² But Hamilton soon fell out of favor with the Quakers and most of the Omahas when he interfered in tribal politics by defending Joseph La Flesche in his power struggle with conservative chiefs. Probably because of the relationship among Hamilton, La Flesche and the mission boarding school, the chiefs in 1868 asked to have the school terminated and replaced with two or more day schools. Acting in concert with the request of tribal leaders and Superintendent Janney,

Commissioner of Indian Affairs Ely S. Parker canceled the Presbyterians' school contract effective September 30, 1869.¹¹³

Although the Omaha chiefs requested the boarding school closing in 1868, before the Quakers arrived, Hamilton blamed the Friends for the school's temporary demise. The feud between the religious groups continued for years, finally degenerating into a war of words on the pages of Alfred B. Meacham's national Indian advocacy newspaper Council Fire. In September 1879, Meacham published a letter from eleven Omahas, probably sent at the urging of Hamilton, asking the government not to replace Quaker agent Jacob Vore with Barclay White, the current Winnebago agent. Apparently the Indians misspoke: what they meant to say was that they wanted no more Quaker agents because the Friends had closed the boarding school. Vore then attacked Hamilton, calling him anti-Quaker and accusing him of using "ignorant" Indians to convey his own message. He denied any Quaker involvement in the boarding school's closing and referred Hamilton to his own 1869 report, in which he thanked Janney and Edward Painter, both Quakers, for their support and kind words. In March 1880, J. Owen Dorsey announced that Hamilton was not sectarian and that all the Omahas had complained about Quaker agents.¹¹⁴

The Friends' stewardship among the Omahas was unsuccessful, but outside influences contributed significantly to their failure. For five years of their regime, Nebraska farmlands were attacked by grasshoppers, and the Omahas' final buffalo hunt in 1876-1877 was so unsuccessful that the starving Indians resorted to begging food at Fort Hays, Kansas, where General John Pope issued them \$340 worth of rations. But mostly, Quaker expectations were simply too high.¹¹⁵ By 1876, Nebraska's congressmen wanted only Nebraska citizens to serve as agents within the state, and as a result, the Senate rejected many Quaker candidates. One by one the Hicksite Friends lost their posts, until none remained in 1885.¹¹⁶

Of course, not all Omaha acculturation during the early reservation years was forced by whites. Tribal leaders roughly divided along "traditional" and "progressive" lines, with Joseph La Flesche and his followers representing the latter category. Letters translated by anthropologist J. Owen Dorsey or those published by Meacham in Council Fire reveal the Omaha progressives' desire to "improve." While admitting they were a tribal minority, the letter writers all wanted to be farmers and follow white ways.¹¹⁷ On the other hand, so-called Omaha "reactionaries" refused to leave their earth lodges and wanted no money spent on agriculture, physical improvements or medical care. The parents of some children who wanted to attend school were afraid to send them for fear of being whipped. William Hamilton believed these Omaha parents had been threatened by traditional chiefs under orders from former agent W. P. Callon and Superintendent H. B. Denman to keep the children away from the mission school. Tired of the Indians being pulled in several directions by interfering whites, Hamilton admitted it would be "a blessing to the nation if the white man were removed from the reservation."¹¹⁸

Of the tribal conservatives, Little Chief appeared to be the most troublesome, controlling the more traditional Indians, obstructing justice, and threatening to drive whites off the reservation. The progressives hated him because he removed Indian children from the mission school, and both Agents Irish and Furnas recommended that he be stripped of his title, since he impeded Omaha "progress."¹¹⁹ Other tribes resented Omaha progressives as well; in a joint council, the Otoes cautioned Omaha chiefs not to try to become white men because they would fare badly. Joseph La Flesche disagreed:

Look back on the lives of your fathers and grandfathers; then look at yourselves, and see how far you have gone ahead, and seeing this, do not stop and turn back to them, but go forward. Look ahead and you will see nothing but the white man. The future is full of the white man and we shall be as nothing before them.¹²⁰

Acculturation
& goals

Comments

Paper Chiefs

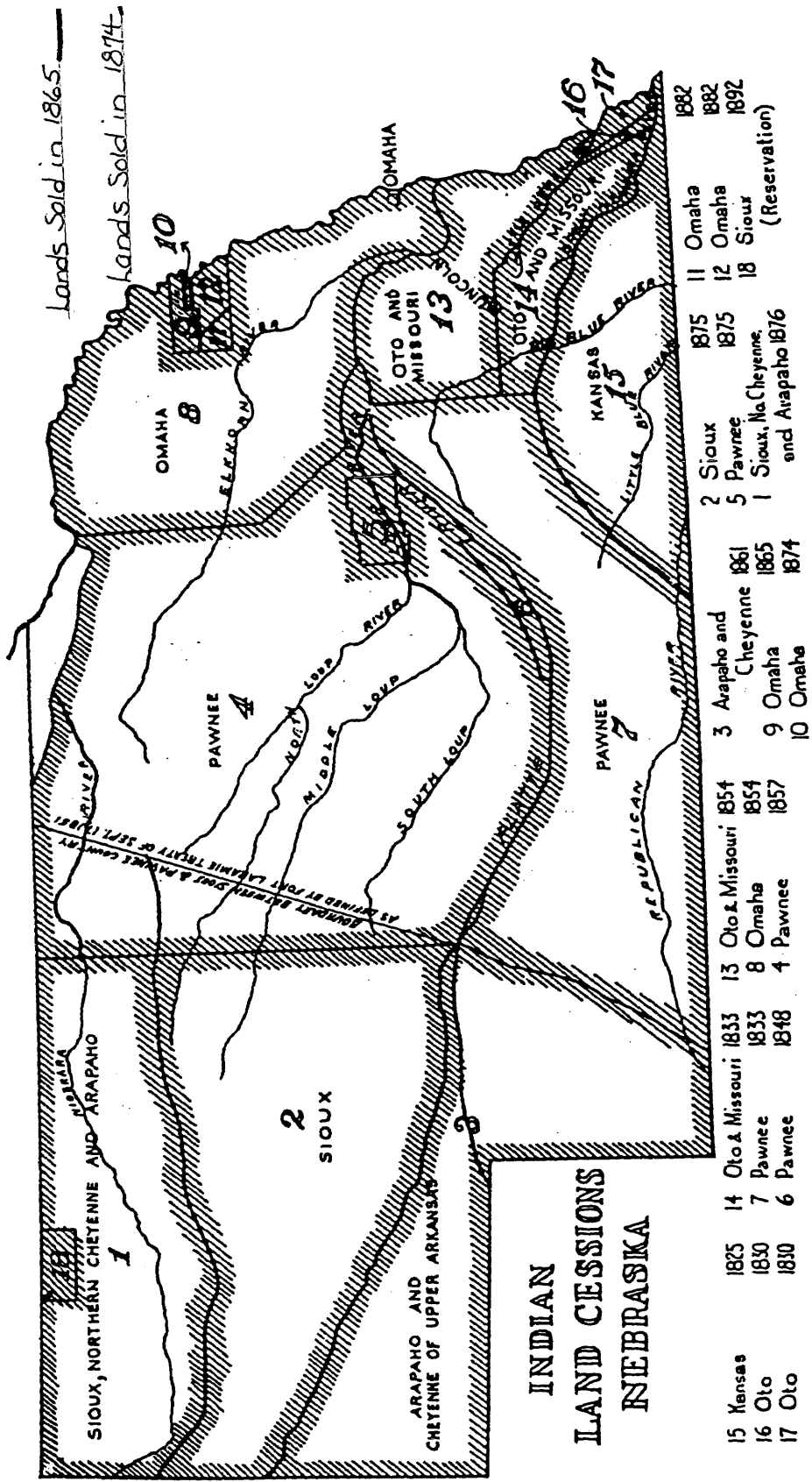
As the Omahas "progressed," their government was modified to suit whites. Because tribal meetings were unproductive and "cumbersome," the agents organized a council of as many as nine "paper chiefs" whose tenure rested on good behavior and who could be "easily called together by the agent." Although chiefs were no longer independent, Quaker agents advocated abolishing the office altogether, since chiefs "insisted on special privileges and impeded tribal progress and 'republicanism.'" The Omaha people must have agreed; in August 1877, they petitioned the Commissioner of Indian Affairs to allow them to "remove [their] chiefs and try some other way." They wanted to elect their leaders as white men did, but the embattled chiefs claimed "the great Father made [them] chiefs" and the people could not remove them from office. They were deposed, however, and in March 1880, by a show of hands, the Omahas elected seven leaders with equal authority. The era of the principal chiefs had ended.¹²¹

Amid the turmoil of the 1860s, the Omahas found themselves inundated by hundreds of destitute Winnebagoes fleeing the arid, desolate Crow Creek reservation in Dakota Territory. A canoe load at a time, half-starved Winnebagoes struggled onto the Omaha Reservation, and by May 1864, nearly 1200 of these strangers had moved onto Omaha lands. In a council with newly-arrived Agent Robert Furnas, the Omahas agreed that the Winnebagoes could stay, but only if they obeyed stringent rules and if they paid their hosts out of their tribal annuities. Many of the very young and very old Winnebagoes froze to death during the following winter; they had arrived with nothing and had been issued no clothing since they came to the Omahas. Furnas could not understand Winnebago agent Saint A. D. Balcombe's lack of concern for the Indians in his care. He made no attempt to contact Furnas, who later learned that he had spent the winter in Sioux City, "forty miles from the nearest Winnebago," probably living off the Indians' clothing allowance, which had mysteriously disappeared.¹²²

On February 6, 1865, over the objections of those who did not want to see their still-unallotted reservation reduced, the Omaha chiefs and head men authorized Joseph La Flesche, Standing Hawk, Little Chief, Noise and No Knife to negotiate with the United States to sell part of their lands for the Winnebagoes' use. The first article of the March 6, 1865 treaty (Appendix IX) stated the boundaries of the northern portion of the reservation to be conveyed to the Winnebagoes (Map 8) and provided that no Omaha improvements would be included. By the provisions of Article Two, the Omahas would be paid \$50,000, to be used by their agent to improve what remained of their reservation. Article Three provided the tribe with a blacksmith, shop, farmer and mills for ten years longer and allowed the Omahas \$7,000 for damages sustained during the Winnebagoes' stay on their reservation.¹²³

Article Four, which would almost immediately be questioned, abolished common land tenure on the remaining Omaha Reservation and provided for "regular and compact" allotments of 160 acres to each family head and forty acres to each *male* over eighteen. The agency would occupy one quarter section, and all allotments would include some timber. Certificates would be issued for the tax-exempt allotments, which could not be sold or leased, except to the government or to other Omahas. Finally, under Article Five, the Omahas could buy their land back if the Winnebagoes proved to be poor neighbors.¹²⁴

The Omaha tribal representatives had no idea what was included in the 1865 treaty. When Superintendent H.B. Denman explained the treaty's provisions, they were surprised, and said they were unaware that allotment was even mentioned. They objected strenuously to the changes in allotment terms in the new treaty, since land would now be parceled out without regard to family size. It was, they argued, unfair for a childless couple to have as much land as a family of ten. In February 1868, the Omaha chiefs asked to have their lands allotted according to the more generous terms of the 1854 treaty. Denman urged the Indian Department to change the mode of allotment, even if it took an act of Congress. In



Lands Sold to the Winnebagoes
Map 8

Addison E. Sheldon, "Land Systems and Land Policies in Nebraska,"
Publications of the Nebraska State Historical Society, Vol. XXII
(Lincoln: Nebraska State Historical Society, 1936), 23.

November, the Omahas once more voiced their objections, this time asking for a new treaty. But at his first council with the chiefs, in June 1869, Samuel Janney convinced them to accept the 1865 terms. The Quaker superintendent must have been quite persuasive, since the chiefs also offered to pay the surveyor from their "Winnebago fund."¹²⁵

Early in 1866, Omaha leaders petitioned the Commissioner of Indian Affairs to survey and allot their lands promptly so that those who had chosen their acreage could begin working their farms in the spring. Exactly one year later, the United States Land Commissioner informed Commissioner Lewis Bogy that the Omaha survey had been delayed due to harsh winter weather, but promised that it would be completed as soon as possible. The surveyor finally finished his field work on June 27, 1867 and transmitted the survey to the land office in parts to speed up its verification.¹²⁶ Two months after the survey's completion, Agent W. P. Callon urged the government to get on with the work of allotting Omaha lands, since it would be a time-consuming process.¹²⁷

The task of allotting Omaha lands fell to Agent Edward Painter. Following clearly defined rules, he had assigned 160 acre parcels to 130 of the 278 heads of families by August 1869. A year later, 209 farms of 160 acres had owners and forty-six single Omahas had received their land. In July 1871, Painter finally sent his superior the complete roll of Omaha allottees, which included a few allotments to non-resident Indians, should they agree to return to the reservation. The Omahas whose land had been allotted received their certificates in March 1871 with the promise that the land was secure for them and their heirs.¹²⁸

Painter had barely finished his work when problems arose regarding the allotments. Some were minor: because of the similarity of names and an inadvertent erasure, Little Buffalo received Sleeping Buffalo's claim; several Indians wished to exchange their lands for ones closer to the villages and the school; still others wanted to be near relatives and friends; and at least one Omaha built a house on the wrong allotment. But, more seriously,

some land could not be farmed, and several allotments were being washed away by the Missouri River. Overall, the Omahas were unhappy with their inadequate 1871 allotments, and worried about their futures, since they could no longer hunt and the Nebraska legislature had threatened to remove them from the state. Some Indians, especially Joseph La Flesche's faction, wanted written deeds to their lands so they could not be driven to Oklahoma.¹²⁹

After allotting the Omahas' lands, Edward Painter's hands were tied. He had no funds to help the Indians improve their farms, and they each received only fourteen dollars per year in annuities. Citing Article Six of the 1854 treaty, which allowed the Omahas to sell surplus lands, Painter suggested selling 50,000 acres from the reservation's western end to raise money for improvements. Both Painter and Janney worried that lack of capital for farms would cause the Indians to "regress." Approving their agent's plan, the Omaha chiefs asked that a delegation go to Washington to negotiate the sale.¹³⁰ The Omahas' proposition first came before Congress early in 1871, but because it was attached to a more complex and controversial bill, the tribe's request was denied.¹³¹ Stressing the inadequacy of their \$20,000 annuity, the Omahas in late October 1871 petitioned the new Congress for permission to sell the land, this time with the support of Interior Secretary Columbus Delano, Commissioner Francis A. Walker and the Quakers. In addition to approving the transaction, Congress allowed the Omahas a \$30,000 cash advance, to be repaid from land sale profits.¹³²

An act of June 10, 1872 ordered the 50,000 acre western tract to be surveyed and appraised, after which the lands would be advertised for sale at no less than an average of \$2.50 per acre. The resulting money would be deposited in the United States Treasury at five per cent interest, payable semi-annually, with the stipulation that no more than twenty-five per cent of the land sale money could be used in any given year.¹³³ Unfortunately, sales were slow since few investors agreed to pay the high per-acre price. Consequently,

the Omahas saw little profit and were unable to "advance in civilization" in 1873. Instead, they went on a hunt.¹³⁴

In 1873, the Indian office called Omaha chiefs to Washington to transfer still more land to the Winnebagoes. Since the designated area (Map 8) included heavy timber and the Winnebagos had been stealing their horses, the Omahas initially resisted the sale. But when told by Agent T. T. Gillingham that chiefs who refused to negotiate would be deposed, they reluctantly agreed, under certain conditions: 1) they wanted more than \$2.50 per acre; 2) the pony thefts must stop; and 3) Omahas whose allotments were on the land to be sold must be given titles or be allowed to choose other acreage.¹³⁵ In July 1874, all nine Omaha chiefs went to Washington where they deeded 12,347.55 additional acres of their dwindling reservation to the Winnebagoes for \$30,868.87, or almost exactly \$2.50 per acre.¹³⁶

By 1881, the government still owed the Omahas \$20,885 from the second Winnebago land sale. In a rational yet emotional appeal for payment, the Indians reminded Congress that much of the merchandise purchased from proceeds of the first sale was substandard. Also, the government-issue harnesses did not fit their small Indian ponies, and fifty of the one hundred cattle they received were kept by the agent and allowed to starve to death. The memorialists asked for itemized lists of items purchased "so if we are not allowed to suggest or to direct how our money shall be expended, we may at least have the satisfaction of knowing what became of it when it is all gone."¹³⁷

The Poncas' forced removal from Nebraska in 1877 prompted the Omahas to look at their own land titles. When lawyers told them they held worthless scraps of paper, they felt betrayed by the government they had always trusted. Joseph La Flesche addressed his fears to Alfred B. Meacham of the Council Fire: "We reserved for ourselves a very small part of the land. . . . But the white people wish to take that from us and send us to another land; that is very hard for us!"¹³⁸

The Omahas did not suffer the Poncas' fate of removal, but the early reservation years left them in many ways poorer than they had been before their fateful trek to Black Bird Hills in 1855. They no longer feared the Sioux, but they did fear the future. For nearly twenty years they had been cheated, lied to, and forced to surrender many of their old ways. Promises had been made and broken and their tribal government had been dismantled. No longer able to depend on the buffalo for food, they had been asked to farm without money or machinery. Worst of all, they had been unwilling participants in the rapid deterioration of their tribal land base. Yet to whites, the Omahas were "a steady and reliable set of men . . . advancing in the direction of citizenship."¹³⁹ Considered models of loyalty, self-reliance and acculturation, they were deemed ready for allotments in severalty. But most were not ready, and even harder times lay ahead. In 1881, the Omahas would meet a determined "lady from Boston" who would study their culture, reallocate their lands, and for good or ill, lead them further down the white man's road.

NOTES

¹To the Cincinnati Commercial, From Several Omahas, circa 1879, in James Owen Dorsey, "The Čegiha Language," Contributions to American Ethnology, vol. 6 (Washington, D.C.: Government Printing Office, 1890), 761.

²Alfred Cumming to George Manypenny, January 4, 1854, Letters Received, Council Bluffs Agency [LRCBA], 1852-1857, National Archives [NA], Records Group 75, Microcopy 234 [RG75, M234], Reel 218, Frame 89. Indian Claims Commission [ICC], Docket 225-A, Briefs, Omaha Tribe of Nebraska (New York: Clearwater Pub. Co., 1973), Card 1 of 3, p. 4. The Indian Claims Commission brief dates Gatewood's orders on December 15, 1853, but Superintendent Cumming's letter states that they were issued on October 19. The later date probably denotes when he actually received them.

³Cumming to Manypenny, January 4, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 89. G. Hubert Smith, Omaha Indians: Ethnohistorical Report on the Omaha People (New York: Garland Publishing, Inc., 1974), 111. Preamble to the "Gatewood Treaty," January 27, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 195.

⁴ICC, Docket 225-A, Briefs, Omaha Tribe of Nebraska, Card 1 of 3, p. 4.

⁵Smith, Omaha Indians, 110-112. Text of the Gatewood Treaty, January 27, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 197. All sixty men present at the council signed the treaty.

⁶Text of the Gatewood Treaty, January 27, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 195-96.

⁷Text of the Gatewood Treaty, January 27, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 196-97.

⁸Cumming to Manypenny, Letter and Telegram, February 20, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 96-97.

⁹Manypenny to Interior Secretary Robert McClelland, March 1, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 190. Manypenny's use of the plural "treaties" refers to the Omaha agreement plus a similar treaty negotiated by Gatewood with the Otoes. LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 191-94. Even if everything else about the Omaha treaty had been acceptable, the proposed long-term annuities would have defeated it. But in writing the installment payments into the agreement, Gatewood obeyed the wishes of the Omahas. Smith, Omaha Indians, 113.

¹⁰Manypenny to McClelland, March 1, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 191.

¹¹Manypenny to McClelland, March 1, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 190. Missionary William Hamilton admitted that Peter Sarpy was a major player in the Gatewood Treaty, but he defended the trader, calling him a friend to the Omahas. William Hamilton, "Autobiography of Rev. William Hamilton," Transactions and Reports of the Nebraska State Historical Society, vol. 1 (Lincoln: State Journal Co., 1885), 65.

¹²"Vive La Bagatelle!" St. Louis Republican, February 20, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 95.

¹³Cumming to Manypenny, June 16, 1853, December 27, 1853, and February 20, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 50, 87, 96.

¹⁴Report of Agent Daniel Miller, September 3, 1842, in Annual Report of the Commissioner of Indian Affairs [ARCIA], 1842, 432. [All Commissioners, Superintendents, and Agents Reports are from the University of Nebraska at Omaha's microfiche collection, Call # I20.1]. Charles J. Kappler, comp. and ed., Indian Affairs: Laws and Treaties, vol. 2 (Washington, D.C.: Government Printing Office, 1904), 611. Although Omaha tribal boundaries had shifted on occasion prior to the 1854 treaty, the leaders accepted the boundaries claimed by federal negotiators. Smith, Omaha Indians, 123. From the time the Omahas signed this treaty, the Poncas alleged that part of the Omaha cession was their land. Acting Commissioner of Indian Affairs Charles E. Mix agreed with the Poncas, citing an 1825 peace treaty signed at Ponca Village, which appeared to be on lands sold by the Omahas. Memo from Charles E. Mix to the Secretary of the Interior, January 11, 1855, John L. Champe Papers, Manuscript [MS] 31, Box 2, Folder 1858, Nebraska State Historical Society [NSHS].

¹⁵Kappler, Indian Laws and Treaties, vol. 2, 611.

¹⁶Kappler, Indian Laws and Treaties, vol. 2, 611-13. William Hamilton claimed that the \$1,000 payment to Lewis Saunsoci written into the treaty was to be divided with Logan Fontenelle. The two had apparently escorted a touring "dancing party." William Hamilton to Walter Lowrie, December 9, 1856, American Indian Correspondence: The Presbyterian Historical Society [PHS] Collection of Missionary Letters, 1833-1893 (Westport, Connecticut: Greenwood Press, 1978), Box 4, Volume 2, Letter 33. [University of Nebraska at Omaha Microfilm Collection, Call #E98.M6.A43]. The provision for fairly large annuity payments for a relatively short time reflected Manypenny's personal reservations about annuities and their detrimental effect on Indians. He believed annuities were counterproductive, because "nothing but necessity [would] draw them to work." Interview with the Mississippi Bands of Chippewa, February 17, 1855, Documents Relating to the Negotiations of Ratified and Unratified Treaties with Various Indian Tribes, NA, RG75, T494, Reel 5, Treaty File 287, Frame 349.

¹⁷Kappler, Indian Laws and Treaties, vol. 2, 613-14. All of the 1853-1854 treaties which created reservations contained clauses providing for rights-of-way through the reserves. This meant that even though Indian title had not been extinguished, railroad development could proceed. This was the first group of treaties in which these concessions were clearly defined. James C. Malin, Indian Policy and Westward Expansion, Bulletin of

the University of Kansas, vol. 22, *Humanistic Studies*, vol. 2 (Lawrence: University of Kansas, 1921), 102-03.

¹⁸Kappler, *Indian Laws and Treaties*, vol. 2, 612-13. The concept of allotment in severalty to Indians was not new; Indian lands had been allotted during the colonial period, and the practice became increasingly common in the early 1800s. In 1854 and 1855, after the passage of the Kansas-Nebraska Act, allotment in severalty became a regular provision of treaties with tribes such as the Omahas, who lived in the two new territories and whose lands were coveted by whites. But in 1854, there was no national movement to assimilate Indians, and despite the provisions so carefully spelled out in their treaty, no Omaha lands were allotted at that time. For a discussion of early allotment, see Paul W. Gates, "Indian Allotments Preceding the Dawes Act," in John G. Clark, ed., *The Frontier Challenge: Responses to the Trans-Mississippi West* (Lawrence: University Press of Kansas, 1971), 141-70.

¹⁹George W. Manypenny, *Our Indian Wards* (Cincinnati: Robert Clarke & Co., 1880), 119.

²⁰Bernhart Henn, George W. Jones and A.C. Dodge to Manypenny, March 1, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 178.

²¹Hamilton to Walter Lowrie, January 26, 1854, PHS, Box 5, Volume 1, Letter 60.

²²Father Pierre-Jean De Smet to the Editor of *Precis Historiques*, December 30, 1854, in Hiram Martin Chittenden and Alfred Talbot Richardson, ed., *Life, Letters, and Travels of Father Pierre-Jean De Smet, S. J., 1801-1873*, vol. 3 (New York: Francis P. Harper, 1905. Reprint, New York: Kraus Reprint Co., 1969), 1207.

²³10 Statutes at Large, 1046-47.

²⁴Cumming to Manypenny, January 9, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 240.

²⁵George Hepner to Cumming, December 27, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 242. When Hepner spoke with the chiefs, their hereditary leader was eight-year-old Cross Elk, who was under the guardianship of Joseph La Flesche. At that time the tribal council said they had no active principal chief.

²⁶R.H. Barnes, *Two Crows Denies It: A History of Controversy in Omaha Sociology* (Lincoln: University of Nebraska Press, 1984), 38-39.

²⁷Melvin R. Gilmore, "The True Logan Fontenelle," *Publications of the Nebraska State Historical Society*, vol. 19 (Lincoln: Nebraska State Historical Society, 1919), 66. Fontenelle's presence in Washington was not required; Lewis Saunsoci accompanied the group as its official interpreter.

²⁸Fontenelle may have been the initial signer of the treaty because he was the only member of the delegation who could read or write. Therefore only he knew how and where

to sign. Manypenny and the other white negotiators knew nothing of Omaha protocol, nor did they care. Their concern was only for the treaty. Gilmore, "The True Logan Fontenelle," 68-69.

²⁹Gilmore, "The True Logan Fontenelle," 65. Notes to "Two Crows' War Party in 1854," in Dorsey, The Čegiha Language, 458. "Battle Between the Omahas and Dakotas in 1855," in Dorsey, The Čegiha Language, 464. According to Gilmore, p. 65, Omahas often derisively referred to mixed-bloods as "white men." At least one white man did not consider Fontenelle a chief. When he hired him as official interpreter in 1852, Agent J. E. Barrow referred to Fontenelle simply as an "Omaha half-breed." J. E. Barrow to D. D. Mitchell, April 8, 1852, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 18.

³⁰Henry Fontenelle, "History of Omaha Indians," Transactions and Reports of the Nebraska State Historical Society, vol. 1 (Lincoln: State Journal Co., 1885), 81. Fannie Reed Giffen, Oo-Mah-Ha Ta-Wa-Tha (Omaha City) (Lincoln: n.p., 1898), 24.

³¹Gilmore, "The True Logan Fontenelle," 67-68. Speeches of the Chiefs of the Omaha Tribe of Indians Upon the Subject of Their Situation, Recorded by L. B. Kinney, September 12, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 389. Hepner to Cumming, August 4, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 294.

³²Report of Commissioner George Manypenny, November 25, 1854, ARCIA, 1854, 7-8.

³³Hepner to Cumming, November 12, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 130. John Haverty to Manypenny, December 1, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 129.

³⁴Deposition of Thomas L. Griffy before Thomas B. Cuming, Nebraska Territorial Secretary, December 27, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 401. According to Griffy, Fontenelle also boasted that the Omahas had sold land north of Ayouway Creek that did not belong to them. This may have been true, since the Poncas repeatedly accused the Omahas of selling part of their lands.

³⁵Hamilton to Walter Lowrie, November 2, 1854, PHS, Box 5, Volume 1, Letter 88. A.C. Dodge to Walter Lowrie, January 25, 1855, PHS, Box 5, Volume 1, Letter 110.

³⁶A. C. Dodge and Bernhart Henn to McClelland, January 2, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 349-50.

³⁷Henn to Manypenny, January 31, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 166. Iowa Congressional Delegations to Manypenny, March 1, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 178.

³⁸Addison Cochran to C. J. Faulkner, November 24, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 359.

³⁹Enos Lowe to the Iowa Congressional Delegation, November 27, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 345-46.

⁴⁰George W. Jones, A. C. Dodge, and Bernhart Henn to Manypenny, December 11, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 344-45.

⁴¹Hadley E. Johnson to Manypenny, April 17, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 362.

⁴²McClelland to Manypenny, January 12, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 347-48.

⁴³Hepner to Cumming, February 8, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 253.

⁴⁴Hepner to Cumming, February 8, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 253-55.

⁴⁵Hepner to Cumming, February 8, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 255. Fear of the Sioux may not have been the only reason Logan Fontenelle alone accompanied Hepner. If Griffy's statement was correct, Fontenelle wanted to discuss a private deal with the agent.

⁴⁶McClelland to Manypenny, March 28, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 357.

⁴⁷Hepner to Cumming, April 1, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 263. Hepner to Cumming, April 18, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 269.

⁴⁸McClelland to Manypenny, May 11, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 364.

⁴⁹Hepner to Cumming, June 4, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 276.

⁵⁰B. Y. Shelley and Other Nebraska Citizens to McClelland, June 16, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 382-84. Shelley and the other Nebraskans sent their letter directly to Secretary McClelland because they considered Commissioner Manypenny biased toward Indians. For a discussion of Shelley's claims, see U. S. Congress. House. B. Y. Shelley, H. Report 592, 36th Cong., 1st sess., 1860 [Ser. set 1070] and U. S. Congress. House. B. Y. Shelley, H. Report 26, 37th Cong., 2nd sess., 1862 [Ser. set 1144].

⁵¹Petition From Citizens of Nebraska Territory and Iowa, n.d., LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 355-56.

⁵²Hepner to Cumming, July 2, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 287.

⁵³Hepner to Cumming, August 4, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 294. Alice C. Fletcher and Francis La Flesche, The Omaha Tribe, Twenty-seventh Annual Report of the Bureau of American Ethnology (Washington, D.C.: Government Printing Office, 1911), 100-101.

⁵⁴"Battle Between the Omahas and Dakotas in 1855," in Dorsey, The Cegiha Language, 464. Fontenelle, "History of Omaha Indians," 81. Fletcher and La Flesche, The Omaha Tribe, 100-101. Hamilton to Walter Lowrie, July 28, 1855, PHS, Box 5, Volume 1, Letter 137.

⁵⁵Report of Agent George Hepner, November 1, 1855, ARCIA, 1855, 86-87. Report of John Haverty, in the Absence of Superintendent Alfred Cumming, October 19, 1855, ARCIA, 1855, 69-70. Hamilton to Walter Lowrie, July 28, 1855, PHS, Box 5, Volume 1, Letter 134.

⁵⁶Hepner to Cumming, September 1, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 301. Report of Commissioner George W. Manypenny, November 26, 1855, ARCIA, 1855, 7. Hamilton to Walter Lowrie, July 28, 1855, PHS, Box 5, Volume 1, Letter 134.

⁵⁷Hepner to Cumming, August 9, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 295. The settlers were not afraid of the Omahas. What they did fear was that the Omaha's presence would attract hostile Sioux.

⁵⁸J. B. Robertson to Manypenny, October 1, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 380-81. Hepner to Cumming, October 13, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 316-17.

⁵⁹Hepner to Cumming, August 15, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 299. Speeches of the Chiefs of the Omaha Tribe, September 12, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 388-89. Either out of genuine hatred for the Omahas or from sheer frustration, George Hepner allegedly wished all the Omahas dead and in hell.

⁶⁰Peter A. Sarpy to Manypenny, November 26, 1855, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 391-92.

⁶¹Hamilton to Walter Lowrie, December 9, 1856, PHS, Box 4, Volume 2, Letter 33.

⁶²William E. Moore to A. M. Robinson, January 12, 1860, Letters Received, Omaha Agency [LROA], 1856-1863, NA, RG75, M234, Reel 604, Frames 771-772. William F. Wilson to Robinson, August 12, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 523-24. Report of Superintendent A. M. Robinson, October 8, 1859, ARCIA, 1859, 113. George E. Hyde, Spotted Tail's Folk: A History of the Brulé Sioux

(Norman: University of Oklahoma Press, 1961), 80-81. George E. Hyde, The Pawnee Indians (Norman: University of Oklahoma Press, 1951), 248.

⁶³R. J. Burt to Walter Lowrie, September 27, 1860, PHS, Box 4, Volume 1, Letter 84. George B. Graff to Robinson, October 3, 1860, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 867-69. Graff to Robinson, December 13, 1860, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 880-82.

⁶⁴Proceedings of a Council Held at Joseph La Flesche's House, January 20, 1860, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 745-47. Graff to Robinson, October 3, 1860, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 867-69.

⁶⁵M. C. Wilbur to Graff, September 28, 1860, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 866. Furnas to Albin, August 23, 1864, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frame 54. Burt to Walter Lowrie, August 30, 1864, PHS, Box 4, Volume 1, Letter 208. Report of Agent Robert W. Furnas, September 10, 1864, ARCIA, 1864, 352. Burt to John C. Lowrie, September 30, 1862, PHS, Box 4, Volume 1, Letter 131. O. H. Irish to H. B. Branch, September 3, 1862, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 1160-61. Irish to Branch, September 29, 1862, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 1193-94.

⁶⁶R. B. Van Valkenburgh to E. B. Taylor, September 5, 1865, ARCIA, 1865, 402. Furnas to Taylor, October 24, 1865, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 330-32.

⁶⁷T. T. Gillingham to Edward P. Smith, August 9, 1875, LROA, 1871-1876, NA, RG75, M234, Reel 606, Frame 943.

⁶⁸Hepner to Cumming, December 30, 1854, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 244.

⁶⁹Irish to Branch, September 7, 1861, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 933.

⁷⁰W. P. Callon to Denman, September 2, 1867, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frame 649. Denman to N.G. Taylor, August 11, 1868, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frame 871. Jacob Vore to John Q. Smith, November 22, 1876, Letters Received, Nebraska Agencies [LRNA], 1876, NA, RG75, M234, Reel 519, Frame 687.

⁷¹Burt to Walter Lowrie, December 22, 1862, PHS, Box 4, Volume 1, Letter 149. Omaha Chiefs and Head Men to the Commissioner of Indian Affairs, August 28, 1866, Letters Received, Northern Superintendency [LRNS], 1861-1866, Nebraska State Historical Society [NSHS], RG508, Box 8, Reel 134.

⁷²Furnas to Albin, August 3, 1864, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frame 41. William P. Dole to Furnas, August 19, 1864, Robert W. Furnas Papers, [RFP], 1844-1905, NSHS, Manuscript [MS] 2642, [Microfilm], Reel 1, Frames 480-481.

⁷³ICC, Docket 225-A, Briefs, Omaha Tribe of Nebraska, Card 1 of 3, p. 7.

⁷⁴Report of Commissioner George W. Manypenny, November 26, 1855, ARCIA, 1855, 7. Report of Agent J. B. Robertson, October 10, 1856, ARCIA, 1856, 104. Report of Agent J.B. Robertson, October 17, 1857, ARCIA, 1857, 149-50.

⁷⁵Charles Sturges to Walter Lowrie, March 2, 1857, PHS, Box 4, Volume 2, Letter 50.

⁷⁶Report of Agent W. F. Wilson, August 29, 1858, ARCIA, 1858, 101. Furnas to Taylor, July 20, 1865, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 289-90.

⁷⁷Report of Agent Robert W. Furnas, September 10, 1864, ARCIA, 1864, 352. Furnas to Irish, April 5, 1865, RFP, NSHS, MS 2642, Reel 12, Frame 12910. Irish to Furnas, May 12, 1865, RFP, NSHS, MS 2642, Reel 1, Frames 578-79. Furnas to Taylor, July 24, 1865, RFP, NSHS, MS 2642, Reel 12, Frames 12930-31. Report of Robert W. Furnas, August 15, 1865, ARCIA, 1865, 405. Callon to Denman, June 3, 1867, LRNS, 1867, NSHS, RG 508, Box 8, Reel 135. Vore to Commissioner of Indian Affairs, August 13, 1877, LRNA, 1877, NA, RG75, M234, Reel 521, Frame 278.

⁷⁸Francis La Flesche, The Middle Five: Indian Schoolboys of the Omaha Tribe (Madison: University of Wisconsin Press, 1963. Reprint, Lincoln: University of Nebraska Press, 1978), xix-xx. Clyde A. Milner, II, With Good Intentions: Quaker Work Among the Pawnees, Otos, and Omahas in the 1870s (Lincoln: University of Nebraska Press, 1982), 154, 156. Norma Kidd Green, "The Make-Believe White Man's Village," Nebraska History 56 (Summer, 1975): 243, 245. Fletcher and La Flesche, The Omaha Tribe, 629-30, 633. Alice C. Fletcher, Historical Sketch of the Omaha Tribe of Indians in Nebraska (Washington, D. C.: Judd and Detweiler, 1885), 6-7.

⁷⁹The tribal affiliation of Iron Eye's mother became a source of controversy among the Omahas' most prominent ethnographers. Alice Fletcher and Francis La Flesche, The Omaha Tribe, 631, insisted that she was an Omaha, but James Owen Dorsey, Omaha Sociology, Third Annual Report of the Bureau of American Ethnology (Washington, D.C.: Government Printing Office, 1884), 215, stated that she was definitely a Ponca. However, the problem of her son's fitness to be an Omaha chief was solved upon his formal adoption by the Omaha chief Big Elk.

⁸⁰Fletcher and La Flesche, The Omaha Tribe, 632-33. Graff to Robinson, December 13, 1860, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 883. Furnas to John C. Lowrie, July 29, 1866, PHS, Box A, Volume 1, Letter 403.

⁸¹Fletcher and La Flesche, The Omaha Tribe, 618-19. Melvin R. Gilmore, "First Prohibition Law in America," Journal of American History 4 (July-September 1910): 397. Burt to Walter Lowrie, June 6, 1869, PHS, Box 4, Volume 1, Letter 76.

⁸²Barnes, Two Crows Denies It, 25. Hamilton to Walter Lowrie, September 8, 1856, PHS, Box 4, Volume 2, Letter 22.

⁸³Report of Agent O. H. Irish, October 29, 1861, ARCIA, 1861, 63. Walter Lowrie to William P. Dole, May 7, 1861, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 1007. Sturges to Walter Lowrie, n.d., PHS, Box 4, Volume 2, Letter 67. It is understandable that the Presbyterians lavished praise on La Flesche, since he and his band were their school's chief supporters. Report of William Hamilton, August 28, 1868, ARCIA, 1868, 241-42.

⁸⁴Robert C. Farb, "Robert W. Furnas as Omaha Agent, 1864-1866," part 1 Nebraska History 32 (September 1951): 186-195. Barnes, Two Crows Denies It, 25-26. Samuel G. Daily to Furnas, March 19, 1864, RFP, NSHS, MS 2642, Reel 1, Frames 428-29. Daily to Furnas, March 31, 1864, RFP, NSHS, MS 2642, Reel 1, Frame 432. The financial arrangement among Furnas, Daily and Dole was a good example of a so-called "Indian ring," which usually consisted of a politician, an agent and a trader. "The politician appointed the agent, who in turn contracted the services of a trader, who in most cases had a monopoly." Donald Chaput, "Generals, Indian Agents, Politicians: The Doolittle Survey of 1865," Western Historical Quarterly 3 (July 1972): 270.

⁸⁵Farb, "Robert Furnas as Omaha Agent," 196. Dole to Furnas, June 18, 1864, RFP, NSHS, MS 2642, Reel 1, Frame 462. Dole reminded Furnas that since Fontenelle and La Flesche were not United States citizens, they could not legally trade.

⁸⁶Furnas to Taylor, February 28, 1866, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 436-39. Furnas to Taylor, December 30, 1865, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 407-410. Furnas to Walter Lowrie, May 5, 1866, PHS, Box A, Volume 1, Letter 371.

⁸⁷Taylor to Dennis N. Cooley, March 27, 1866, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frame 435. Cooley to Taylor, April 4, 1866, RFP, NSHS, MS 2642, Reel 1, Frames 667-68. S. Orlando Lee to Walter Lowrie, April 18, 1866, PHS, Box A, Volume 1, Letter 364. When La Flesche fled the reservation, he took with him the Omaha tribal records. No Knife, leader of the tribal police, followed him and forced him to turn over the archives. Barnes, Two Crows Denies It, 39. Furnas to John C. Lowrie, July 29, 1866, PHS, Box A, Volume 1, Letter 403.

⁸⁸Furnas to John C. Lowrie, July 29, 1866, PHS, Box A, Volume 1, Letter 403.

⁸⁹Green, Iron Eye's Family: The Children of Joseph La Flesche (Lincoln: Johnsen Publishing Company, 1969), 36. Milner, With Good Intentions, 159.

⁹⁰Burt to Walter Lowrie, March 22, 1861, PHS, Box 4, Volume 1, Letter 93.

⁹¹Robert H. Keller, Jr., American Protestantism and United States Indian Policy, 1869-82 (Lincoln: University of Nebraska Press, 1983), 10.

⁹²Hamilton to Walter Lowrie, April 16, 1855, PHS, Box 5, Volume 1, Letter 123. Samuel S. Bayliss to Manypenny, February 12, 1856, LRCBA, 1852-1857, NA, RG75,

M234, Reel 218, Frame 219. T. B. Cuming to Manypenny, April 4, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 266-68.

⁹³Statement of John Hileman, April 21, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 413. Statement of Robert Shields, February 5, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 416. W. R. English to Manypenny, February 8, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 490-92. "Lo, the Poor Indian," The Nebraskian, February 6, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 495.

⁹⁴R.W. McClelland to Manypenny, February 29, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 500. Report of Agent Daniel Vanderslice, June 7, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 427-33. Vanderslice to Cumming, June 10, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 439. Vanderslice to J. B. Robertson, May 19, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frame 474. George Hepner testified that he had solicited bids from several contractors to provide the provisions in question. It was very cold the day the provisions arrived in Omaha; Hepner waited, but the Indians never came to receive their goods. He said the flour appeared to be fine, but because of the bitter cold he did not conduct a thorough inspection. When the Omahas refused to accept the flour, Hepner had it inspected. Hepner to Vanderslice, May 27, 1856, LRCBA, 1852-1857, NA, RG75, M234, Reel 218, Frames 436-38.

⁹⁵Sturges to Walter Lowrie, November 14, 1857, PHS, Box 4, Volume 2, Letter 57. Sturges to Walter Lowrie, December 11, 1857, PHS, Box 4, Volume 2, Letter 60.

⁹⁶Hamilton to Walter Lowrie, September 2, 1856, PHS, Box 4, Volume 2, Letter 21. Hamilton to Walter Lowrie, December 9, 1856, PHS, Box 4, Volume 2, Letter 33. The interpreter in question was Lewis Saunsoci, whom Hamilton believed could be "bought for a trifle."

⁹⁷John A. Parker to Ferris Ferguson, March 12, 1858, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 122-24. The insurance company returned Robertson's deposit.

⁹⁸Ferguson to Interior Secretary J. Thompson, March 12, 1858, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 120-21. Ferguson to Thompson, July 21, 1858, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 129-30. Furnas to Taylor, October 24, 1865, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 333-34. Report of Agent Robert Furnas, August 1, 1866, ARCIA, 1866, 216. U. S. Congress. Senate. Memorial of Omaha Indians in Relation to Lands Sold by the United States to the Winnebagoes, and to Certain Accounts with the Government, S. Misc. Doc. 78, 47th Cong., 1st sess., 1882, 2. [Ser. set 1993].

⁹⁹Omaha Chiefs and Head Men to the Commissioner of Indian Affairs, June 11, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 533-36. Statement of Lewis Saunsoci, September 4, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 561. William F. Wilson to Robinson, September 4, 1859, LROA, 1856-1863, NA,

RG75, M234, Reel 604, Frames 559-60. Thomas K. Whitacre and F. Charles Goodell to the Commissioner of Indian Affairs, August 29, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 542.

¹⁰⁰"Mr. Patrick" was probably the same John Patrick who later surfaced as a purveyor of provisions to the Winnebagoes temporarily on the Omaha reservation. The association of Patrick, West and Black may have been a new "Indian ring" in the making.

¹⁰¹Council of Omaha Chiefs, August 28, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 538-40. Notarized Statement of Hiram Chase, October 15, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 681-82. Statement of David Jones, n.d., LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 676-78. Wilson to Robinson, August 30, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 531. A strange addendum to the "petition" hints that someone other than Indians was involved in its writing. The Omahas swore that they were not urged by any white man to write the petition. Omaha Chiefs and Head Men to the Commissioner of Indian Affairs, June 11, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 535.

¹⁰²Sturges to Wilson, August 11, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 555. Statement of Citizens of Burt County, Territory of Nebraska, August 29, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 551-52. Wilson to John Litcher, September 26, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 393. Wilson to A. B. Greenwood, October 17, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 680. Robinson to Wilson, October 17, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 602-603.

¹⁰³Sturges to Serena Munson, n.d., PHS, Box 4, Volume 2, Letter 52. Sturges to Walter Lowrie, July 1, 1857, PHS, Box 4, Volume 2, Letter 106.

¹⁰⁴Sturges to Walter Lowrie, November 14, 1857, PHS, Box 4, Volume 2, Letter 57. Burt to Walter Lowrie, November 21, 1865, PHS, Box A, Volume 1, Letter 289. Sturges to Walter Lowrie, July 1, 1858, PHS, Box 4, Volume 1, Letter 64.

¹⁰⁵Irish to Walter Lowrie, July 29, 1862, PHS, Box 4, Volume 1, Letter 119. Hamilton to [Walter Lowrie], August 25, 1862, PHS, Box 4, Volume 1, Letter 124.

¹⁰⁶Joseph La Flesche to Wilson, n.d., LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 434-37. Burt to an Unnamed Correspondent, May 12, 1863, PHS, Box 4, Volume 1, Letter 167. William F. Wilbur to Charles E. Mix, January 19, 1859, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 438, 440. Sturges to Walter Lowrie, n.d., PHS, Box 4, Volume 2, Letter 67.

¹⁰⁷Report of Agent O. H. Irish, September 4, 1863, ARCIA, 1863, 242. Sturges to Walter Lowrie, March 2, 1857, PHS, Box 4, Volume 2, Letter 50. William E. Moore to Robinson, January 12, 1860, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 769-70. Report of Agent Robert Furnas, September 10, 1864, ARCIA, 1864, 350. Report of Agent T. T. Gillingham, September 1, 1874, ARCIA, 1874, 203.

¹⁰⁸Sturges to Walter Lowrie, February 19, 1858, PHS, Box 4, Volume 2, Letter 72. Furnas to Burt, December 18, 1865, PHS, Box A, Volume 1, Letter 478.5. Furnas to Walter Lowrie, December 20, 1865, PHS, Box A, Volume 1, Letter 298.

¹⁰⁹La Flesche, The Middle Five, xvii, 26-28, 112. Report of R. J. Burt, October 29, 1861, ARCIA, 1861, 58. In Burt's defense, he understood the difficulties the children had in learning a new language. "The words are in English, while they do their thinking in Omaha." R. J. Burt, Annual Report of the Omaha Mission, October 29, 1861, PHS, Box 4, Volume 1, Letter 112.

¹¹⁰Michael C. Coleman, Presbyterian Missionary Attitudes toward American Indians, 1837-1893 (Jackson: University Press of Mississippi, 1985), 42. Walter Lowrie to R. J. Burt, February 14, [1866], cited in Coleman, Presbyterian Missionary Attitudes, 98.

¹¹¹Milner, With Good Intentions, 21, 25-26. Hicksite (liberal) Quakers manned the Oto, Missouriia, Winnebago, Pawnee, Sauk and Fox, Great Nemaha, Santee Sioux and Omaha agencies of the Northern Superintendency of Nebraska.

¹¹²Hamilton to Edward Painter, September 7, 1869, PHS, Box B, Volume 1, Letter 175. "Quaker Report of Indian Agencies in Nebraska, 1869," Nebraska History 54 (Summer 1973): 182-83.

¹¹³Report of Agent W. P. Callon, July 1, 1868, ARCIA, 1868, 241. Report of Superintendent H. B. Denman, November 6, 1868, ARCIA, 1868, 228. Omaha Chiefs and Head Men to Denman, June 29, 1868, PHS, Box A, Volume 1, Letter 533. W. P. Callon to Denman, June 30, 1868, PHS, Box A, Volume 1, Letter 533. Ely S. Parker to John C. Lowrie, July 31, 1869, PHS, Box B, Volume 1, Letter 141. The day school experiment was short-lived, however. In 1879, the boarding school reopened.

¹¹⁴"Plain Talk by the Omahas," Council Fire II (September 1879), 139. R. H. Milroy to A. B. Meacham, October 13, 1879, Council Fire II (December 1879), 191. "In Self-Defense," Council Fire III (January 1880), 12-13. Report of William Hamilton, September 7, 1869, ARCIA, 1869, 346. J. Owen Dorsey to A. B. Meacham, January 19, 1880, Council Fire III (March 1880), 43.

¹¹⁵Milner, With Good Intentions, 1650-66. General Philip Sheridan to General William T. Sherman, February 23, 1877, List of Supplies and Costs, Letters Received, Nebraska Agencies [LRNA], 1877-1878, NA, RG75, M234, Reel 522, Frame 93.

¹¹⁶Joseph E. Illick, "Some of Our Best Indians are Friends," Western Historical Quarterly 2 (July 1971), 292-93. Henry E. Fritz, The Movement for Indian Assimilation, 1869-1890 (Philadelphia: University of Pennsylvania Press, 1963), 156. Another reason for the reduction in Quaker agents was that appointments as Indian agents were political plums that politicians could not afford to give to "do-gooders." Illick, "Some of Our Best Indians," 293.

¹¹⁷Joseph La Flesche to A. B. Meacham, December 20, 1878, in Dorsey, The Cegiha Language, 682. Hu-pe-dhaⁿ to A.B. Meacham, December 20, 1878, Council Fire II (February 1879), 29. Hupeca to A.B. Meacham, n.d., in Dorsey, The Cegiha Language, 734-36.

¹¹⁸Farb, "Robert W. Furnas as Omaha Agent, part 2, 278. Painter to Barclay White, July 7, 1873, LROA, 1871-1876, NA, RG75, M234, Reel 606, Frames 582-83. Hamilton to John C. Lowrie, July 3, 1869, PHS, Box B, Volume 1, Letter 193. Callon to Denman, December 18, 1867, LRNS, 1867, NSHS, RG508, Box 8, Reel 135. Hamilton to Painter, September 6, 1869, PHS, Box B, Volume 1, Letter 208. Hamilton to John C. Lowrie, July 3, 1869, PHS, Box B, Volume 1, Letter 193.

¹¹⁹Irish to Branch, September 24, 1863, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 1320-25. Irish to Branch, September 28, 1863, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frames 1334-36. Furnas to Albin, January 15, 1865, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 203-204.

¹²⁰Giffen, Oo-Mah-Ha Ta-Wa-Tha, 34.

¹²¹Fletcher and La Flesche, The Omaha Tribe, 635. Milner, With Good Intentions, 158-59. Report of Agent Jacob Vore, August 1877, ARCIA, 1877, 144-45. Jacob Vore to Commissioner of Indian Affairs, August 30, 1877, LRNA, 1877, NA, RG75, M234, Reel 521, Frames 300-301. Report of Agent Jacob Vore, July 29, 1878, ARCIA, 1878, 95. Statement of the Omaha People, August 16, 1877, LRNA, 1877, NA, RG75, M234, Reel 521, Frames 303-305. Barnes, Two Crows Denies It, 39. Dorsey, Omaha Sociology, 357-58.

¹²²Irish to Branch, October 16, 1863, LROA, 1856-1863, NA, RG75, M234, Reel 604, Frame 1350. Furnas to Dole, May 3, 1864, LRNS, 1861-1866, NSHS, RG508, Box 8, Reel 134. Joseph La Flesche to Graff, April 30, 1864, RFP, NSHS, MS2642, Reel 1, Frame 435. Council Held May 3, 1864, RFP, NSHS, MS2642, Reel 1, Frames 436-39. Furnas to Dole, December 19, 1864, RFP, NSHS, MS2642, Reel 11, Frames 11346-47. Furnas to Albin, June 8, 1864, LRNS, 1861-1866, NSHS, RG508, Box 8, Reel 134. Farb, "Robert Furnas as Omaha Agent," part 2, 269-70. Dole to Furnas, December 28, 1864, RFP, NSHS, MS2642, Reel 1, Frame 544.

¹²³Green, Iron Eye's Family, 32. Statement of Omaha Chiefs and Head Men, February 6, 1865, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 271-72. Kappler, Indian Laws and Treaties, vol. 2, 872. Although only five men were originally chosen to negotiate in Washington, the treaty contains the signatures of five more: Village Maker, Yellow Smoke, Hard Walker, Fire Chief and White Cow. Joseph La Flesche's influence upon his people was so great that when treaty negotiations took place in March 1865, Agent Furnas offered him \$2,500 to throw his support to the controversial treaty. The treaty itself does not mention this verbal promise, which amounted to a bribe. George W. Doane to Lewis V. Bogy, November 19, 1866, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 367-68.

¹²⁴Kappler, Indian Laws and Treaties, vol. 2, 872-73. The prospect of the Omahas buying back their land was dim, since they had no cash. The final allotments did include unmarried women over eighteen, although they were few.

¹²⁵Omaha Chiefs and Head Men to the President of the United States, February 8, 1868, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 810-11. Denman to N. G. Taylor, February 8, 1868, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 812-14. Report of Superintendent H.B. Denman, November 6, 1868, ARCIA, 1868, 227. Omaha Chiefs and Head Men to the Commissioner of Indian Affairs, June 3, 1869, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 960-61. Report of Samuel M. Janney, September 25, 1869, ARCIA, 1869, 334.

¹²⁶Omaha Chiefs and Head Men to the Commissioner of Indian Affairs, February 5, 1866, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 425-28. Furnas to [E. B. Taylor], February 25, 1866, RFP, NSHS, MS2642, Reel 12, Frames 12971-72. United States Land Commissioner (signature illegible) to Louis V. Bogy, February 22, 1867, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 776-77. United States Land Commissioner (signature illegible) to N. G. Taylor, August 8, 1867, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 779-80.

¹²⁷Callon to Denman, August 16, 1867, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 652-53.

¹²⁸"Quaker Report," 181. Report of Agent Edward Painter, September 21, 1869, ARCIA, 1869, 344. Painter to Janney, July 18, 1871, LROA, 1871-1876, NA, RG75, M234, Reel 606, Frame 65. Report of Superintendent Samuel M. Janney, September 26, 1871, ARCIA, 1871, 436. The rules for allotting Omaha lands are found in LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 766-68. For the complete list of Omaha allottees in 1871, see LROA, 1871-1876, NA, RG75, M234, Reel 606, Frames 67-77.

¹²⁹Gillingham to White, May 4, 1874, LROA, 1871-1876, NA, RG75, M234, Reel 606, Frames 797-99. Vore to the Commissioner of Indian Affairs, May 4, 1877, LRNA, 1877, NA, RG75, M234, Reel 521, Frame 137. Gillingham to Edward P. Smith, June 4, 1875, LROA, 1871-1876, NA, RG75, M234, Reel 606, Frames 909-11. Barnes, Two Crows Denies It, 14-15.

¹³⁰Elam Clark to Schuyler Colfax, October 20, 1870, LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 1042-44. Report of Agent Edward Painter, August 25, 1870, ARCIA, 1870, 250-51. Omaha Chiefs and Head Men to the President, Secretary of the Interior and Commissioner of Indian Affairs, n.d., LROA, 1864-1870, NA, RG75, M234, Reel 605, Frames 1128-29. Report of Agent Edward Painter, August 21, 1871, ARCIA, 1871, 446.

¹³¹U. S. Congress. Senate. A Paper Relative to the Desire of Certain Indian Tribes in the Northern Superintendency to Sell a Portion of Their Lands with a View to the Purchasing of Other Lands, S. Exec. Doc. 35, 41st Cong, 3rd sess., 1871, 1-3. [Ser. set 1440]. Report of Edward Painter, August 21, 1871, ARCIA, 1871, 445-46.

¹³²U. S. Congress. House. Letter From the Secretary of the Interior Relative to the Disposition of Portions of Indian Reservations in the Northern Superintendency, H. Exec. Doc. 84, 42nd Cong., 2nd sess., 1872, 1-6. [Ser. set 1510]. See also U.S. Congress. Senate. Letter from the Secretary of the Interior, S. Misc. Doc. 41, 42nd Cong., 2nd sess., 1872, 1-4. [Ser. set 1481].

¹³³17 Statutes at Large 391-93.

¹³⁴Milner, With Good Intentions, 162. Report of Superintendent Barclay White, September 27, 1873, ARCIA, 1873, 185. Report of Agent Edward Painter, August 29, 1873, ARCIA, 1873, 191.

¹³⁵Report of Agent Edward Painter, August 29, 1873, ARCIA, 1873, 191-92. Memorial of Omaha Indians, 2-3. U. S. Congress. House. Omaha Indian Lands in Nebraska, H. Exec. Doc. 109, 43rd Cong., 1st sess., 1874, 2-3. [Ser. set 1607]. Gillingham to White, December 13, 1873, LROA, 1871-1876, NA, RG75, M234, Reel 606, Frames 676-77.

¹³⁶Deed of Conveyance from Omahas to Winnebagoes, July 31, 1874, LROA, 1871-1876, NA, RG75, M234, Reel 606, Frames 839-42.

¹³⁷Memorial of Omaha Indians, 2-4.

¹³⁸Fletcher and La Flesche, The Omaha Tribe, 635-36. "Letter from the Omahas, February 5, 1878," Council Fire I (March 1878), 42. Joseph La Flesche to Meacham, December 20, 1878, in Dorsey, The Cegiha Language, 681.

¹³⁹Report of Agent George W. Wilkenson, September 29, 1882, ARCIA, 1882, 113.

CHAPTER FOUR

A MODEL FOR DISASTER: THE OMAHA ALLOTMENT EXPERIMENT, 1882-1887

"I want title to my land, so that no one can take from my children the land on which I have worked."¹

Wa-ha-sha-ga (James Springer)—Omaha, 1881

"All friends of our race who urge land in severalty upon us now will . . . see their error and repent of it when it is too late to remedy the wrong they have caused to be done to us."²

An Anonymous Omaha, 1887

The Omahas had good reason to fear the future. Through the pleas of a handful of tribal "progressives" and the lobbying efforts of an unlikely mentor, they were awarded lands in severalty during 1882. But allotment proved to be a continuation rather than the end of their troubles. As a result of the allotment legislation, they became lost in a legal "no-man's land," subject to state laws but not protected by them, and with passage of the Dawes Act of 1887, they became citizens without understanding its ramifications. Lands on the western end of the reservation were sold to white settlers, but little of the money filtered down to the tribe. Attempts at self-government quickly degenerated into tribal feuding, and controversy over a common pasture permanently split the prominent La Flesche family. By 1886, the Omahas were culturally adrift and unable to manage their own affairs, but they were still considered successfully assimilated by many reformers who refused to admit failure. Policy makers ignored agents' reports that accurately portrayed deteriorating conditions among the Omahas, and despite their numerous problems, the

Omaha "experiment" became the blueprint for the 1887 Dawes Act, which allotted the lands of many other tribes, often with equally disastrous results.

Omaha allotment resulted from changes in public attitudes toward Indian assimilation. Generally contemptuous of Indians, westerners had historically opposed any efforts at assimilation, and until about 1880, easterners, far from the frontier and with little understanding of conditions there, saw Indians as romantic and exotic. But even staunch Indian advocates found it difficult to defend Native Americans in the 1870s, when a series of events, including the 1873 Modoc War in northern California and the 1876 Battle of Little Big Horn turned public opinion against them. Ironically, George Custer's monumental defeat created a climate more favorable to reform. Westerners criticized the United States Army for its failure to subdue the Sioux, but most eastern reformers abhorred General William T. Sherman's and the late General Custer's policy of Indian extermination.³ Eastern reformers increasingly saw the army as the villain in this western tragedy and as an obstacle to Indian "civilization." After the Custer Massacre, many reformers feared that the army would "destroy the Peace Policy and probably the Indians." The army did place all the Sioux agencies under its control, and in a series of punitive campaigns, "forcibly disarmed and dismounted" hostile and friendly Indians alike. With their subjugation by the United States Army, northern plains tribes became people to be pitied, and their condition piqued interest in assimilation.⁴

As public anger over Little Big Horn subsided, the Ponca tragedy took center stage. Standing Bear's return to his Nebraska homeland in 1879 and the subsequent trial in which his right to sue in court was upheld made the Ponca chief an instant celebrity. But public sentiment in Nebraska did not support the Poncas, and in October 1879, Thomas H. Tibbles, a former abolitionist and one-time circuit rider who, as a reporter for the Omaha Herald had been instrumental in Standing Bear's successful lawsuit, took the now famous chief on a lecture tour of the Northeast. Accompanying Tibbles and Standing Bear were

Joseph La Flesche's highly educated daughter, Susette, and her half-brother, Francis La Flesche.⁵ The Ponca chief's eastern trip "resembled a political campaign more than a state visit," and was designed to sway public opinion to obtain support for policy changes. Tibbles carefully selected his audiences, making sure they would be sympathetic. During the tour, Susette La Flesche downplayed her French and English ancestry, even appearing in buckskin and using her Indian name of "Bright Eyes" as she translated Standing Bear's remarks and made her own plea for liberty and equality.⁶

Standing Bear was well received in the East. In Boston, the cradle of the Indian reform movement, influential citizens urged the Poncas' return to Nebraska, and at the same time recognized that injustice toward Indians resulted from their lack of legal status. With a zeal approaching that of the earlier abolitionists, eastern reformers urged that Native Americans be provided citizenship, legal protection, and individual land patents.⁷

Tibbles' lecture tour netted more than sympathy for the Poncas and other Indians. In Boston, Tibbles was approached by Alice C. Fletcher (Fig. 3), an ethnologist and protégée of Frederic Ward Putnam, director of the Peabody Museum of American Archaeology and Ethnology at Harvard University. Fletcher wished to study Indians firsthand, and despite Tibbles' insistence that she was not up to the rigors of camping on the prairie, she was determined to go. When Tibbles and Susette La Flesche returned to Boston in 1881, Fletcher again pled her case. This time, they agreed to take her camping with the Sioux, and on September 1, 1881, she arrived in Nebraska carrying personal recommendations from the Secretary of War, the Interior Secretary, and members of the scientific community. What Fletcher planned to do was unprecedented for a woman in the 1880s, and she knew there would be problems. She confided to a correspondent, "I know that what I am toward is difficult, fraught with hardship to mind and body. . . ."⁸

Tibbles and Susette La Flesche, who was now Mrs. Tibbles, escorted Fletcher north to the Omaha Reservation, where she was warmly welcomed by Joseph La Flesche



Alice C. Fletcher
Fig. 3

Joan Mark, *A Stranger in Her Native Land:
Alice Fletcher and the American Indians*
(Lincoln: University of Nebraska Press, 1988).

and other tribal progressives who saw this "Boston lady" as someone who might be able to help them secure their land. Inevitably, the conversation turned to land titles, which the Indians saw as their only alternative to removal to Indian Territory, where they feared they would perish as so many Poncas had.⁹ As promised, after this short visit with the La Flesche family, Tibbles, Susette, Fletcher, and Wajapa, a La Flesche family friend, set off for Sioux country. After briefly visiting the Poncas, the foursome continued on to the Rosebud Sioux Agency, then to Fort Randall, where Fletcher interviewed and was charmed by the captive Sitting Bull. After visiting the Yankton and Santee Sioux agencies with the inspector general, Fletcher rejoined the others and returned to the Omaha Reservation.¹⁰

When asked why she had come to Nebraska, Fletcher told her Omaha hosts that she hoped to learn their ways and to help them if she could. The Omahas indeed wanted her help. Since 1854, tribal progressives had fretted over the security of their lands, and the recent discovery that their certificates were worthless filled them with alarm. Joseph La Flesche had sent Susette east with Standing Bear in 1879, and many Omahas had signed petitions and letters addressed to the "white people in the east," asking for aid in securing land titles. They had also sent letters to the reform newspaper, Council Fire, with the intent that these be forwarded to the President, the Secretary of the Interior, and the Commissioner of Indian Affairs.¹¹ The desperate Omahas told Alice Fletcher: "You have come at a time when we are in distress. . . . We want a 'strong paper.' We are told that we can get one through an act of Congress. Can you help us?"¹²

Having listened to the pleas of Joseph La Flesche and other leaders, the ethnologist decided that the only solution to the Omahas' problems was land in severalty. Fletcher later explained her decision to plead the Omahas' case before Congress. "While living with the tribe . . . I grew to know the fervor with which the people loved their land, and to see that over each fireside hung a shadow that would not lift—the fear of compulsory removal to

the Indian Territory. . . ."13 But like many other whites, Fletcher misunderstood the Omahas' desires. In asking for a strong paper, most of the tribe wanted a secure title to their *tribal* lands so that they could remain in their ancestral home. Instead, Fletcher worked to destroy Omaha tribalism and to secure for individual Indians private property—their alleged ticket into "civilized society."¹⁴

After two meetings with Omaha head men, Fletcher addressed a petition to the United States Senate asking that its signers be granted full title to their allotments. Fifty-three Omaha men signed the document, and Fletcher added personal statistics and remarks of each petitioner.¹⁵ Fletcher mailed the petition on December 31, 1881, along with a letter explaining her own role. Insinuating that her short stay with them had made her an authority on the Omahas, she asked Commissioner of Indian Affairs Hiram Price to "trust her interpretation of the situation." While admitting that the Omahas had two tribal parties, "one desirous of civilization [and] one that clings to the past," Fletcher assured the commissioner that the progressives were "the true leaders among the people."¹⁶

Fletcher remained with the Omahas all winter as they anxiously awaited news from Washington. Finally, in February, word came that the petition had come before the Senate. The eager Fletcher then wrote to Interior Secretary Samuel Kirkwood and Massachusetts Senator Henry L. Dawes, chairman of the Committee on Indian Affairs, asking them to support Omaha allotment legislation.¹⁷ Too impatient to continue lobbying from Nebraska, Fletcher decided to conduct her Omaha campaign in person. During a three-month stay in Washington in the spring of 1882, she relentlessly lobbied government officials, one of whom called her "a dreadful bulldozer," but it was these officials' wives and daughters who convinced them to hear Fletcher's plan.¹⁸

In her appendix to The Omaha Tribe, Alice Fletcher called her Washington allotment lobbying "a long, and for a time a single-handed campaign." Yet, it was not that

difficult. In fact, her campaign was "short and almost foreordained to succeed." Her timing was perfect; Washington was ready for a new Indian policy and waiting for someone to force a bill through Congress. Fletcher did just that. A bill to sell part of the Omaha Reservation had already cleared one branch of Congress, and Fletcher wanted to ensure allotments for tribal members. Urged on by Commissioner Price, she managed to amend the bill so that the Omahas would receive allotments before any reservation lands could be sold to whites. In pushing for allotment, Fletcher stressed not what the Indians would lose, but what they would gain—160 acre farms, citizenship, laws, schools, and the chance to become part of white "civilization."¹⁹

The bill did not pass unchallenged. In April 1882, several senators entered into a heated debate over the sale of Omaha lands. In his opening remarks, Nebraska Senator Alvin Saunders defended the sale of 50,000 acres of the reservation. "This land has no settlers upon it . . . and is yielding nothing to the Indians, nothing to the government, and nothing to the country. It happens to be one of those few cases where I believe everybody is satisfied to have a bill of this kind passed. . . ." Senator Dawes agreed with Saunders after his fear that the loss of 50,000 acres would leave the Omaha Reservation too small was dismissed by the Indian commissioner, who assured the senator that there was plenty of land, both for the present and the future. In addition, Omaha tribal representatives allegedly had told Dawes that they "had more land than they could occupy" and wanted to sell "a portion of their real estate." The strongest objection to Omaha allotment came from Senator John Ingalls of Kansas who disagreed with the twenty-five-year trust period, and who questioned the constitutionality of depriving Nebraska of its tax revenues from Indian lands.²⁰

The House Committee on Indian Affairs appeared quite proud of the Omaha Act. Members told their colleagues they had drawn up a bill that met government needs and still safeguarded Omaha interests. In the committee's opinion, "great good [would] result to the

Indians in the securing of title to their lands."²¹ But the interests of the Omahas were already threatened. Ignoring Alice Fletcher's and Omaha Agent George Wilkinson's recommendations that only those Indians who previously had worked their land should receive titles, the Indian Affairs Committee applied the bill's provisions to every Omaha.²²

As Alice Fletcher had hoped, the Omaha allotment became law on August 7, 1882, as part of the act enabling the government to sell that portion of the Omaha Reservation west of the Sioux City and Nebraska Railroad right-of-way. (Appendix X).²³ In passing this law, Congress made most Omahas private landowners, changed their legal status, and created a breeding ground for tribal dissention, but most tragically, it set in motion a process that would eventually leave many Omahas landless. Sections five through eight of the act established the terms and conditions of Omaha allotment. Section Five provided for an agent to allot reservation lands east of the railroad according to the following schedule: heads of families would receive 160 acres of land; each single Omaha over age eighteen would be assigned eighty acres; forty acres would be allotted to each orphan under age eighteen; and other minors would also receive forty acres. Heads of families would choose lands for their children, and orphans' allotments would be selected by the agent. Although these allotments superseded those of the March 6, 1865 treaty, Indians already holding lands from that agreement could remain on them if they so desired.²⁴

The problematic Section Six provided that allottees would receive land patents to be held in trust for twenty-five years, during which time their lands could not be sold or encumbered in any way. At the end of the trust period, Omahas would receive their allotments, free and clear. According to the act's seventh section, the Omahas would be subject to the civil and criminal laws of the State of Nebraska, which in theory could not deny the Indians legal protection. By the provisions of Section Eight, lands remaining east of the railroad after all allotments had been made would be patented to the tribe as a

collective unit, and like individual allotments, held in trust for twenty-five years, after which the Omahas were to receive these lands, minus acreage allotted to children born during the trust period. Finally, the act's last section allowed Indians to take their allotments anywhere on the reservation, including west of the railroad.²⁵

In early May 1883, Alice Fletcher, accompanied by interpreter Francis La Flesche, returned to the Omaha Reservation to allot the Indians' lands. Earlier that spring, Commissioner Price had named her an Office of Indian Affairs special agent at a salary of five dollars per day plus expenses. Although somewhat wary of the challenge, she viewed her unusual assignment as a way to combine philanthropy and science at government expense. Upon her arrival, Fletcher called the Omahas together to explain the allotment process, then spent ten days familiarizing herself with survey procedures and land registration. Where she found no legal procedures, she created her own. After painstakingly collecting and accounting for all 316 of the 1871 allotment certificates, Fletcher reassigned as many families as possible to their same lands.²⁶

Unfortunately, many of the allotments taken in 1871 were on Missouri River bottom lands that flooded frequently. After a tour of the reservation, Fletcher concluded that the Omahas' best land lay in the Logan River Valley, fifteen to twenty miles west of the Missouri. In addition, these lands were near the railroad. Fletcher explained to potential allottees that if they stayed on their original lands near the Missouri River, they would have to travel "miserable trails" to Decatur, Nebraska, or more distant towns to sell their produce. To encourage the Omahas to choose rich prairie lands, Fletcher borrowed a tent and established her allotment headquarters on the banks of the Logan River.²⁷ According to George Wilkinson, who greatly admired the forceful allotting agent, Fletcher's plan worked; he reported that a "large proportion" of the Omahas, including nearly all the progressives, decided to move to the Logan Valley.²⁸

The first Omaha family to accept their allotments were the La Flesches. Taking Fletcher's advice, they chose land west of the railroad right-of-way. There they would be among whites when that area was opened to settlement, and would also be near the little town of Unashtazinga ("little stopping place"), which would later become Bancroft. Ultimately, in the two townships through which the railroad passed and in the two townships immediately to the east, Fletcher made 326 allotments—sixty-nine to heads of families, fifty-eight to single adults, and 199 to minors. She believed this "remarkable exodus" showed promise for the future since the reservation's best land was now in the hands of the most "progressive" Omahas. At a Board of Indian Commissioners meeting six years later, Fletcher revealed her elitist allotment strategy. "I give the best land to the best Indians I can find. I always help the progressive Indians first, on the principle 'to him that hath shall be given.'"²⁹

Alice Fletcher almost failed to finish her assignment. In July 1883, she was drenched in a sudden thunderstorm and became extremely ill with what the agency doctor diagnosed as inflammatory rheumatism. For five weeks she lay desperately ill at the Presbyterian mission, and was then moved to the nearby agency at Winnebago. Realizing that tribal conservatives were using her sudden illness as proof that allotment was wicked, Fletcher began conducting business from her sickbed. With Francis La Flesche as her clerk, she made out allotments, and as a self-proclaimed judge, settled tribal disputes. By working in pain, Fletcher convinced many Omahas of her power.³⁰

Fletcher continued her work, walking with the aid of crutches, but in December, allotments still had not been made to the most conservative Omahas. Twelve families, calling themselves "the Council Fire," had joined forces to fight allotment and to continue their traditional ways. Fletcher decided to compel these dissenters to take allotments. Probably under orders from Agent Wilkinson, tribal police rounded up the resisters and forced them to accept lands in the presence of Alice Fletcher and other witnesses.³¹

Having assigned these final parcels, Fletcher submitted her report and allotment schedule on June 25, 1884. The Indian office approved her schedule on July 11 and directed the General Land Office to issue patents for 76,810 acres of the Omaha Reservation to 954 Indians. But despite Fletcher's efforts to encourage Indians to take more westerly lands near white settlers, of the allotted acres, only 877 were west of the railroad. All the reservation land was now obligated; 50,000 acres would be sold to whites and the remaining unallotted 55,450 acres east of the railroad would be held in trust for unborn children (Map 9). Along with her allotments, Fletcher compiled a complete tribal registry which she turned over to Agent Wilkinson. Hoping that the registry would answer future heirship questions, she instructed the Indians to report every birth, death, and marriage.³²

Satisfied with a job well done, Alice Fletcher left the Omaha Reservation in June 1884. But she left behind a divided tribe and covetous whites eager to occupy choice Omaha lands. In 1881, only a tiny minority of the Omahas had signed the petition asking for lands in severalty. Citing signatures on this and other petitions, Fletcher's biographer estimated that only one-fourth of the tribe supported allotment. One-third vehemently opposed it, and the rest, although not in favor, went along with the plan. At the 1884 Lake Mohonk Conference, Fletcher admitted that only one-third of the Omahas favored land in severalty.³³ And Fletcher must have been aware of the potential problems with whites near the reservation. In testimony before the Board of Indian Commissioners, she reported constant white complaints that she was "giving the very best land to the Indians," and she told of local white "committees" shadowing her as she made allotments.³⁴





In a letter to his half-sister Rosalie La Flesche Farley, Francis La Flesche explained that after allotment the Omahas "[were] entirely under the law civil and criminal just exactly the same as if they were white men." Unfortunately, La Flesche was only half right. Despite being subject to Nebraska laws, the Omahas could not benefit from them because they had no legal officers—no sheriff, no justice of the peace—and because they paid no

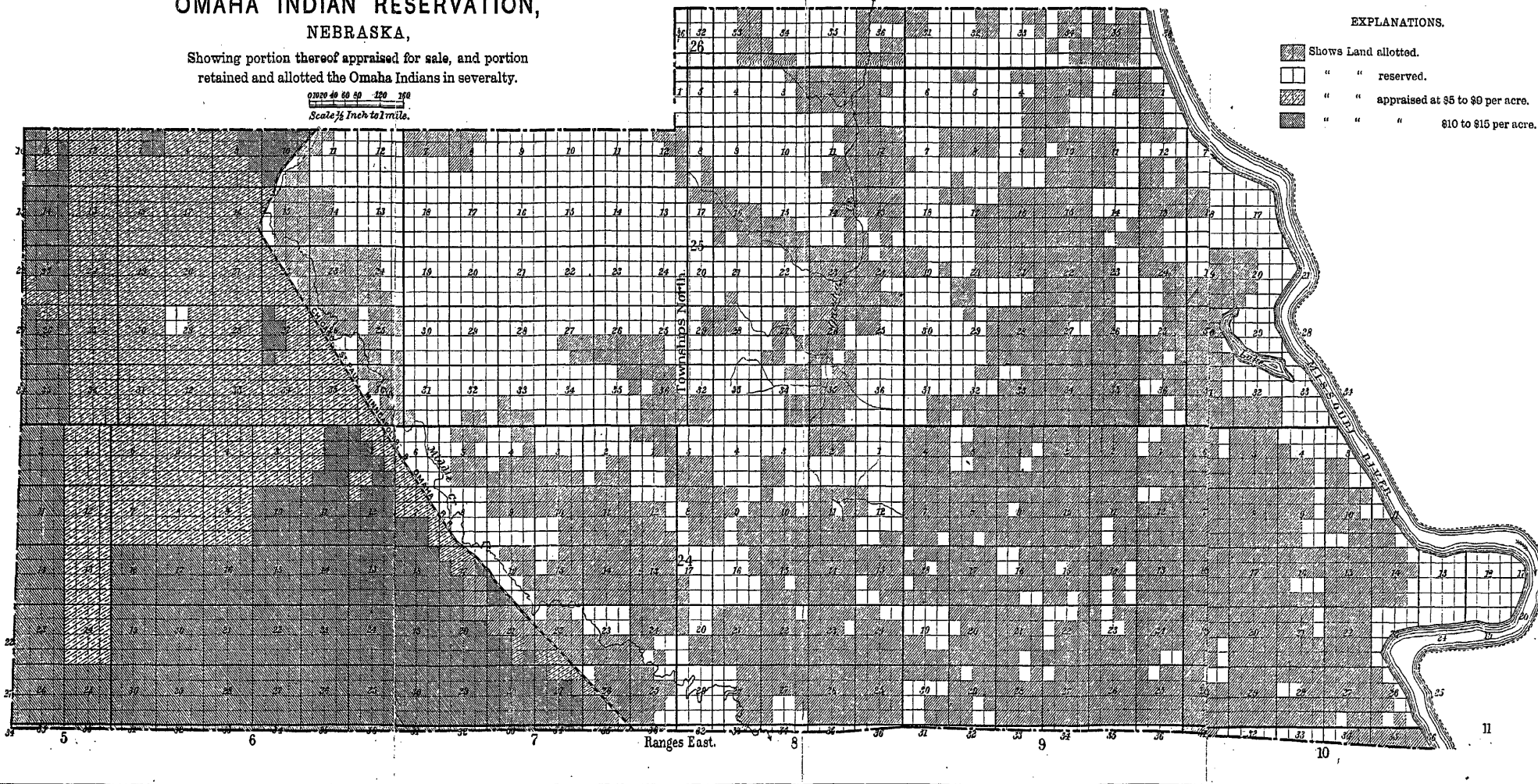
MAP OF
OMAHA INDIAN RESERVATION,
 NEBRASKA,

Showing portion thereof appraised for sale, and portion retained and allotted the Omaha Indians in severalty.

0 20 40 60 80 100 120 140
 Scale $\frac{1}{2}$ Inch to 1 mile.

EXPLANATIONS.

-  Shows Land allotted.
-  " " reserved.
-  " " appraised at \$5 to \$9 per acre.
-  " " " \$10 to \$15 per acre.



Omaha Reservation as Allotted by Alice Fletcher - 1883
 Map 9

Alice C. Fletcher, *Historical Sketch of the Omaha Tribe of Indians in Nebraska*
 (Washington, D. C. : Judd and Detweiler, 1885).

taxes, they were discouraged from using state and local courts, and were denied basic services. Neighboring whites resented the Omahas' tax-exempt status. So did the State of Nebraska, which claimed it was losing money and that it should be able to tax these lands. Senator Henry L. Dawes reminded Nebraska county officials that the land had been a reservation and had never been taxed, so there was no revenue loss under allotment status.³⁵

Unhappy with their precarious legal position, the Omahas decided to establish an independent government. Alice Fletcher did not think the Omahas would be ready for self-government until the tribal organization and the agency system had been destroyed, but in 1884, Omaha councilman Sindahaha presented the position of at least part of the tribe. He began by stating flatly, "In future, we wish no one here put over us by Government, but we wish to govern ourselves." Then he requested that the government pay the Omahas all money owed them, and that it allow the tribe to handle its own affairs. Caving in to pressure, Alice Fletcher wrote a sixty-page plan of government that recognized the ten-man Omaha Council, but she urged that most power be given to the three-man Indian Court of Offenses, designed to end "heathen" customs. Fletcher envisioned a simple form of county government, with a school superintendent, a superintendent of roads, and other officials. She further recommended that the lands being withheld for the next generation be fenced and used as a common pasture.³⁶

During that same year, the Omaha leading men asked that all agency employees be discharged, a move supported by Agent Wilkinson. Noting that the desire for independence among some prominent Omahas had increased following allotment, and that the Omahas had proved they could farm successfully, Commissioner Price agreed. On September 30, 1884, he instructed Wilkinson to release all Omaha Agency employees except those associated with the school and the farmer, who would serve as a liaison. Wilkinson was also told to turn over the mills, shops, agency buildings, school houses, and government

livestock. The tribe was now on its own, and Price had high hopes for his Omaha "experiment." He was sure it would succeed and that it would become a model for other tribes to emulate.³⁷

But the Omahas could not manage on their own. In 1885, the agency farmer resigned, severing the tribe's tenuous link to the government. When neither newly-appointed Commissioner J. D. C. Atkins nor Alice Fletcher seriously considered an Omaha request that Fletcher become their "business manager," several Indian delegations visited Washington in April 1886 and gave Atkins mixed messages regarding Omaha needs. Fletcher and Francis La Flesche met with each delegation and worked out another plan of self- government that for the moment appeared to please everyone. Despite the seeming Washington settlement, old tribal divisions rapidly resurfaced back in Nebraska. The Omaha Council of Ten split into factions. While half of the leaders (Two Crows, Doubasmurri, Sindahaha, White Horse, and Chazininga) supported Fletcher's plan and the common pasture, the other five (Prairie Chicken, Wahininga, Wasagaha, Little Cow, and Kaiska) opposed the pasture, self-government and the La Flesches. The five conservative councilors drafted a letter to Commissioner Atkins, accusing Fletcher of misrepresenting Omaha affairs and of playing favorites among their people. But they reserved their strongest criticisms for Joseph La Flesche, denigrating his mixed-blood ancestry and calling him a chronic trouble maker. One-hundred-fifty men signed this letter, nearly three times the number who had petitioned Congress for allotments five years earlier.³⁸

The Omaha Reservation was in chaos. According to a member of the Board of Indian Commissioners who visited the Omahas in 1887, turning over the mills and the blacksmith shop to the Indians had been a disaster. William H. Waldby reported that the mill was falling down and the machinery had either broken or been carried off. Even doors and windows had been confiscated by tribal members. All that remained of the blacksmith shop was one anvil and the bellows, and the Omahas now had to hire their own

blacksmith. In 1890, Agent Robert Ashley also questioned the wisdom of allowing the Indians to run the mill and shops, and a year earlier, Agent Jesse Warner, arguing that the Omahas still needed agency control, had described their situation as "trying to erect a new superstructure without removing the debris of the past."³⁹

Along with tribal divisions and non-functioning mills and shops, a rift occurred in the influential La Flesche family. Former friends Alice Fletcher and Susette Tibbles disagreed sharply on self-government, the common pasture, and leasing of allotted lands, and their feud forced family members to choose sides. In addition, the family could not agree on citizenship. Joseph La Flesche favored self-government and doubted the Omahas' readiness to become citizens "in [their] present state." Five years earlier, Susette Tibbles had forcefully expressed her contrary views on citizenship in an introduction to one of her husband's books. "Allow an Indian to suggest that the solution to the vexed 'Indian Question' is Citizenship. . . . If it were not for the lands which the Indian holds, he would have been a citizen long before the Negro. . . ." In 1886, she saw citizenship as the proper alternative to the agency system, and she considered self-government a "great evil." Testifying before the Board of Indian Commissioners, she argued that citizenship could not hurt her people because "they cannot be in any worse condition than they are now."⁴⁰

The major break between Alice Fletcher and Susette Tibbles occurred over the question of leasing Indian lands. By 1884, the Omahas' unallotted lands had become fair game for white squatters, and by paying the agent a fee, white men could graze cattle on the reservation. Roaming at will, these cattle trampled Indians' fields and gardens. The Omahas balked when Fletcher suggested they fence in their crops, so in her self-government plan, she had recommended fencing the unallotted lands and creating a common pasture. The plan worked; Indians' cattle could graze free and whites could graze their stock for a price. In July 1884, Rosalie La Flesche's husband, Ed Farley, requested permission to manage the common pasture. With Agent Wilkinson's blessing, he applied

for a twenty-year lease on 18,000 acres of unallotted land at an annual rate of four cents per acre. This leasing arrangement was apparently unique on Indian lands. Farley bypassed Congress and dealt directly with the Commissioner of Indian Affairs, while also entering into a partnership with the Omaha Tribe, which would share the profits.⁴¹

Susette and her husband, Thomas Tibbles, took positions that alienated many Omahas, especially Susette's family. Crusading for immediate citizenship and against Omaha self-government, Tibbles agitated for an investigation of the common pasture. The husband and wife team interpreted the no-lease provision of the 1882 Omaha Allotment Act as an infringement of Indian rights. Arguing that the Omahas should be allowed to lease their lands to whomever they wished, they actively opposed Rosalie and Ed Farley's management of the pasture lands. Although she probably knew that the Farleys kept accurate books and paid the tribe several hundred dollars per year, Susette claimed that Ed Farley cheated her people, and that they knew nothing about the common pasture's operation or what their share should be.⁴²

In 1883, many Omahas had taken allotments some distance from the Missouri River in areas where the land had never been farmed. To break and clear virgin sod, especially without proper equipment and animals, was hard work, and many Omahas wanted to lease their land to whites rather than farm it themselves. But by terms of the 1882 act, leasing of allotments was illegal. With their usual zeal, the Tibbles worked for the Omahas' right to lease their individual farms. At rallies in nearby Bancroft and Pender, they raised enough cash from interested whites to plead their case in Washington. Tibbles even tricked his father-in-law into initially supporting his scheme to promote leasing. After appealing to eastern reformers for Omaha leasing rights, Joseph La Flesche realized he had been deliberately confused. Alice Fletcher fully supported the leasing of the common pasture—it had, after all, been her idea—but she was adamantly opposed to leasing Indian allotments. Assuming that only the best lands would be leased, Fletcher worried that with whites

occupying the most productive farmland, the Omahas would become discouraged and would not "progress." When La Flesche saw that Tibbles was attempting to overturn the twenty-five-year trust period and, in the process, was personally attacking Alice Fletcher, he withdrew his support for Tibbles' campaign. He told his friend Two Crows, "I feel we have made a wrong move." It all came down to trust; increasingly, La Flesche distrusted Tibbles, and he felt Alice Fletcher had never lied to him.⁴³

To counteract Tibbles' efforts to destroy the common pasture, Francis La Flesche instructed his father and other progressives to send a petition to Boston reformers saying they did not want to lease the unallotted lands to outsiders because that would bring whites onto the reservation. Also, he wanted the tribal leaders to state that they wanted no input from Tibbles on the matter. In a warning that proved prophetic, Francis assured his father that whites would not pay a fair price and would be difficult to dislodge from Indian lands. He also wisely cautioned the Omahas not to involve themselves in any litigation, since whites controlled state and county officials and the Omahas would surely lose in court.⁴⁴

Francis La Flesche detested Thomas Tibbles, whom he accused of spreading rumors about the propriety of his relationship with Alice Fletcher. Remarks made in a letter to his sister Rosalie in December 1886 reveal the depth of his animosity. La Flesche never forgave the married Tibbles for his alleged affair with Susette La Flesche while they toured the east on behalf of the Poncas. In Francis' words, "Mr. T left his wife to die in Omaha while he made love to S."⁴⁵ Joseph La Flesche died in 1888, and for the last few years of his life he was torn between loyalty to his daughter and son-in-law and to Alice Fletcher. The Fletcher-Tibbles controversy continued, and the rift in the La Flesche family never healed. Ultimately, the Tibbles won; the Omahas became citizens with the passage of the 1887 Dawes Act, and the Council of Ten continued to govern the tribe.

At twelve o'clock noon on April 30, 1884, 50,157 acres of Omaha Reservation land west of the Sioux City and Nebraska Railroad, with an appraised value of

\$512,670.24, was thrown open to white settlement.⁴⁶ According to the terms of sale, an individual purchasing Omaha land would be required to pay for it in three installments, beginning one year after the purchase was registered, and would be charged five per cent interest, payable annually. Proceeds from land sales would be held for the Omahas in the United States Treasury, and the interest would be used to benefit the Indians.⁴⁷

That was the theory. In practice, Congress repeatedly granted purchasers more time to pay for their acreage, always with the understanding that unless the annual interest was paid, buyers would forfeit their lands. With the Omahas' consent, the Indian Appropriation Act of March 3, 1885 extended the time of the first payment by one year, and in 1886 buyers, again with Indian permission, were granted an additional two years.⁴⁸ In September 1886, Francis La Flesche warned the Omahas that if they wanted to see any proceeds from their western lands, they should refuse to permit any further payment deferrals.⁴⁹ Nevertheless, in 1888, the tribe agreed to a further two-year extension.⁵⁰ That year, in response to a Senate resolution, acting Interior Secretary H. L. Muldrow asked the Indian office to produce figures regarding the sale of the roughly 50,000 acres of Omaha land. Acting Commissioner S. M. Stockslager reported that nearly all of the land—49,630.62 acres appraised at an average of \$10.00 per acre—had been sold, but as of December 31, 1887, only \$154,654.62 had been deposited in the Treasury. Also in late 1887, \$4,108.06 in interest remained unpaid, and no attempts had been made to force payment or to repossess the lands involved.⁵¹ Despite the commissioner's adverse report, another extension was approved in 1890.⁵² A final delay in 1894 allowed purchasers to defer their first payments until 1897, thirteen years after the land became available to whites, and only the intervention of Commissioner Daniel M. Browning prevented Congress from approving the 1894 extension without the Omahas' knowledge.⁵³

Because of these delays and delinquencies, the Omahas gained little from the sale of their western lands. In February 1886, Agent Charles Potter forwarded to Indian Commissioner J. D. C. Atkins a petition from 230 destitute Omaha heads of families, asking that the last nine \$10,000 annuity payments from the 1854 treaty be paid in a lump sum so that they could afford essential improvements to their farms. The commissioner recommended that Congress pay the Omahas in two \$45,000 installments, but Francis La Flesche, once more assuming his role as "tribal conscience," cautioned his people that if they squandered the first payment, the second would be withheld.⁵⁴

Congress rejected the Omahas' request, and in December, 158 tribal members petitioned the government for the remaining \$70,000. In their petition, the Indians agreed to accept half the proceeds in farm equipment, but demanded the rest in cash.⁵⁵ Congress agreed to pay the remaining annuities in two \$35,000 increments, but Nebraska congressmen and Senator Dawes suggested that an agent be appointed to make the payments in return for a five per cent commission. Believing that to be a huge salary for a few days' work, four Omaha tribal leaders, probably coached by Francis La Flesche, asked their congressman to try to get them all their money.⁵⁶

While the Omahas struggled to survive after allotment, reformers, congressmen and government officials wrestled with the idea of granting Indians land in severalty on a much larger scale. Many backers of a general allotment act ignored reality or manipulated available data to support their positions. For example, in 1880, Acting Commissioner of Indian Affairs E. M. Marble claimed that "the demand for titles to land in severalty by the reservation Indians is almost universal."⁵⁷ Also in 1880, the House Committee on Indian Affairs reported favorably on Indian allotments. Communal life, they said, fostered "idleness, inefficiency, and dependency," especially among Indians. Citing the "encouraging" examples of several tribes, including the Omahas, who had been at least partially allotted, the majority of the Committee agreed that these Indians' progress "clearly

demonstrate[d] . . . the advantages to be derived by the Indians from holding their lands in severalty." The Committee majority concluded its report by agreeing with Marble that the Indians of Nebraska and several other states were "exceedingly anxious" to have their lands allotted.⁵⁸

Interior Secretary L. Q. C. Lamar insisted that tribal relations should remain intact during a slow transition to "civilization." Merrill E. Gates of the Board of Indian Commissioners disagreed. In a widely-read pamphlet, he wrote that the greatest obstacle to assimilation was the tribe, and asserted that "the best way to kill an Indian was to make him a white man."⁵⁹ Also to counter Lamar's views, Board of Indian Commissioners Secretary Eliphalet Whittlesey sent all Indian agents a questionnaire regarding allotments in November 1885. He then carefully selected the most favorable responses for inclusion in his 1886 annual report to support his claim that "not less than 75,000 [Indians] are asking for individual allotments . . . and nearly all of these are, in the opinion of their agents, far enough advanced to receive and care for separate homesteads."⁶⁰ But Lyman Abbott, the activist editor of Christian Union, offered the most extreme solution. Convinced that reservations were a disaster, he said:

I would, therefore, abandon this experiment, abolish the reservation, allow only time enough to work out the abolition, scatter the Indians among the white people, make their lands inalienable for a term of years, give them the rights of citizenship, and trust for their protection to the general laws of the land.⁶¹

Many concerned individuals and groups saw potential problems in severalty. Citing past failures and most Indians' opposition to allotments, they argued eloquently against the proposed General Allotment Act (Dawes bill). Anthropologist Thomas Henry Morgan quoted former Interior Secretary Carl Schurz, who hoped that land in severalty would never become a reality since Indians were incapable of successfully dealing with whites. Schurz predicted "the result of individual land ownership, with power to sell, would . . .

be, that in a very short time [the Indian] would divest himself of every foot of land and fall into poverty."⁶² After a chance meeting with aging former Indian Commissioner George W. Manypenny, one reformer recalled the abject failure of early allotments. He reminded the Board of Indian Commissioners that those tribes which were allotted under Manypenny's 1850s treaties were now "reduced in number; reduced in morals; without spirit," and advised the Board and the American people not to force severalty on any more unprepared Indians.⁶³

Perhaps the Senate's most eloquent allotment opponent was Henry M. Teller of Colorado. During the 1881 congressional debate over severalty, he reminded his colleagues that in the previous thirty-six years, few tribes had chosen to be allotted, and those which did quickly lost their land. Declaring severalty "fundamentally wrong," Teller predicted that "when thirty or forty years shall have passed and these Indians shall have parted with their title, they will curse the hand that was raised professedly in their defense to secure this kind of legislation. . . ." ⁶⁴

Almost as though they had read different reports and experienced different history, a minority of the House Indian Affairs Committee disagreed completely with their colleagues. The dissenting committeemen pointed out that in 1862, Congress had provided that Indians who wished could take lands in severalty. If so many Indians favored allotments, they wondered, why had so few taken them? They urged Congress to proceed cautiously with severalty, and criticized the proposed law's application to "blanket Indians" as well as "those who [wore] the clothing of civilized life." Ridiculing the seeming hypocrisy of a land in severalty law, the minority on the Committee accused Congress of treating Indians as men by giving them land and expecting them to live off its profits, and at the same time keeping them children by not allowing them to do as they wished with their own property. Finally, opponents on the Committee questioned the motives of Dawes bill supporters:

The real aim of this bill is to get at the Indian lands and open them up to settlement. The provisions for the apparent benefit of the Indians are but the pretext to get at his lands and occupy them. . . . If this were done in the name of Greed, it would be bad enough; but to do it in the name of humanity is infinitely worse.⁶⁵

As late as the fall of 1882, after the Omaha Allotment Act had become law, even Senator Henry Dawes, who would later sponsor the general severalty bill, opposed the compulsory allotment of Indian lands. At that time, Dawes argued that Indians "cannot be set up in severalty and left to stand alone any more than so many reeds. . . ." ⁶⁶ But in the following few years, Dawes swallowed his own convictions and let events and activists such as Alice Fletcher dictate his actions.⁶⁷

Due to her forceful personality and her experience in allotting Omaha lands, Alice Fletcher wielded considerable influence during the severalty debate. In 1884, Senators Richard Coke and Henry Dawes introduced a revised version of a severalty bill which provided for a twenty-five-year trust period, tribal land patents for those Indians unwilling to accept individual allotments, and required the consent of two-thirds of a tribe's adult males before a reservation could be allotted. Fletcher agreed with the twenty-five-year inalienability clause, but objected vehemently to the other two provisions. As a member of a nine-person Lake Mohonk committee lobbying Congress for passage of the bill, she insisted that tribalism was an impediment to progress: "Under no circumstances should land be patented to a tribe. The principle is wrong." Citing the early resistance of most Omahas, she also thought that trying to get two-thirds of a tribe's consent to allotment would be a wasted effort. "The work must be done for them," she argued, "whether they approve or not." At Fletcher's insistence, the committee and the Lake Mohonk Conference voted to oppose any government recognition of tribalism.⁶⁸ In making final adjustments to his bill, Dawes heeded the voices from Lake Mohonk. The Dawes Act, as passed on February 8, 1887 (Appendix XI), contained the trust period, which Fletcher approved, but

neither of the provisions she opposed. A controversial House amendment that became part of the act's Section Six also granted the Omahas and other previously allotted Indians United States citizenship.⁶⁹

Although the Dawes Act marked the culmination of years of work by numerous government officials, reformers, and private organizations, the stamp of Alice Fletcher was firmly imprinted on the bill in its final form. In recognizing her contributions, Senator Dawes said, "I stand in reference to that very much as Americus Vespuccius [sic] stands to Columbus."⁷⁰ Fletcher called the Dawes Act "the Magna Charta of the Indians of our country." In an editorial in the Carlisle Indian School newspaper, Morning Star, she enumerated the reasons for her high praise: 1) each Indian was guaranteed a homestead; 2) each Indian became a citizen; and 3) each Indian was now free from "tribal tyranny." She also mentioned, but did not belabor, the provision to open "surplus lands" to white settlement.⁷¹

But the so-called Indian Magna Charta had major weaknesses and created more problems than it solved. The Dawes Act left the Indian with title to his land, but no power to use it, and retained just enough tribal interest to hold him back. The new law did not provide courts, education, or a public infrastructure, and tribal lands surrounding allotments would soon cause strife among Indians and invite greedy whites onto reservations.⁷² Historian Wilcomb Washburn observed that had Henry Dawes displayed more courage and greater understanding, his bill might have better protected Indians and provided fewer advantages to greedy whites. Or, it may never have passed at all. As it was, "the losses were all on the Indian side. . . ."⁷³

Because of Alice Fletcher's high profile and reports of their rapid progress after allotment, the Omahas became the model for the more comprehensive Dawes Act. But had congressmen heeded the words of some Omaha agents and former agents, the editor of Council Fire, or more importantly, the Omahas themselves, they may have been less

anxious to allot additional tribes. A few reformers visiting the reservation, an eternally optimistic agent, and Alice Fletcher herself, at first, spoke glowingly of the Omahas' condition. In 1883, before allotment was even completed, Agent George Wilkinson saw a bright future for the Omahas. He believed that living near white settlements would teach the Indians the value of hard work. In 1884 and 1885, both Wilkinson and Alice Fletcher reported that the tribe was doing well under allotment and its limited self-government. The agent insisted that closing their tribal shops showed the Omahas' determination to move forward, and he praised their progressiveness. In addition, Wilkinson assured the Indian Commissioner that Fletcher's fine job of allotting and her sound advice would give the Omahas "an impetus which [would] never be lost." Despite serious problems on the reservation, Wilkinson predicted in 1885 that the Omahas would "soon become prosperous and profitable citizens. . . ."74

A year earlier, the Board of Indian Commissioners admitted that many Indians were unprepared for allotment and would not be ready in the foreseeable future, but they called the Omaha experience "instructive and encouraging." The Board fully expected Omaha allotment to work, and just one year later, they proclaimed the Omaha experiment a success which proved "what [was] possible, and what, when protected by law, [would] always be successful."⁷⁵ Samuel B. Capen echoed the views of the Board of Indian Commissioners. In 1886, he told the Lake Mohonk Conference that the Omahas were on their way to civilization, had their land and were farming it, were receiving nothing from the government, and best of all, had done away with the agency system. He perceived this Omaha progress as a positive omen for the success of the impending Dawes Act.⁷⁶

But these few voices were countered by a chorus of warnings that all was not well on the Omaha Reservation. As early as 1884, reports of Omaha difficulties surfaced, many of them on the pages of Council Fire. Stating that the Omahas had been more prosperous before allotment, a former agency employee told the editor that he hated to visit the Omaha

Agency because everything had deteriorated.⁷⁷ Former agent Jacob Vore visited the reservation in 1884, and in conversations with the Omahas, found that they were suffering. Their agent ignored them; their farmer—a doctor by profession—had proved incompetent, and the mission superintendent threatened parents in order to keep children in school. "We are not getting along well," several Indians confessed, "we are rather going back."⁷⁸

Even Alice Fletcher worried about the Omahas. At a Washington, D. C. conference in 1886, she expressed optimism for their future, but when called upon to report on her pet project in 1887, she felt differently. Having visited the Omahas earlier in the year, she found they were "doing very badly. They seem utterly at a loss how to get along. They don't seem able to work the land themselves. . . . White men are anxious to get leases, and almost all the Indians would lease their lands if they could." Letters from leading Omahas confirmed Alice Fletcher's report, but painted an even grimmer picture. Council Fire's editor, Thomas Bland, worried that the Omahas would soon be homeless, and predicted a similar fate for every tribe touched by the Dawes Act.⁷⁹

Claiming "that satisfaction of mind which results from telling the truth," Agent Charles H. Potter in 1886 filed a report which should have prompted legislators to delay passage of the Dawes bill. Potter stated that far from being solved, the Omaha problem was only in its first stages of solution and the Indians' condition had been misrepresented. Angry because he was being held responsible for the sad state of affairs on the reservation, the new agent set the record straight. Without identifying names, but no doubt referring to former agent George Wilkinson, Potter charged that both the Indian department and the public had been "deceived in reference to the true condition of the Omahas." According to his report, the Omahas had also been deceived. When he explained their 1882 allotment to them shortly after his arrival, the Indians claimed they had never agreed to state allegiance before the end of the twenty-five-year trust period, and that the meaning of such allegiance

had never been made clear. They refused to receive their land patents until Potter advised the Indian department of their feelings.⁸⁰

Potter related the spring 1886 events surrounding the Omahas' request for a lump sum payment of their remaining \$90,000 in annuities. According to the agent, after neglecting their farms to hold feasts and councils, the tribe sent a delegation to Washington to discuss self-government, as well as the annuity payment. While the delegation was gone and for a time after it returned, the people refused to work. When Congress refused to appropriate money for the single annuity payment and they could muster no support for self-government, the Omahas became disheartened, and with the majority opposed to the conditions imposed on them, there developed strong support for a return to agency employees and shops. In 1886, Potter had great concern for the Omahas' future. Their crops were failing; they had no government, no interpreter, no law enforcement; and he thought the Indian office would have to step in and dictate a system of government for the tribe.⁸¹

Amazingly, despite having received Agent Potter's discouraging report, Indian Commissioner J. D. C. Atkins lauded the Omahas' "success" and urged that "Indians everywhere . . . adopt the same policy."⁸² Atkins and Alice Fletcher apparently shared the same blind optimism. Just a few weeks before the commissioner issued his favorable report, Fletcher visited the Omaha Reservation and found the Indians unable to handle their problems and quarreling among themselves as whites agitated for their land. As she was inclined to do, she turned this controversy into a positive sign. In her unrealistic view, this tribal "disintegration" denoted progress, and she believed other tribes would have similar experiences as the government "props" fell away.⁸³ Earlier in 1886, she had written of the Omahas: "The people will succeed if given time."⁸⁴ The problems encountered by the Omahas after allotment in no way diminished Fletcher's enthusiasm for Indian land in

severalty. In July 1887, when notified that she had been chosen to allot the Winnebagoes, she told her diary, "A great triumph!"⁸⁵

The Dawes Act's passage in February 1887 did not silence its critics. In the April edition of Council Fire, editor Thomas A. Bland discussed the tragic results of the Omaha allotment. In a statement highly critical of Alice Fletcher's methods and her use of the Omaha experiment to encourage further land in severalty, he charged that the beneficiaries of Fletcher's work were not the Omahas, but the "professional philanthropists, the land-sharks, the politicians who desired to catch the land-shark votes, and the railroads." Bland noted that at the Board of Indian Commissioners conference in January 1887, Fletcher "virtually admitted the failure of her cherished scheme." Citing long passages from Agent Potter's 1886 report, Bland asked, "Can any intelligent friend of humanity look on this picture . . . and not sustain us in our opposition to the Dawes land-in-severalty bill?"⁸⁶

Perhaps because of his outspokenness, Agent Charles Potter submitted only one report from the Omaha and Winnebago Agency before being dismissed. In 1887, his successor, Jesse F. Warner, filed a report that was a masterpiece of constraint and compromise. Pointing to the large amount of publicity surrounding the Omaha experiment and the conflicting opinions as to its success, Warner granted that both supporters and detractors had good points. Admitting that the first few years after allotment promised little, the agent could now see some progress, and he suggested that for the good of their people the conservatives and complainers should "return to their weed-grown farms" and "set an example . . . to others." Unfortunately, Warner lamented, it was too late to worry about whether the Omahas had been moved along too quickly; they were now citizens, and tribal government could not continue. In a thoroughly sensible statement, Warner suggested that in the future, other tribes should be given more time to accustom themselves to their changed status before being left on their own.⁸⁷

It *was* too late to help the Omahas. Because of misconceptions regarding readiness for allotment, they had been forced into a situation few of them desired or understood. Most Omahas in 1881 wanted only to remain in their Nebraska homeland; they had little desire to become individual land owners and even less to see a large portion of their reservation sold to white settlers. Generally unprepared for the consequences of allotment, they became confused and blamed one another for their problems. But the fault was not theirs; many mistakes had been made, most of them by Alice Fletcher. Often lost among the kudos Fletcher received for her pioneering anthropological studies of the Omahas were the dire consequences of her Nebraska "field trip."

In part due to the attitudes of people such as Alice Fletcher, Indians in the 1880s came to be regarded as "children who needed to be encouraged to grow up." Fletcher did not always feel this way; she went west to study a people who had a different but "effective way of life." However, when she had to resort to force to complete the Omaha allotment, she began to see the Indians as children who could not make their own decisions. Fletcher came to perceive herself as a "mother" to the Omahas, calling them "her children—her babies."⁸⁸ At least one reformer noticed Fletcher's "curious feeling of ownership of the Omahas." Martha Goddard, the wife of Boston newspaper editor and prominent Indian advocate D. A. Goddard, observed that at Lake Mohonk conferences, Fletcher refused to admit that others knew anything about the tribe, and ignored anyone else's comments regarding her pet Indians.⁸⁹

In response to an 1886 letter of inquiry from Indian Rights Association secretary Herbert Welsh, Mrs. Goddard hinted at substantial wrongdoing on the part of Alice Fletcher. From the tone of her letter, it is apparent that Goddard was on quite friendly terms with Thomas and Susette Tibbles, and so may not have been totally objective, but her charges were too serious to ignore. Accusing Fletcher of being power hungry, Goddard argued that she had been given too much authority by the Indian Bureau. Welsh's

confidante also charged that a "ring" of Fletcher's friends used her to profit from Omaha lands, but she doubted that Fletcher gained personally, since "she care[d] for power, not for riches." Overall, Mrs. Goddard found Fletcher's dealings with the Omahas "very questionable," and called for an investigation of her activities.⁹⁰

Alice Fletcher did appear to enjoy the limelight and she took great pleasure in being an "Omaha expert." Perhaps she was power hungry as Martha Goddard charged, but her "crimes" were more likely errors in judgment. Admitting that Fletcher often behaved rashly and made unwise decisions, anthropologist Nancy Oestreich Lurie observed that she may have acted more cautiously had her first Omaha contacts been "ordinary" Omahas rather than the acculturated, multi-lingual, mixed-blood La Flesche family. She did not seem to realize that they were atypical Omahas. In her haste to relieve the Omahas' distress, Fletcher gave herself too little time to familiarize herself with the Indians she was determined to help. "It is possible that if Alice Fletcher had first studied the Omahas thoroughly—as she later did—instead of plunging immediately into the matter of land, she would have sought some other solution to the Indians' economic problems than the one she brought with her into the field."⁹¹

Alice Fletcher did not deliberately undermine the Omahas' future. Because her dealings had been primarily with tribal progressives, she honestly believed that what she desired for the Omahas was what they wanted as well. Although the results were catastrophic, her intentions were good. Acknowledging her many shortcomings but defending her humanity, Nancy Lurie said of "the lady from Boston": "Alice Fletcher, for all her misguided benevolence, must at least be respected for regarding the welfare of the people she studied as her primary obligation and for never forgetting that they were fellow human beings. . . ." ⁹²

Alice Fletcher was of course not solely responsible for the Omaha "experiment" and its subsequent problems. In 1882, she had ridden the crest of the wave of assimilationist

sentiment that had swept over Washington. Most reformers wanted to see the Omahas and other tribes allotted, and few later cared to admit that it was a mistake. But the roots of the Omaha disaster actually went much deeper, back to the 1854 treaty that began their trek toward assimilation. No one regretted his role in the 1854 treaty more than former Indian Commissioner George Manypenny. In 1885 , he confessed:

When I made those treaties I was confident that good results would follow. Had I not so believed I would not have been a party to the transactions. Events following the execution of those treaties proved that I had committed a grave error. I had provided for the abrogation of the reservations, the dissolution of the tribal relation, and for lands in severalty and citizenship, thus making the road clear for the rapacity of the white man . . . Had I known then as I now know . . . I would be compelled to admit that I had committed a high crime.⁹³

The door was open to white greed, as the years following the Dawes Act would show. As citizens without recourse to law, and owners of valuable agricultural lands, the Omahas in the 1890s would be victimized by unscrupulous whites hovering about the reservation's fringes. Alcohol would once again become a major problem and court battles would further divide tribal leaders. By 1900, due to an additional allotment provision and liberal leasing laws, the Omahas would hold little tribal land and most of their individual farms would be occupied by white men. Alice Fletcher was wrong; time would only make matters worse.

NOTES

¹U. S. Congress. Senate. Memorial of the Members of the Omaha Tribe of Indians for a Grant of Land in Severalty, S. Misc. Doc. 31, 47th Cong., 1st sess., 1882, 6. [Ser. set 1993]. (This document is also included in U.S. Congress. House. Sale of a Part of Omaha Indian Reservation in Nebraska, H. Report 1530, 47th Cong., 1st sess., 1882. [Ser. set 2069]).

²"Miss Fletcher Sadly Disappointed," Council Fire X (February 1887): 27.

³Henry E. Fritz, The Movement for Indian Assimilation, 1860-1890 (Philadelphia: University of Pennsylvania Press, 1963), 168-75. Extermination was not the policy of the more humane General George Crook, but in 1876, Custer said that there "ought to be one Indian war, and then no more Indians." The New York Times, October 6, 1876.

⁴Robert Winston Mardock, The Reformers and the American Indian (Columbia: University of Missouri Press, 1971), 146-49. Fritz, The Movement for Indian Assimilation, 185.

⁵Fritz, The Movement for Indian Assimilation, 185, 190-91. For a complete official discussion of the Ponca controversy, see U. S. Congress. Senate. Removal of the Ponca Indians, S. Report 670, 46th Cong., 2nd sess., 1880, I-XXVII, 1-520. [Ser. set 1898]. The Ponca removal is also well covered in Mardock, The Reformers and the American Indian, 168-91.

⁶Frederick E. Hoxie, "Beyond Savagery: The Campaign to Assimilate the Indians, 1880-1920," (Ph. D. diss., Brandeis University, 1977), 21-23. Thomas H. Tibbles gave a personal, and somewhat self-serving, account of the trial of Standing Bear and the eastern lecture tour in Buckskin and Blanket Days: Memoirs of a Friend of the Indians (Garden City, New York: Doubleday & Company, Inc., 1957), 193-221.

⁷Fritz, The Movement for Indian Assimilation, 197. New Indian reform organizations gained prominence in the 1880s. For thorough discussions of the Women's National Indian Association, the Indian Rights Association, and the National Indian Defense Association plus the Indian advocacy monthly, Council Fire, see Helen M. Wanken, "'Women's Sphere' and Indian Reform: The Women's National Indian Association, 1879-1901" (Ph. D. diss., Marquette University, 1981); William T. Hagan, The Indian Rights Association: The Herbert Welsh Years, 1882-1904 (Tucson: University of Arizona Press, 1985); and Jo Lea Wetherilt Behrens, "In Defense of 'Poor Lo': The Council Fire's Advocacy of Native American Civil Rights, 1878-1889" (Master's thesis, University of Nebraska at Omaha, 1992).

⁸Tibbles, Buckskin and Blanket Days, 236-37. Joan Mark, A Stranger in Her Native Land: Alice Fletcher and the American Indians (Lincoln: University of Nebraska Press, 1988), 38-42. Alice Fletcher to L. Carr, August 3, 1881, Peabody Museum Papers, Harvard University Archives, Cambridge, Massachusetts, cited in Mark, A Stranger in Her Native Land, 42.

⁹Tibbles, Buckskin and Blanket Days, 237.

¹⁰Mark, A Stranger in Her Native Land, 53-63.

¹¹James Owen Dorsey, Omaha and Ponka Letters, Smithsonian Institution, Bureau of Ethnology, Bulletin no. 11 (Washington, D.C. : Government Printing Office, 1891), 29-33, 553-54. James Owen Dorsey, The Čegiha Language, Smithsonian Institution, Bureau of Ethnology, Contributions to North American Ethnology , vol. 6 (Washington, D.C. : Government Printing Office, 1890), 677, 717. Mark, A Stranger in Her Native Land, 68-69. Without the Omahas' permission, 238 such letters were published, with English translations. In 1894, Francis La Flesche expressed his displeasure at the publication of these and other letters. "Too much of the private affairs of many of the Omahas has been published by the Bureau of Ethnology without their consent. . . ." Francis La Flesche, quoted in Neil M. Judd, The Bureau of American Ethnology: A Partial History (Norman: University of Oklahoma Press, 1967), 52.

¹²Francis La Flesche, "Alice C. Fletcher," Science 58 (August 1923), 115.

¹³Alice C. Fletcher, "Personal Studies of Indian Life: Politics and 'Pipe-Dancing'," Century 45 (November 1892-April 1893): 454. Annual Report of the Board of Indian Commissioners [BIC], 1885, 128. [All Board of Indian Commissioners Reports are from the University of Nebraska at Omaha's microfilm collection, Call # I 20.5].

¹⁴Nancy Oestreich Lurie, "The Lady from Boston and the Omaha Indians," American West 3 (Fall 1966): 80-81.

¹⁵Mark, A Stranger in Her Native Land, 70. Memorial of Members of the Omaha Tribe, 1-14.

¹⁶Alice C. Fletcher and Francis La Flesche Papers, National Anthropological Archives, Smithsonian Institution, Washington, D.C. [hereafter referred to as Fletcher Papers], cited in Mark, A Stranger in Her Native Land, 70.

¹⁷Alice C. Fletcher to Henry L. Dawes, February 1882, and Fletcher to Samuel J. Kirkwood, February 8, 1882, Fletcher Papers, cited in Mark, A Stranger in Her Native Land, 71.

¹⁸Mark, A Stranger in Her Native Land, 71-72. Rebecca Hancock Welch, "Alice Cunningham Fletcher, Anthropologist and Indian Rights Reformer" (Ph. D. diss., George Washington University, 1980), 53. Fletcher to Mrs. Dawes, January 25, 1883, Henry L. Dawes Papers, Library of Congress, Washington, D.C., cited in Mark, A Stranger in Her Native Land, 76. Senator Dawes' wife and daughter were especially helpful to Fletcher.

¹⁹Alice C. Fletcher and Francis La Flesche, The Omaha Tribe, Twenty-seventh Annual Report of the Bureau of American Ethnology (Washington, D.C. : Government Printing Office, 1911), 639. Mark, A Stranger in Her Native Land, 74-75.

²⁰Congressional Record, 47th Cong, 1st sess., part 4, 1882, 3027-28, 3032.

²¹Salc of a Part of the Omaha Indian Reservation, 1.

²²Mark, A Stranger in Her Native Land, 76. Fletcher to Commissioner T. J. Morgan, February 4, 1882, Fletcher Papers, cited in Mark, A Stranger in Her Native Land, 76.

²³22 Statutes at Large 341-43.

²⁴22 Statutes at Large 342.

²⁵22 Statutes at Large 342-43.

²⁶Report of Commissioner Hiram Price, October 10, 1883, in Annual Report of the Commissioner of Indian Affairs [ARCIA], 1883, LXIII. [All of the Commissioners' reports in this chapter are from the University of Nebraska at Omaha microfiche collection, Call # I 20.1]. Mark, A Stranger in Her Native Land, 88-89, 93. The allottees in 1871 represented about twenty-five percent of the Omahas. A hand-written list of the Omahas allotted as a result of the 1865 treaty shows a total of 331, but there are numbering errors, and the actual figure is 316. Letters Received, Omaha Agency, 1871-1876, National Archives, Record Group 75, Microcopy 234, Reel 606, Frames 67-77.

²⁷Mark, A Stranger in Her Native Land, 89. Welch, "Alice Cunningham Fletcher," 117. Fletcher, "Lands in Severalty to Indians: Illustrated by Experiences with the Omaha Tribe," Proceedings of the American Association for the Advancement of Science 33 (1885): 660. BIC Report, 1884, 55.

²⁸Report of Agent George Wilkinson, August 27, 1883, in ARCIA, 1883, 105.

²⁹Mark, A Stranger in Her Native Land, 89. Fletcher, "Lands in Severalty to Indians," 660. BIC Report, 1889, 150. Fletcher deliberately allotted land so that Indians and whites would be thrown together, since in her opinion, "the salvation of the Indians [was] to get them out among the whites." BIC Report, 1884, 55.

³⁰Mark, A Stranger in Her Native Land, 90-92.

³¹Mark, A Stranger in Her Native Land, 92-93. According to Mark, Wilkinson had several ways to make recalcitrant Indians obey; he could refuse them permission to leave the reservation; could remove them for tribal offices; or could generally harass them.

³²Report of Commissioner Hiram Price, October 15, 1884, in ARCIA, 1884, XLIX. Mark, A Stranger in Her Native Land, 93-94. Fletcher, "Lands in Severalty to Indians," 661-62. The tribal census listed 1,194 Omahas, but since wives were not given allotments, only 954 persons actually received lands in severalty.

³³Mark, A Stranger in Her Native Land, 93. Proceedings of the Second Annual Meeting of the Lake Mohonk Conference of Friends of the Indian [LMC], 1884, 26. [All Lake Mohonk Conference references are from the University of Nebraska at Omaha microfiche collection, Call #E93.L3].

³⁴BIC Report, 1889, 150.

³⁵Francis La Flesche to Rosalie Farley, n.d., La Flesche Family Papers [LFP], Nebraska State Historical Society [NSHS], Manuscript [MS] 2026, Reel 1. Remarks of Susette Tibbles, BIC Report, 1886, 121. Report of Agent Jesse F. Warner, September 10, 1888, in ARCIA, 1888, 170. D. S. Otis, The Dawes Act and the Allotment of Indian Lands, edited by Francis Paul Prucha (Norman: University of Oklahoma Press, 1973), 105-106. Henry L. Dawes, "Comment," Fifth Annual LMC, 1887, 69. Although Francis La Flesche used the name "Frank" in correspondence with his family, for the sake of clarity, he will always be referred to as Francis. During the post-allotment period, Francis La Flesche was employed by the Bureau of Indian Affairs in Washington, D. C. and became a rich source of information and advice for his family in Nebraska. The correspondence between La Flesche and his sister Rosalie reflects the controversies in which the Omahas were embroiled during the 1880s and 1890s.

³⁶Fletcher to Henry M. Teller, October 8, 1882, Records of the Bureau of Indian Affairs, cited in Mark, A Stranger in Her Native Land, 122. "An Omaha Speech in 1884," Indian's Friend 10 (November 1897): 11-12. Mark, A Stranger in Her Native Land, 122-23. Welch, "Alice Cunningham Fletcher," 126. Norma Kidd Green, Iron Eye's Family: The Children of Joseph La Flesche (Lincoln: Johnsen Publishing Company, 1969), 78.

³⁷Report of Agent George W. Wilkinson, September 18, 1885, in ARCIA, 1885, 135. Report of Commissioner Hiram Price, October 15, 1884, in ARCIA, 1884, L.

³⁸Welch, "Alice Cunningham Fletcher," 134. Mark, A Stranger in Her Native Land, 131. Sindahaha to Fletcher, May 25, 1886, Fletcher Papers; Wahininga to Commissioner of Indian Affairs, July 22, 1886, Records of the Bureau of Indian Affairs, cited in Mark, A Stranger in Her Native Land, 131. Commissioner J. D. C. Atkins had no objection to Omaha self-government, but he could not approve it because the Omahas were under Nebraska jurisdiction, and an Indian government would create a "state within a state."

³⁹Report of William H. Waldby, BIC Report, 1887, 25. Report of Agent Robert H. Ashley, August 26, 1890, in ARCIA, 1890, 189. Report of Agent Jesse F. Warner, September 11, 1889, in ARCIA, 1889, 238.

⁴⁰Joseph La Flesche to Fletcher, February 23, 1886, Fletcher Papers, cited in Welch, "Alice Cunningham Fletcher," 133. Inshita Theamba ("Bright Eyes"), introduction to Thomas H. Tibbles, Ploughed Under: The Story of an Indian Chief (New York: Fords,

Howard & Hulbert, 1881), 4. Susette Tibbles, "Testimony," BIC Report, 1886, 120. The basic argument over citizenship was that whether they were prepared or not, Susette Tibbles wanted her people to have all the rights and responsibilities that full citizenship entailed, while many other Omahas simply wanted tribal autonomy.

⁴¹Green, Iron Eye's Family, 87-88.

⁴²Mark, A Stranger in Her Native Land, 128-29. Susette Tibbles, "Testimony," BIC Report, 1886, 122-23, 135. Green, Iron Eye's Family, 80.

⁴³Mark, A Stranger in Her Native Land, 128-30. Ed Farley to Fletcher, February 23, 1886, cited in Green, Iron Eye's Family, 79. Joseph La Flesche to Fletcher, March 13, 1886, Alice Fletcher Papers, NSHS, cited in Jerry E. Clark and Martha E. Webb, "Susette and Susan La Flesche: Reformer and Missionary," in James A. Clifton, ed., Being and Becoming Indian: Biographical Studies of North American Frontiers (Chicago: Dorsey Press, 1989), 143. Joseph La Flesche to Fletcher, May 14, 1885, Fletcher Papers; Martha LeB. Goddard to Fletcher, May 23, 1885, Fletcher Papers; and Joseph La Flesche to Fletcher, March 13, 1886, Fletcher Papers, cited in Mark, A Stranger in Her Native Land, 129-30. Tibbles' efforts on behalf of the Omahas were not entirely unselfish, since he had strong support among local whites anxious to lease Indian lands and perhaps to pay him for the privilege. His questionable tactics led Francis Paul Prucha, in American Indian Policy in Crisis: Christian Reformers and the Indian (Norman: University of Oklahoma Press, 1976), 115, to call Tibbles "one of the strangest characters in the history of Indian reform."

⁴⁴Francis La Flesche to Rosalie Farley, June 6, 1887, LFP, NSHS, MS 2026, Reel 1.

⁴⁵Francis La Flesche to Rosalie Farley, December 16, 1886, LFP, NSHS, MS 2926, Reel 1.

⁴⁶Report of Commissioner Hiram Price, October 15, 1884, in ARCIA, 1884, XLVIII.

⁴⁷22 Statutes at Large 341.

⁴⁸23 Statutes at Large 370. 24 Statutes at Large 214.

⁴⁹Francis La Flesche to Rosalie and Ed Farley, September 16, 1886, LFP, NSHS, MS 2026, Reel 1. La Flesche's letter to his sister and brother-in-law gives the impression that the tribe as a whole voted to grant the 1885 and 1886 payment extensions.

⁵⁰25 Statutes at Large 150.

⁵¹U. S. Congress. Senate. In Response to Senate Resolution of January 31, 1888. Information Relative to Sale of Lands in the Omaha Reservation, S. Exec. Doc. 77, 50th Cong., 1st sess., 1888, 1-2. [Ser. set 2510]. Addison E. Sheldon, "Land Systems and

Land Policies in Nebraska," Publications of the Nebraska State Historical Society, vol. 22 (Lincoln: Nebraska State Historical Society, 1936), 209.

⁵²26 Statutes at Large 329.

⁵³U. S. Congress. House. Time of Payment for Lands of Omaha Indians in Nebraska, H. Report 958, 53rd Cong., 2nd sess., 1894, 1-3. [Ser. set 3271].

⁵⁴U. S. Congress. Senate. A Communication from the Secretary of the Interior Relative to Proposed Legislation for the Relief of the Omaha Indians, S. Exec. Doc. 90, 49th Cong., 1st sess., 1886, 2-4. [Ser. set 2339]. Francis La Flesche to Rosalie Farley, n.d., LFP, NSHS, Ms 2026, Reel 1.

⁵⁵U. S. Congress. Senate. Petition of Members of the Omaha Tribe of Indians in Regard to Citizenship and Taxation, and Praying for the Payment of Their Annuities, S. Misc. Doc. 26, 50th Cong., 1st sess., 1888, 3-4. [Ser. set 2516]. According to this petition, the Omahas wanted their \$70,000 in two large payments because their \$10,000 annuity was usually taken by traders for debts, leaving the Indians with nothing.

⁵⁶Two Crows, Sindahaha, Chazuninga, and John Pilcher to George W.E. Dorsey, n.d., LFP, NSHS, MS 2026, Reel 1.

⁵⁷Report of Acting Commissioner E. M. Marble, November 1, 1880, in ARCIA, 1880, XVII.

⁵⁸U.S. Congress. House. Lands in Severalty to Indians, H. Report 1576, 46th Cong., 2nd sess., 1880, 2-6. [Ser. set 1938].

⁵⁹Henry E. Fritz, "The Board of Indian Commissioners and Ethnocentric Reform," in Jane F. Smith and Robert M. Kvasnicka, eds., Indian-White Relations: A Persistent Paradox (Washington, D.C. : Howard University Press, 1976), 72. Gates' entire pamphlet, entitled "Land and Law as Agents in Educating Indians," is included in the BIC Report, 1885, 13-35.

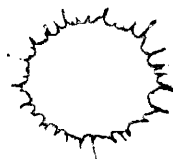
⁶⁰Fritz, "The Board of Indian Commissioners," 71-73.

⁶¹Lyman Abbott to Dawes, July 20, 1885, Dawes Papers, Box 27, Library of Congress, cited in Prucha, American Indian Policy in Crisis, 245.

⁶²Lewis Henry Morgan, Houses and House-Life of the American Aborigines, Contributions to North American Ethnology, vol. 4 (Washington, D. C. : Government Printing Office, 1881, 80-81.

⁶³General Porter, "Remarks," BIC Report, 1886, 134-35.

⁶⁴Congressional Record, 46th Cong., 3rd sess., 1881, 781, 783. Despite his highly emotional oratory during the congressional debate, Henry Teller was not a defender



of the Indian status quo. He believed that whites should "manage" Indians, but in his opinion, land in severalty was not the solution.

⁶⁵Lands in Severalty to Indians, 7-10.

⁶⁶Dawes to Teller, September 19, 1882, Dawes Papers, Library of Congress, cited in Washburn, The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887 (Philadelphia: J.B. Lippincott Company, 1975), 47-48.

⁶⁷Washburn, The Assault on Indian Tribalism, 12. Loring Benson Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887 (New Brunswick, New Jersey: Rutgers University Press, 1942), 194-95.

⁶⁸Second Annual LMC, 1884, 26. Mark, A Stranger in Her Native Land, 117. Fritz, "Board of Indian Commissioners and Ethnocentric Reform," 70-71.

⁶⁹24 Statutes at Large 390.

⁷⁰Henry L. Dawes, "Comment," Tenth Annual LMC, 1892, 126.

⁷¹Alice C. Fletcher, "The Crowning Act," Morning Star 7 (March 1887): 1, cited in Mark, A Stranger in Her Native Land, 118.

⁷²James B. Thayer, "The Dawes Bill and the Indians," Atlantic Monthly 61 (March 1888): 320-21. Seventh Annual Report of the Indian Rights Association, 1889, Indian Rights Association Papers [IRAP] (Glen Rock, New Jersey: Microfilming Corporation of America, 1975), Reel 103, Frame D7.

⁷³Washburn, The Assault on Indian Tribalism, 29-30.

⁷⁴Report of Agent George Wilkinson, August 27, 1883, in ARCIA, 1883, 105. Otis, The Dawes Act, 49. Report of Agent George Wilkinson, September 6, 1884, in ARCIA, 1884, 118. Report of Agent George Wilkinson, September 18, 1885, in ARCIA, 1885, 135.

⁷⁵BIC Report, 1884, 5-6. BIC Report, 1885, 112.

⁷⁶Samuel B. Capen, "Testimony," Fifth Annual LMC, 1887, 40.

⁷⁷"The Omahas—An Unhopeful Outlook," Council Fire VII (November-December 1884): 181.

⁷⁸"The Omahas—An Unhopeful Outlook," 181-82.

⁷⁹BIC Report, 1886, 122. "Miss Fletcher Sadly Disappointed," Council Fire X (February 1887): 27.

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- ⁸⁰Report of Agent Charles H. Potter, September 1, 1886, in ARCIA, 1886, 186-88.
- ⁸¹Report of Agent Charles H. Potter, September 1, 1886, in ARCIA, 1886, 187-88.
- ⁸²Otis, The Dawes Act, 49. Report of Commissioner J. D. C. Atkins, September 28, 1886, in ARCIA, 1886, XX. Atkins' reaction to Potter's and other negative reports was a masterpiece of understatement: "All transition periods have their peculiar difficulties and discouragements."
- ⁸³Fletcher to Mrs. Dawes, August 13, 1886, Dawes Papers, cited in Mark, A Stranger in Her Native Land, 132-33. BIC Report, 1886, 118.
- ⁸⁴Alice C. Fletcher, "The Problem of the Omahas," Southern Workman 15 (May 1886): 55.
- ⁸⁵Welch, "Alice Cunningham Fletcher," 136.
- ⁸⁶"The Omaha Experiment a Failure," Council Fire X (April-May 1887): 61-62.
- ⁸⁷Report of Agent Jesse F. Warner, September 19, 1887, in ARCIA, 1887, 152-53.
- ⁸⁸Goddard to Herbert Welsh, August 2, 1886, IRAP, Series I-A, Reel 2.
- ⁸⁹Mark, A Stranger in Her Native Land, 106-107. Goddard to Welsh, August 2, 1886, IRAP, Series I-A, Reel 2.
- ⁹⁰Goddard to Welsh, August 2, 1886, IRAP, Series I-A, Reel 2.
- ⁹¹Nancy Oestreich Lurie, "The Lady from Boston and the Omaha Indians," American West 3 (Fall 1966): 80, 83.
- ⁹²Lurie, "The Lady from Boston," 84.
- ⁹³George W. Manypenny, "Shall We Persist in a Policy that Has Failed?" Council Fire VIII (November 1885): 156.

CHAPTER FIVE

A BELEAGUERED PEOPLE: LIQUOR, LEASING, AND LARCENY, 1887-1905

"I never knew a white man to get his foot on an Indian's land who ever took it off."¹

Henry L. Dawes, 1891

In 1896, Alice Fletcher reluctantly recognized the many cultural problems that allotment posed for Indians.² But along with the loss of traditional religion, the forced restructuring of the Indian family, and the realignment of gender roles, Omahas suffered from exploitation by greedy whites in the small towns that sprang up along the reservation's borders. Land "rings," merchants, bankers, and liquor sellers, particularly in Pender and Homer, Nebraska, took advantage of the Indians' naiveté, leasing their lands for a fraction of their value, charging usurious interest, and selling them whiskey for what little money that remained. In the years following the 1887 Dawes Act, the Omaha and Winnebago reservations became embroiled in controversy, especially over leasing of Indian lands, as agents either opposed or abetted local real estate syndicates. Unfortunately for tribal unity, a few Omahas, either for personal gain or under duress, cooperated with whites in their attempts to separate Indians from their lands. Indian office investigators and congressional delegations conducted inquiries and filed reports, but the Omaha "land grab" continued. With no farms to work and with lease money in their pockets, idle Omahas became the local bootleggers' best customers. Largely ineffective liquor laws were passed and quickly overturned, and most local whites closed their eyes to the tragedy of Omaha alcohol abuse, while remaining concerned only with the money that Indians pumped into

their towns' economies. By the early 1900s, few Omahas controlled their allotments, many drank heavily, and almost no one seemed to care.

Omaha citizenship became an immediate problem after the passage of the Dawes Act. Doubting their readiness, Senator Henry Dawes and many reformers had objected to the House amendment that made the Omahas and other previously allotted Indians citizens.³ Dawes' concerns were well-founded, for 259 Omahas sent a letter through Council Fire to the Commissioner of Indian Affairs protesting taxation and citizenship before the expiration of their trust period. Again in December 1887, claiming that their condition had been misrepresented, 158 Omahas signed a petition protesting their premature citizenship and resulting taxation. Pa-Hang-Ga-Ma-Ne said, "They have reported at headquarters that we live well; but we do not. . .," and he continued, asking Congress to "keep this thing citizenship away from us." Another Omaha reminded Congress that Alice Fletcher had promised his people that they would not be citizens or pay taxes for twenty-five years, and it was with this understanding that they had taken land patents. They had trusted Alice Fletcher, but in less than five years, they now found themselves citizens, and many were unprepared.⁴

Dr. Susan La Flesche, Susette Tibbles' younger sister, believed that in some ways, citizenship had a positive effect on the Omahas. By being in closer proximity to whites, Dr. La Flesche observed that the Indians had learned about law and business and had become more independent.⁵ But according to Susette Tibbles, it was not until their personal property was taxed that the Omahas realized that citizenship brought with it obligations and liabilities. Mrs. Tibbles claimed that some whites who wanted Indians to remain non-citizens had told conservative Omahas horror stories regarding citizenship—that they would lose everything they had to taxes, and that any crime was punishable by hanging. As a result, "non-progressives" among the Omahas resented the young Indian assessors who came to evaluate their personal property. Some hid their horses, others destroyed the tax

forms, and a few threatened to kill the messengers. However, when the recalcitrant Omahas learned that assessors would record their own estimates of present worth, they agreed to report their personal property.⁶

With citizenship, the Omahas became voters, and seventy to eighty percent cast ballots as soon as they were eligible. But beginning in 1892, many Omahas, in need of cash and seeing no difference in political parties as far as their welfare was concerned, sold their votes to the highest bidders, prompting Agent Robert Ashley to comment that "full citizenship with the right of franchise . . . was a mistake. These people were not ready for it, and the evil and demoralizing effect of bartering in votes will outweigh all possible good."⁷ Susette Tibbles claimed that whites treated the Omahas better after they could vote, but it appears in some cases that whites used enfranchised Omahas for their own purposes. For example, when saloons opened near the reservation, many Indians wanted them closed. But when prohibition appeared on the local ballot, white liquor dealers tricked or coerced most Omahas into voting against it.⁸

Supporters of the severalty law did not anticipate Omaha voting irregularities, and never foresaw the huge problems that would arise when the "ambitious little town of Pender" pushed a bill through the state legislature making nearly the entire Omaha Reservation one Nebraska county. Despite a reformer's suggestion that it would be more sensible to divide Omaha lands among four or five bordering counties, the reservation plus a small strip of white-occupied land on the reserve's southwest border, became Thurston County on March 29, 1889.⁹ Reservation lands were tax-exempt, yet the new county was required to build roads and schools and to provide courts. Since the county had no taxation right over Indian real estate, the Omahas' personal property was taxed at an exorbitant rate.¹⁰ Anticipating their high tax bills, Omahas Silas Wood and Daniel Webster, along with over 150 of their tribesmen, had asked their eastern white friends to help stop the county's organization.¹¹ It had never occurred to Senator Dawes that virtually an entire

county's land could become tax-exempt, and he urged the government to either pay Thurston County an amount equivalent to the Omaha taxes, or to use tribal funds for that purpose. But even had this proposal been fair, Omaha annuity money was unavailable; the tribe had already received half of its remaining \$90,000 and had been promised the rest.¹² Over the next twenty years, faced with large expenses and a tiny tax base, Thurston County would conduct a relentless campaign to tax Omaha real estate.

From the time the Omahas chose their reservation, whites had resented their ownership of some of Nebraska's most fertile land. In the late 1880s and into the next decade, white settlers and land "syndicates" managed to move onto the reservation by leasing Omaha lands at ridiculously low rates. One scholar believed this systematic takeover of Indian lands was by design. Calling leasing an "inevitable corollary of the allotment system," Ward Shepard charged that leasing was more than a "mere afterthought."¹³ Indeed, as early as 1888, Indian Commissioner John H. Oberly, in an attempt to cut Indian department costs, campaigned for legalization of grazing leases to provide tribal income and to reduce Indian dependence on government appropriations.¹⁴ Reformers of the Lake Mohonk Conference justified their support for leasing by arguing that Indians could not progress if they were forbidden to manage their own allotments, and by pointing out that leasing part of their lands would provide income to improve the rest.¹⁵

In the opinion of historian D. S. Otis, allowing Indians to lease their lands was the "most important decision as to Indian policy . . . after the passage of the Dawes Act," yet it met little opposition and generated almost no debate in Congress.¹⁶ The only real objection to leasing came from Senator Dawes, who told the Lake Mohonk Conference in 1890 that a law allowing leasing would "overthrow the whole allotment system," since "the Indian would abandon his own work, his own land, and his own home. . . ." A year later, Dawes reminded the Lake Mohonk conferees that he had always opposed leasing of allotments because he knew if-an-Indian gave up his allotment, he "would never get it back." These

were strange words coming from a legislator who in March 1890 had introduced a leasing bill in the Senate.¹⁷ Dawes explained that he reluctantly changed his mind on leasing after seeing Indians, frustrated with trying to break prairie sod, turn their lands over to whites and return to their tepees. As an alternative, he suggested authorizing Indians to lease part of their allotments to white farmers, and to use the rent money to have the rest of their lands cultivated.¹⁸

The perceived positive aspects of Omaha allotment had been used to promote the passage of the Dawes Act in 1887. Just a few years later, premature and unregulated leasing of Omaha allotments prompted the government to pass a law permitting the practice. In 1890 and 1891, the Indian office conducted three separate investigations into the largely illegal leasing on the Omaha and Winnebago reservations. In his reports dated May 29 and June 2, 1890, Inspector W. W. Junkin observed that the Omahas were making little progress toward "civilization," a state of affairs he blamed on the presence of whites on the reservation. Whites rented grazing lands for from eight to twenty cents per acre, and with few exceptions, the Indian landowners were idle most of the time. Junkin called for an end to this exploitation, and he unsuccessfully requested troops to drive every white person off the reservations.¹⁹ A later report by Inspector A. M. Tinker stated that the more "progressive" Omahas did not want any lands leased, but some Indians had already leased both their lands and their homes and were living in tepees, "doing nothing." Tinker also reported that whites often refused to make their lease payments and allowed their stock to run free, breaking fences and destroying crops.²⁰

In response to a January 1891 Senate resolution, Indian Commissioner T. J. Morgan directed Agent Robert Ashley to investigate leasing of allotments on the two reservations. On January 26, Ashley reported that without the department's knowledge, some Omahas had been leasing their allotments to whites ever since they received lands in severalty, and more were leasing each year. Prior to 1890, most leases were for grazing

and for one year at a time, but more recent leases had been written for longer terms. According to the Thurston County clerk, 2,387 acres of Omaha land were leased in 1890, and fifteen lessees actually lived on the reservation. Ashley agreed with Junkin that both the Indians and their tenants knew that leasing of allotments was illegal, but the practice continued. Omahas were quickly losing control of their lands, and their agent feared that soon all the best reservation lands would be farmed or used for grazing by white interlopers.²¹

In his 1890 annual report, Agent Ashley had suggested a solution to the problem of illegal leasing on the Omaha and Winnebago reservations. Stating that at least sixty percent of allotted land belonged to women, old or ill men, or minor children, he urged that their lands be allowed to be leased with the oversight and consent of either the Indian Commissioner or the local agent.²² Inspector Junkin agreed that current laws were inadequate, and if the government wanted to allow leasing, it should be carefully controlled and fair rentals should be enforced.²³

Realizing that leasing would occur legally or otherwise, Congress on February 28, 1891 passed "an act to amend and further extend the benefits of the act approved February 8, 1887" (Dawes Act). The new law's section three stated that if an Indian, because of age or disability, could not personally occupy or improve an allotment, he or she might lease the land for a term not to exceed three years for farming or grazing, and ten years for mining.²⁴ But able-bodied Indians also wanted to lease their lands, and as a result, in August 1894, the leasing act was amended. The words "or inability" were added, and lands could now be leased for five years for farming and grazing, and ten years for "business purposes " or mining.²⁵

It was easy for whites to convince Indians to lease, and the term "inability" covered many conditions, including simple laziness. C. C. Painter of the Indian Rights Association [IRA] predicted that this change in the leasing law would result in innumerable leases and

would harm Indians more than annuities ever had. In his opinion, "There has never been a time when the situation has been so full of danger to the Indian with reference to his land as now."²⁶ The changes were so heavily criticized that in June 1897, "or inability" was removed, farming and grazing leases reverted to three years, and a five-year limit was set on business and mining contracts.²⁷ Congress could not decide on a definitive policy. The "legislative tinkering" continued, and in May 1900, "inability" once more became grounds for leasing; lands could now be rented for five years for "farming only," business and mining leases remained at five years, and grazing lands could be leased for a maximum of three years.²⁸

Leasing almost totally demoralized the Omahas in the late 1880s and 1890s. Cattlemen encouraged strife within the tribe, and the promise of "grass money" was more attractive to many Indians than working a farm. In a letter to his half-sister Rosalie Farley, Francis La Flesche described the scenario should white men be allowed to lease Omaha lands. He predicted that the Indians would do nothing to better themselves, and that at the expiration of their trust period, his people would be unprepared for their new responsibilities.²⁹ Unfortunately, the always perceptive La Flesche was correct. By 1892, ninety percent of the Omahas and Winnebagoes had leased either all or part of their lands and were getting by on rent money. Many Omahas had deserted their allotments, leaving white lessees to farm them, and had either moved in with relatives or were living on their children's allotments on the reservation's poorer lands.³⁰

In reply to an 1892 survey distributed by Commissioner Morgan, Agent Ashley stated that illegal leases "[were] doing more to retard the progress of [the Omahas] . . . than all other causes combined." Ashley had seen far too many Omahas begin to farm, then lease every acre they owned for a little cash on which they hoped to survive without working. Those allottees who held desirable lands near towns came under tremendous pressure to lease. The agent explained how land companies, in conjunction with local

townspeople, "feasted, cajoled, and incited" the Indians to try to gain control of their valuable lands.³¹

By 1894, allotment advocates who had high hopes for the Omahas were bitterly disappointed. Whites now lived on lands that reformers once had envisioned as flourishing Indian farms, while many of the Omahas camped along the Missouri and drank heavily. The Omahas received higher rents for their lands than did the Winnebagoes, which according to C. C. Painter, simply gave them "greater facilities for debauchery." Some Omahas themselves abused the system by claiming unallotted lands for nonexistent children, or by making more than one claim for a single child. In Painter's judgment, many Omahas had been "irreparably damaged" by leasing, and all had been slowed in their quest for "civilization." Furthermore, he did not see the lessees vacating Omaha lands in the near future.³²

White tenants did stay, and leasing proliferated on both the Omaha and Winnebago reservations. Two hundred twenty-three leases were approved on the two reservations in 1894, and in 1896 and 1897, over 220 more Omahas rented their lands. Nineteen hundred was a banner year for whites who wanted Omaha lands. When Commissioner Jones submitted his annual report, 543 farming and grazing contracts had already been approved, and 135 more were pending. Two-hundred-eighty-four more Omahas leased in 1901; another 293 parcels fell into white hands in 1903, and between October 1903 and August 1905, Commissioners William Jones and Francis Leupp reported an additional 466 contracts. Prices for Omaha lands ranged from twenty-five cents per acre per year for grazing, to \$2.50 per acre for choice farmland; this continued until 1903, when allottees could command \$3.00 per acre for their best lands. By 1904, the leasing of 55,560 acres of Omaha land netted the tribe and individual Indians \$43,763.63.³³

In fiscal year 1898, Omaha agent W. A. Mercer began collecting rents for leased lands, much to the dissatisfaction of whites who had for years taken advantage of the

Omahas' unfamiliarity with business matters. Mercer estimated that Indian income would more than double under the new system. Because many Omahas had in the past agreed to accept whatever rentals white lessees offered, Mercer's successor, Charles P. Mathewson, also predicted a large increase in Omaha income with rentals going through the agency.³⁴ Although he collected land rentals, Agent Mercer thoroughly disapproved of leasing, considering its income "a premium on laziness and a discouragement to industrious effort and self-support among the Indians." The outspoken agent recommended that Indians be forced to live on and farm their allotments, and he advocated banning all whites from the reservation until the Omahas could support themselves.³⁵

By 1900, leasing had gotten out of hand, and reformers as well as Indian department officials recognized that the system was corrupt and detrimental to Indians. The once supportive Lake Mohonk Conference included in its 1900 platform an official stance on the leasing issue. Since "the habit of leasing allotments convert[ed] the lessor from an industrious worker to an idle and improvident landlord," the conferees urged that leasing be strictly limited to those Indians who could not work their lands, and that guidelines be rigorously enforced.³⁶

The Indian Rights Association assigned blame, charging that greedy agents played a large role in the proliferation of leases of Indian lands. A potential lessee would allegedly approach an agent, offer a ridiculously low rental, then promise the agent a bonus if he would recommend the lease. Bonuses paid on thousands of acres could net an unscrupulous agent an income much larger than his government salary.³⁷ Commissioner Jones hinted that there may have been some truth in the IRA's charges. Although the Interior Secretary theoretically approved all leases, in reality the work was done by agents, many of whom came from the areas around the reservations they served, and who wanted to remain on good terms with their constituents. Consequently, if an acquaintance of an

agent asked for a lease, it was usually approved. Jones admitted that there would be fewer leases if agents were chosen from outside the local communities.³⁸

The Omahas also recognized the ill effects of leasing. In 1900, an allottee asked Francis La Flesche to deliver a message to whites that "the leasing business [was] ruining the Omahas in every way." He worried that his people had become shiftless; many of them "loaf[ed] about the towns" and drank to excess. Instead of working their farms, they used rent money to pay railroad fares to visit other tribes.³⁹ In an effort to make them more responsible, Agent Charles Mathewson suggested that in the future, "progressive" Omaha allottees should have their lease money paid to them directly instead of through their agent. He reasoned that with such a short time left in their trust period, they should gradually take charge of their own affairs.⁴⁰

When the Omaha Agency once more became independent of the Winnebago Agency in 1904, its newly-appointed superintendent found the Omahas idle and demoralized and living almost entirely on lease revenues. Remembering when these Indians were "self-supporting, industrious, and thrifty," John F. MacKey saw the tribe going steadily downhill as the result of leasing.⁴¹ Events on the Omaha reservation made it clear that allotment was much different in practice than in theory. In reality, the allotted Indian was allowed to turn over his land to whites and "go on his aimless way." In 1900, Commissioner William A. Jones blamed the allotted Indians' problems on the leasing acts passed after the original 1891 law. Had the statute stood as originally written, Jones would have had no complaints; but he believed that the term "inability" . . . opened the door for leasing in general," making it in many cases "the rule rather than the exception." Jones was convinced that leasing had hurt the Indians. "By taking away the incentive to labor it defeats the very object for which the allotment system was devised, which was, by giving the Indian something tangible that he could call his own, to incite him to personal effort in his own behalf."⁴² Twelve years later, Commissioner Robert G. Valentine charged that the

Francis

purpose of the Dawes Act had been "perverted" by the 1891 leasing law. After the leasing act, allotted Indians were free to lease their lands and "live . . . after their former fashion."⁴³

Local white involvement in Omaha affairs during the 1890s is perhaps best illustrated by two leasing controversies, both of which made their way into the courts. In one case, local businessmen attempted to discredit an Indian lessee and her husband in order to take over the Omahas' common pasture, and in the other, a controversial agent tangled with a local land syndicate over reservation leasing irregularities and unauthorized tenants. At least two groups of whites in newly-organized Thurston County hoped to profit from Indian lands. One group specialized in cheating the Winnebagoes, allegedly leasing Indian land at ten cents an acre, then sub-leasing to farmers for ninety cents more. The syndicate interested in Omaha lands was led by Pender businessman William E. Peebles, a political supporter of Nebraska Senator John M. Thurston and a would-be Omaha agent.⁴⁴

Since the summer of 1884, Rosalie and Ed Farley had unofficially but successfully managed the Omahas' unallotted common pasture, but in 1890, Peebles, along with A. C. Abbott, D. N. Wheeler, George F. Chittenden, and Harry F. Swanson, eager to profit from Omaha lands, devised an elaborate scheme to nullify the Farleys' lease. When the Omahas appointed Wa ja pa, Henry Blackbird, and Omaha agency clerk Thomas McCauley to go to Washington in December 1890 to discuss allotments with Commissioner Morgan, Peebles, the front man for the so-called "Pender ring," saw his chance to undermine the Farleys' contract. Peebles decided he should accompany the Omaha delegates as their "guide." On Christmas Day, he sent Thomas McCauley "credentials" for himself and for the Indian delegation with instructions for the clerk to have all the Omaha leading men sign the form, then to deliver it to him in Pender. The credentials consisted of a sheet of cheap stationery on which Peebles had introduced himself as a "true friend" to the Omahas, in whom they had complete confidence. Attached to the bottom of the form was a sheet of

paper containing six names: Fire Chief, White Horse, Wa ja pa, Two Crows, Sindahaha, and Prairie Chicken. When Rosalie and Ed Farley learned of the scheme, they confronted the clerk, who tried to burn the offending papers. The rescued documents contained no signatures, since the leading men were totally unaware of Peebles' plan.⁴⁵

Peebles did nevertheless accompany the delegation to Washington, and the tribal leaders suspected a Pender plot to gain possession of their unallotted lands. With this in mind, and with Peebles out of town, the headmen asked Rosalie Farley to meet with them earlier than planned to draw up a new lease for five years, renewable yearly at fifteen cents per acre. Instead of a large number of Omahas signing this lease, a small delegation acted for the tribe, probably to minimize outside influence. The twenty signers included three leading men whose names Peebles had attached to his fraudulent credentials.⁴⁶

In the spring of 1892, through Agent Robert Ashley, Rosalie Farley signed a new lease on 2,632 acres of land for five years, this time renewable yearly at twenty-five cents per acre. Future events would hinge on a clause in this lease stating that it would be canceled if and when the pasture lands were allotted.⁴⁷ When the suspicious Indians refused Peebles' counter offer to lease the lands at fifty cents per acre for seven to eight years, the Pender ring tried another tactic. Working through Henry Fontenelle and a few others, Peebles and his cronies allegedly convinced some Omaha councilmen to sign a widely-distributed circular stating that the Farleys' lease had expired, that an allotting agent was en route to Nebraska, and that all cattle would have to be removed from the pasture. Although several councilmen denied signing the circular and Henry Fontenelle admitted using their names without permission, many stockmen did remove their herds.⁴⁸

But most Omahas, recognizing who was behind the controversy, supported the Farleys and encouraged them to continue accepting cattle. Failing in their attempt to ruin the Farleys' business, Peebles and Wheeler, once again using a few Omahas as a front, filed suit in Federal District Court during early 1893, charging Rosalie Farley with defrauding

the Omahas. The suit, nominally brought by "Fire Chief, White Horse, et al," claimed that the Omahas had not authorized Agent Ashley to negotiate the 1892 lease, and that the lease was delaying allotments and therefore hindering tribal progress.⁴⁹ It also appears that the Pender conspirators had sent a letter to the Commissioner of Indian Affairs, using Fire Chief's and White Horse's names, inquiring as to the legality of the Farleys' lease. When confronted, Fire Chief said Peebles and his friends had "badgered him" into signing the letter.⁵⁰ Henry Fontenelle finally tipped his hand and gave his reason for cooperating with the men from Pender. In a statement revealing his intense jealousy, Fontenelle fumed, "We want to break the La Flesche family, no matter what they always have their hands into it."⁵¹

As a result of the lawsuit against Rosalie Farley, the Omahas became furious with their councilmen, whom they accused of working for William Peebles rather than for the tribe. They were especially angry that the council had pledged several hundred dollars in tribal funds to pay attorneys from Sioux City to file the lawsuit, which they did not support. At a tribal meeting in late May 1893, the people united in denouncing the councilmen who had allowed themselves to be used by Peebles. As the meeting adjourned, someone suggested that all those should rise who disapproved of what had been done and who agreed not to pay the Sioux City lawyers. Every man came to his feet. Early in September, the Omahas elected a new council; only old Two Crows was retained. But the new councilmen refused to take office until the old ones finished with the lawsuit and dealt with Peebles.⁵² Later that fall, the Commissioner of Indian Affairs instructed Agent William A. Beck to withdraw the Omahas' lawsuit against Rosalie Farley, but Mrs. Farley, in the meantime, had sued Peebles and his partners for conspiracy to destroy her cattle grazing business.⁵³

Rosalie Farley's conspiracy case against Peebles and other Pender ring members was heard in the District Court for Cuming County at West Point, Nebraska, beginning on

December 18, 1893, and according to Mrs. Farley and the Nebraska Supreme Court, the trial was a mockery of justice. Because they were unprepared, defendants William Peebles and D. N. Wheeler did everything they could to delay the trial—even resorting to the fabricated excuse that their star witness, Henry Fontenelle, was dying. When the trial did get under way, the Pender gang claimed that the Omahas asked for their help because they believed the Farley lease was fraudulent and was delaying further allotment.⁵⁴

As the trial progressed, the irregularities multiplied. Henry Fontenelle, White Horse, Sindahaha, and Big Elk lied on the stand, and during the trial, Sindahaha confessed to Mrs. Farley that he was "under obligations" to the Pender men, as apparently was presiding Judge W. F. Norris, who may have owed the Penderites a political debt. During jury selection, the prosecuting attorney asked prospective jurors if they had any bias against Indians. They all said they did not, yet in his summation, Peebles' attorney appealed to racial prejudices, reminding the jurors of every atrocity ever committed by Indians.⁵⁵ Despite the defense attorney's diatribe, the jury could not reach a verdict and asked to be excused. Judge Norris refused to dismiss the panel, and instead, instructed them to find against Rosalie Farley. A month later, ignoring these irregularities, the court refused to grant a new trial.⁵⁶

The Farleys' attorneys were of the opinion that had Judge Norris not made his improper speech to the jury after its long deliberation, the case would have resulted in a "hung jury," and a new trial would have been automatic. But having been refused a second trial, they took the case to the Nebraska Supreme Court, where they believed Rosalie Farley would receive a fairer hearing.⁵⁷ On February 16, 1897, the state Supreme Court overturned Judge Norris' ruling due to numerous errors in the conduct of the trial at West Point.⁵⁸

Henry Fontenelle's campaign to discredit the La Flesche family continued after the conspiracy trial. In the spring of 1896, the Farleys leased tribal lands for agricultural

purposes—apparently quite legal according to the 1894 leasing act revisions. But Fontenelle drummed up opposition and sent a petition opposing the lease to the Indian Commissioner. In his petition, Fontenelle charged that the Farleys were not paying the Omahas enough, yet two other lessees paid less. Because of Fontenelle's "checkered past," Agent William Beck expected the commissioner to disregard the petition, but to be safe, Beck countered with a petition of his own, signed by numerous Omahas who supported the Farleys.⁵⁹ There was some concern in Washington regarding the contract, for the Indian Department did send an inspector to Nebraska to look into the agricultural lease. The Lyons [Nebraska] Mirror recognized the lease's financial benefit to the Omahas, but had concerns that, like all large leases, this one would violate the spirit of the Dawes Act by encouraging Indian indolence.⁶⁰ The government's inspector must have been satisfied, for in late June, Alice Fletcher informed Rosalie Farley that Commissioner Browning had reported favorably on the new lease, and was prepared to recommend it to the Interior Secretary.⁶¹

The entire history of the Farley leases is problematic. On the one hand, Rosalie and Ed Farley apparently ran an honest business and regularly shared their profits with the Omahas. On the other hand, the Lyons newspaper was correct; the leases did contribute to Omaha idleness. Perhaps the Omahas considered the Farley enterprise the lesser of two evils. They did not want Pender "land sharks" taking over the reservation, but Rosalie La Flesche Farley, although married to a white man, was one of their own, and most Omahas trusted her.

When cavalry officer William A. Beck took over as Omaha and Winnebago agent in the summer of 1893, he was warmly welcomed by the citizens of Pender, who feted him at the local hotel. However, the "honeymoon" ended abruptly when Beck refused to cooperate with a powerful local land syndicate. The Fluornoy Livestock and Real Estate Company had leased nearly 50,000 acres from individual Indians for "a few cents per acre," and had sub-leased to farmers at a much higher rate, pocketing the difference.

Without having access to the actual contracts, the IRA's C. C. Painter estimated that the Fluornoy Company netted \$60,000 to \$75,000 per year, while each Indian received from ten to twenty-five cents an acre for his land.⁶² Beck reported the leasing irregularities to his superiors, and on July 17, the Indian Office directed him to inform illegal tenants that they must either make legal leases or leave the land by December 31. By about October 1, all illegal lessees had been notified.⁶³

Taking Beck quite seriously, the Fluornoy Company brought an injunction against the agent, preventing him from interfering with their leases, and by January 1, 1894, four other land companies had followed suit. After a long delay, Judge Elmer Dundy of the Eighth Circuit Court ruled that the injunction should be permanent.⁶⁴ In return, Agent Beck took the injunction to the Eighth Circuit Court of Appeals. C. C. Painter, along with everyone on or near the reservations, waited anxiously to see if Judge Dundy's restraining order against Beck would be lifted. If not, Painter feared that few allotted Indians would ever possess their own lands. The good news for the Omahas and Winnebagoes came in early December 1894. Arguing that the injunction was too broad and that the Fluornoy Company had knowingly violated the law, the Appeals Court lifted the restraining order. In his opinion, Judge Amos Thayer criticized Judge Dundy: "It is not within the legitimate province of a court . . . to assist a wrongdoer . . . in retaining the possession of property which it has acquired in open violation of an Act of Congress."⁶⁵

The Fluornoy Company appealed Judge Thayer's ruling to the United States Supreme Court, and while awaiting a decision, continued to make illegal leases with the Winnebagoes. In April 1895, an assistant United States District Attorney sought unsuccessfully to get a restraining order against the Fluornoy Company, and at about the same time, the land syndicate proposed a compromise by which, in return for an end to litigation, it would vacate the reservations by January 1, 1896. Beck refused to compromise, and the battle went on. The agent expanded his police force, hiring sixteen

additional men. Then in a series of events that would be almost comical if the situation were not so tragic, the Thurston County sheriff tried to arrest an Indian policeman, and tribal police arrested the sheriff, who in turn organized a posse to arrest Beck.⁶⁶

In May, Captain Beck called for fifty more Indian policemen to counter opposition from the land company and its sub-tenants. The extra men went on duty July 1, and the War Department supplied Beck and his small "army" with seventy Springfield rifles and ammunition. Now well-armed and with an adequate force, the agent set about evicting illegal tenants. But shortly after he began, the Nebraska District Court issued an injunction to stop the removals, and men from Pender armed themselves to arrest the Indian police force. Beck now requested federal troops to protect his policemen, and asked the department if he should obey the restraining order. The Indian Office ordered him to abide by the state court ruling and the evictions stopped.⁶⁷

According to Commissioner Browning's version of the controversy, Beck's purpose in trying to remove the Fluornoy Company and its tenants was to allow the Indians to get a fair rental for their lands. Besides cheating the Omahas and Winnebagoes and making a huge profit in the process, the company paid the Indians little or nothing from 1893 to 1895. Beck's campaign was against the land company—the middleman—not against the settlers who occupied the land. From the beginning, he had advised the sub-lessees to sign legal leases. The problem was that many farmers had signed promissory notes with the land company, which sold them to bankers who now wanted to be paid. If a farmer signed a legal lease, he would have to pay double rent which he could ill afford, and the land company naturally discouraged proper leases, since that would eventually cut profits.⁶⁸

The near-violence between Beck and the Fluornoy Company brought the Nebraska congressional delegation to the Omaha and Winnebago reservations in July 1895 to conduct what they termed an "informal investigation." According to Rosalie Farley, the "so-called"

congressional investigation was really promoted by "[William] Peebles and the Fluornoy Co. land swindlers." Regardless of who instigated it, the "investigation" was definitely more than a chat between congressmen and Indians, since the resulting reports of wrongdoing on the reservations made the front pages of the Omaha World-Herald and the Omaha Daily Bee, and appeared in Commissioner Browning's 1895 annual report.⁶⁹

On the evening of July 23, the Pender opera house was the scene of a New England-type town meeting, as the congressional delegation met with settlers who had leased lands on the two reservations. William Peebles made the first accusations—against Agent Beck—as he presented a memorial from sixty settlers who had invested everything they had in the land and now resented paying "tribute" to the agent's friends. Fred Jennewein, secretary of the Farmers' Society, charged that in granting leases, Beck favored "middlemen" John Beck (his son), Winnebago traders Thomas and John Ashford, F. B. Hutchins of Sioux City, Joseph Blenkiron of Bancroft, E. J. Smith of Herman, Nebraska, and John Beck's brother-in-law, Charles McKnight, of the Winnebago Agency.⁷⁰ Beck was obviously not the crusader that Commissioner Browning had portrayed in his report. From the testimony of many farmers who had leased from the Fluornoy Company, it appears that Beck conducted a scheme in which he would have his Indian police evict a Fluornoy lessee, then re-rent the land to the farmer through one of his middlemen. All of the paperwork and personal negotiating was conducted through Beck's Omaha clerk, Thomas L. Sloan, perhaps to disguise the agent's involvement in leasing irregularities. Beck's scheme resulted in settlers paying double rent, but most had no choice, since they had crops in the ground and no other income.⁷¹

Fred Jennewein's damning testimony especially impressed the delegation. He claimed that John Ashford told him he held a lease to Jennewein's land from Captain Beck, and for \$1.25 an acre, he would "fix things so that he would have no trouble with his land." Jennewein agreed to pay, since he already farmed 320 acres and could not afford to

be evicted. At least fifty other settlers had been approached by middlemen and ordered to pay "protection money" to avoid eviction. Based on the settlers' testimonies, the congressional delegation informally charged Thomas Sloan and the middlemen whom the farmers had accused with "speculating on leaseholds."⁷² The delegation declined to charge Agent Beck with any wrongdoing. Perhaps because he represented the government, they gave him the benefit of the doubt.

The hearings at Winnebago on July 24 were well-attended by men from Pender. Although billed as an "Indian council," to Rosalie Farley it smacked of a political meeting, with all of the congressmen except Senator Allen favoring Peebles and the illegal lessees. On July 25, Peebles packed a hearing in Pender with white settlers and "his Indians." Three tribal representatives sent by the Omahas to defend Captain Beck were never heard; they sat by the door all day, but were not allowed into the meeting room. Denied a hearing before the delegation, over fifty Omahas wrote to Commissioner Browning expressing their support for Agent Beck and thanking him for his efforts on their behalf. At a mass meeting the following day, citizens of Bancroft also endorsed Beck's actions, and by July 28, fifty more Indians had signed the tribal letter.⁷³

Omahas on both sides of the still-smoldering pasture allotment question did testify before the congressmen, and Rosalie Farley accused the pro-allotment Indians of working in concert with Peebles and against Agent Beck. This is highly likely, since the Omahas presenting evidence against the agent were the same ones who had testified on Peebles' behalf at West Point.⁷⁴ Speaking against allotment of the common pasture, Wa ja pa compared himself to a man with his back against a wall, and asked the government to keep whites from taking Omaha lands. He admitted that his people "[did] not know how to take care of [their] possessions," and "could not keep the land if [they] had it." He also insisted that it was not the Indians, but someone pulling strings in the background (probably a reference to Peebles) who wanted Omaha lands allotted. After Wa ja pa spoke,

Representative Meiklejohn tried to weaken his testimony by pointing out that he was Rosalie Farley's uncle, and therefore would not want the pasture allotted.⁷⁵

In his testimony, frequent tribal spokesman and allotment proponent Daniel Webster revealed further details of William Peebles' plot to have the pasture land allotted. Webster told the congressmen that over dinner in Pender, Peebles had told him of his plan to quickly allot the common pasture with only the councilmen's knowledge, and had asked him to attend a late-night meeting at Fire Chief's lodge. Webster admitted that he liked the plan, but was afraid he would be punished if he participated. Peebles then allegedly offered Webster \$300.00 in expense money to go with him to Washington, and asked to be paid if he was able to push the allotment through. Webster refused this offer as well.⁷⁶

Silas Wood testified that he had originally supported allotment of the common pasture, but had changed his mind when he realized that it would bring a white takeover of the land. Wood recounted a dream in which the Great Spirit warned him not to disturb the land, because there was a snake hidden there, and it would bite. To Wood, the snake was the white man who wanted the Omahas to own land so he could take it away. Wood also foresaw, with a great deal of accuracy, whites getting Indians drunk and having them sign contracts. In addition, he charged that it was the old men of the tribe, who cared little for the children's futures, who wanted allotments.⁷⁷

White Horse, one of Silas Wood's "old men," admitted that he thought little about future generations. He cared only for those Omahas living at the time, and strongly supported allotment and the Omahas' right to lease to whomever they pleased.⁷⁸ As he had so often done before, Henry Fontenelle hurt his own cause. When asked his opinion, he appeared to have no objections to the Interior Secretary approving or rejecting allotments, but he bristled when Senator Allen suggested that the agent should control leasing, and launched a personal attack on Agent Beck that clouded his entire testimony.⁷⁹

Fontenelle was not alone in his criticism of Agent Beck. Sindahaha pointed out that technically the Omahas had no agent, but Beck nevertheless tried to manage tribal affairs. He accused the agent of being short-tempered and impatient, and looked back fondly to the days when Indian agents were friendly and gave good advice.⁸⁰ S. A. Combs, of Homer, Nebraska, wrote to Senator Allen to inform him of the corrupt nature of Beck's administration. He called Beck rotten and disreputable, and the agent's son, John, a "drunken, gambling . . . vagabond" who ran a house of prostitution using Indian women. Combs reminded the Senator that John Ashford had been convicted of selling liquor to Indians. On the whole, he considered the people surrounding Beck a "gang of scoundrels."⁸¹ On the other hand, Daniel Webster believed Beck looked out for the Indians' welfare, and that those who fought the agent were out to ruin the Omahas.⁸² Agreeing with Webster, Wa ja pa considered Beck a good man falsely accused.⁸³

When asked to testify regarding the common pasture, Beck lashed out at his Indian detractors and the Pender ring, stating that the reason for the allotment push was that the now-defunct firm of Wheeler and Chittenden had advanced individual Indians from \$20.00 to \$50.00 on the promise that the firm could lease their allotments when they received them. Beck pointed out that oddly, all of the Indians signing illegal promissory notes requested lands in the Farley pasture, certainly not the best lands available. The agent viewed these dealings as yet another attempt to destroy the Farleys' lease through its allotment clause.⁸⁴

After listening to hours of testimony on all aspects of the controversies, the Nebraska congressional delegation filed a report on July 25, 1895, recommending that all settler evictions be halted, that the Fluornoy Company's lessees be allowed to harvest their crops unmolested, and that the agency be investigated.⁸⁵ In addition to their joint report, Senators Allen and Thurston and Representative Andrews sent personal letters to Acting Interior Secretary John M. Reynolds, condemning the conduct of the Omaha and

Winnebago Agency and urging a congressional inquiry into events there. Senator Allen expressed his belief in William Beck's honesty, but charged that he was surrounded by "a class of men whose conduct ought to be investigated." Allen believed that the trader, his brother, and others holding government jobs intended to gain control of a huge tract of Indian land.⁸⁶

There clearly were no heroes in the Omaha and Winnebago leasing controversies of the 1890s, only victims and villains. The Indians were systematically cheated of their lands, and white settlers were cheated of their leasing payments. William Peebles and his cronies, the Fluornoy outfit, Agent Beck and his alleged agency "ring," even Rosalie and Ed Farley wanted one thing—profit. During those troubled times, the widening split in Omaha leadership became a chasm as Indians threw their support to opposing factions. Unfortunately, testimony and support could be bought, and allegiances were often based on favors given and received. The land syndicates knowingly broke the law, Omahas perjured themselves and claimed fraudulent allotments, and Agent Beck apparently saw an economic opportunity too tempting to resist.

By late 1896, William Beck knew that he would soon be replaced as Omaha and Winnebago agent. Through his stormy term of office, he had been protected by his close ties to high-ranking Interior Department officials and to Secretary of War Daniel Lamont, but now Lamont was gone, and Senator Thurston was agitating for a new agent.⁸⁷ On May 17, 1897, the army ordered Beck to rejoin his cavalry unit in Montana.⁸⁸

Earlier in 1897, with Captain Beck's days as agent numbered, the Thurston Republic, and according to the newspaper, nearly every Indian and white in Thurston County, endorsed William Peebles as his replacement. While allowing that the Indians should have some input into the choice of a new agent, the Republic paternalistically insisted that it was Thurston County's whites, burdened with the task of helping 2,500 Indians become "intelligent and civilized," who should ultimately decide. Oddly, the paper

contended that over eighty percent of the Omahas supported Peebles, even after many of them had agreed to testify against him in the Farley case.⁸⁹ On March 2, Peebles passed through Omaha on his way to Washington, reportedly armed with a petition signed by practically every Republican in Thurston County, endorsing him as the new agent for the Omahas and Winnebagoes.⁹⁰ Despite his campaign, Peebles did not get the job. On about June 6, 1897, Beck was relieved by another army officer, Lieutenant William Mercer of the Eighth Infantry.⁹¹

But Peebles did not give up; about a year later, he arranged a meeting between Senator Thurston and several Omahas and Winnebagoes. He must have hoped that their planned "speeches" would enhance his chances of replacing Mercer. However, one Indian, claiming that Lieutenant Mercer had done nothing for him as agent, said he wanted Peebles, who had promised him a new house in return for his support, and another admitted that he disliked Mercer because he refused to put his friends on the tribal police force. Peebles, of course, had promised that he would do so, if the Indian backed his campaign. The Indians' painful honesty helped put an end to Peebles' aspirations.⁹²

When the Omahas were expressing their opposing views on further allotment of their lands before the congressional investigators, the question had already been answered for them. Many Omahas did not understand why children rather than wives should inherit land, or why wives did not receive lands of their own under the terms of the 1882 Allotment Act. Due to Indian complaints, as well as to William Peebles' incessant lobbying, the Omaha Allotment Act was amended as part of the Indian Appropriation Act of March 3, 1893. Under the terms of the new legislation, children born between the time of the original allotments and March 3, 1893, would receive eighty acres of land instead of forty, each Indian woman would be given eighty acres, and any other allottee who had received only forty acres would have that amount doubled.⁹³ All of these additional allotments were to be taken from the remaining tribally-held lands. In a master stroke of

poor planning, the 1893 amendment did not address Omaha children born after March 3, 1893, thus leaving these children landless.

No action was taken on the new law for six years, but controversy over its passage arose almost immediately. Within weeks after the second allotment act became effective, Indian attorney Thomas Sloan began distributing allotment numbers to young Omahas who promptly agreed to lease their prospective lands to D. N. Wheeler and other Pender men for fifty cents an acre for terms of from five to seven years.⁹⁴ In the early confusion some allotments were claimed by two or three different Indians, and due to the chaotic conditions, a group of Omahas prepared a petition asking the Indian Commissioner to put the allotments on hold.⁹⁵ Other problems surfaced; some Indians began to doubt the benefits of the bill, and Ed Farley claimed that the act was illegal since there was not enough land to allot.⁹⁶ Francis La Flesche agreed; early in 1898, with the new allotments imminent, he advised his sister Rosalie to "quietly" and "quickly" file papers for her children with Agent William Mercer. Like Ed Farley, he did not believe there was enough land to go around. La Flesche was happy to see the lands allotted, however, because he hoped it would end inter-tribal land squabbles and "bring all land matters in the Courts—where they belong[ed]." ⁹⁷

On April 24, 1899, Special Agent John K. Rankin arrived at the Omaha Agency to assign the new allotments. By August, the process was well under way, and Rankin had nearly finished his work by January 1900. In all, he made 800 new allotments involving about 50,000 acres.⁹⁸ Most of the allotments under the 1893 act were granted to women and minor children, and were therefore legally subject to leasing. These lands had been leased as pasture until 1899, and because many of the new allotments were approved after planting time, they continued to be rented at pasture rates for another three years, since the land had not been broken.⁹⁹

The only land Rankin failed to allot was about 5,000 acres which remained in dispute due to outstanding claims by mixed bloods. This litigation had been ongoing for years, with no determination. In the event that the mixed blood claims were disallowed, Agent Charles Mathewson thought an Act of Congress would be required to either allot or sell the disputed lands. In 1904, the courts finally rejected the fifteen-year-old claims. The lands left unallotted pending the litigation's outcome were later sold, and part of the proceeds distributed among the tribe's landless children.¹⁰⁰

As they had in the past, agents, reformers, and occasional visitors to the Omaha reservation varied greatly in their assessments of Omaha "progress" in the 1890s. In 1891, Connecticut Women's Indian Association leader Sara T. Kinney compared the "savage" Omahas of a decade earlier to the citizens of the early 1890s, who, she assured Lake Mohonk delegates, were "self-supporting" and "self-respecting." In Kinney's opinion, the Omahas were doing quite well.¹⁰¹ A year later, Charles C. Painter challenged rumors circulating through Congress that the Omahas were in serious trouble. Every Omaha, he insisted, had a "comfortable house on his own land." But when he visited the reservation in 1894, he was shocked to find the Indians in a "deplorable condition."¹⁰²

Eighteen ninety-three had marked the beginning of the troubled tenure of agent William H. Beck. Beck never minced words, and the first paragraph of his first report on the Omahas summed up their situation:

The Omahas are presumably self-supporting and have been instructed by whites in the surrounding towns that they have all the rights and privileges of the United States. Hence they assume . . . an independent attitude toward the agent, regarding him somewhat as one who interferes with their transactions rather than one to whom they should look for guidance. As a result of this they use too much intoxicating liquor, lease their lands, and generally are worsted in their transactions with the white element with whom they deal.¹⁰³

In an impassioned speech at Lake Mohonk, Senator Henry Dawes accused the Department of Indian Affairs of allotting the Omahas' lands and then turning its back on them. They had a bright future in 1882, with 50,000 spare acres and \$90,000 in the treasury drawing six percent interest. But the government abandoned the Omahas. Twelve years into their trust period, they were much worse off than when first allotted. They were being paid just enough in rents to keep them in whiskey, and they still knew nothing about citizenship. Would a delegation of Omahas, asked Dawes, have asked Congress to "undo" their allotment act if the government had acted properly in their behalf?¹⁰⁴

In the 1890s, nearly every concerned agent and reformer cited the Omahas' growing dependence on alcohol. This had not always been the case; under Joseph La Flesche's firm hand, alcohol abuse among the Omahas had been nearly non-existent. But drinking increased among the tribe after they became citizens. Whites assured the Indians that as citizens, they could buy whiskey wherever a white man could, and liquor sellers were prepared to supply the Omahas with all the whiskey they wanted.¹⁰⁵ In 1892, Agent Robert Ashley reported a general decline in the Omahas' condition, caused mainly by the "alarming" increase in alcohol abuse. But he also said that the "better element" within the tribe was trying to stop the abuse of liquor, even asking that money from tribal land leases be set aside to prosecute whiskey peddlers.¹⁰⁶

One contemporary journal held the Omahas up as an example of a promising tribe that seemed "almost shipwrecked and ruined by the . . . presence of liquor sellers around and among them."¹⁰⁷ Rather than helping the Omahas at a time when they needed guidance, neighboring whites took advantage of them. "Grocers," who were really liquor sellers, settled around the reservation, and to a great degree succeeded in corrupting the Indians and snatching their lands.¹⁰⁸

The Indian Office had to deal with local prejudices to stop the flow of liquor to Indians. Officials and residents of western towns wanted to see drunken Indians punished

but refused to testify against liquor suppliers, arguing that "it was not their business to aid in their prosecutions." Most Indians, too, declined to testify against liquor dealers. As citizens, they believed they had every right "to drink whiskey as the white people [did]," and did not want to betray their sources. Commissioner William Jones admitted that those who complained of liquor law violations may have had good reasons not to testify. They feared unpleasant publicity or even bodily harm, so Indian agents were left to bring charges or to look the other way since they had neither the time nor the resources to gather evidence.¹⁰⁹ Jones did not believe agents alone could handle the problem. In 1901 and again in 1902, he asked Congress for a special \$5,000 to \$10,000 fund to pay detectives to obtain evidence against liquor dealers. Congress refused to appropriate the funds, and the angry commissioner denounced the lawmakers' decision, since the Justice Department did not have money to prosecute whiskey sellers before violations got out of hand.¹¹⁰

Even when apprehended and convicted, liquor dealers received little punishment. Agent William Beck had as many whiskey sellers as he could arrested, but \$25.00 fines and court costs did little to stop the lucrative trade. Beck was angry that local courts and the United States District Court cared so little about the damage being done to the Omahas. Like Beck and his other predecessors, Omaha Superintendent John F. MacKey saw no solution to the Omahas' alcohol problems. Indians would not testify against suppliers; local whites ignored laws prohibiting liquor sales to Indians, and even when convicted, liquor traffickers were undeterred by the light sentences imposed by the District Court.¹¹¹

Early in 1896, in response to the alarming increase in alcohol use by Omahas and other Indians, and in an effort to curtail the liquor traffic, Nebraska Third District Representative George D. Meiklejohn sponsored a bill "to prohibit the sale of intoxicating liquors to Indians providing penalties therefor [sic], and for other purposes." Although prompted by conditions among the Indians in his home district, the congressman's proposed legislation would pertain to Indians throughout the country. Commissioner

Browning, Indian agents, the Indian Rights Association, and Indians themselves all heartily endorsed the "Meiklejohn Bill," which they considered necessary to prevent further Indian degeneration.¹¹² Realizing that they had problems, 183 Omaha men and 52 Omaha women signed a January 31 letter to Commissioner Browning urging him and all "friends of the Indians" to secure the bill's passage.¹¹³ The bill, which became law on January 30, 1897, made it a crime for anyone to sell or supply liquor to any Indian allottee whose land was held in trust, or to any Indian supervised by the government, and provided for the following punishments for those convicted of liquor peddling: imprisonment for not less than sixty days; a fine not less than \$100.00 for a first offense; and a \$200.00 fine for subsequent offenses.¹¹⁴

For about two years after its passage, the Meiklejohn law, combined with vigorous enforcement, reduced the flow of alcohol onto the Omaha Reservation. But in July 1899, the Justice Department removed its local deputy marshal, and the Indians began drinking again. When admonished by Dr. Susan La Flesche, unapologetic Omahas told her, "We can get all the whiskey we want, for the white men are selling it to us. . . . The government says we can drink again." Agent Charles Mathewson continued to report liquor offenses, but few traffickers were prosecuted.¹¹⁵

Despite the concerted efforts of Agent Mathewson, other agency employees, the federal court, and the local justice of the peace, the Omahas continued to have easy access to liquor. Mathewson put the blame on the small town of Homer, Nebraska, which he claimed supplied ninety percent of the liquor coming onto the reservation. Located only a few miles from the Winnebago Reservation's northern border, Homer, with its two saloons and its "army of 'boot-leggers'," provided all the whiskey the Indians could afford. Mathewson accused the town's citizens of putting greed above the Indians' welfare. They could, he insisted, stop the liquor traffic, but they chose not to, since drunken Indians were big spenders in Homer.¹¹⁶

In the report of his 1904 investigation into affairs on the Omaha and Winnebago reservations, Supervisor A. O. Wright charged that "there is no place in the United States where the defiance of the law has been so public and the sale of liquor to Indians has been so thoroughly organized as in Homer, Nebraska." A part of the town's scenery was its "bull-pens"—areas behind saloons hidden by high wooden fences and accessible from either the saloons or from back alleys. When Omahas and Winnebagoes came to town, Indian "runners" brought them to the saloons, where they were seated at tables in the bull-pens. Bootleggers then bought them whiskey from the saloons and charged twenty to twenty-five percent commissions. Indian runners were paid in whiskey, and each bootlegger hired two, since one or the other was nearly always intoxicated.¹¹⁷

Prior to 1903, Homer merchants rented buildings to saloon keepers, but even after they discontinued the practice, businessmen did little to stop liquor sales. Many claimed to fear the bootleggers, some of whom were not above "burning them out or stabbing them in the dark."¹¹⁸ In 1904, Pender attorney E. J. Smith asked Homer merchants C. J. O'Connor and Thomas and John Ashford to donate money toward hiring someone to halt the town's liquor traffic. The merchants agreed to contribute, but anonymously, because they feared reprisals by bootleggers. Smith, O'Connor, the Ashford brothers, and a United States deputy marshal paid the Dakota County, Nebraska sheriff to make the arrests, since the deputy had been unsuccessful in his attempts.¹¹⁹ But even with many of Homer's bootleggers behind bars, investigator A. O. Wright did not see Homer as a permanently "dry" town. There was too much profit to be made.¹²⁰

On April 10, 1905, the United States Supreme Court overturned Kansan Albert Heff's conviction for selling liquor to a Kickapoo Indian allottee, and in doing so, nullified the Meiklejohn law. The court ruled that when allotted, Indians came under the jurisdictions of the states, and because they were no longer wards of the federal government, were free to buy whiskey just as whites could.¹²¹ The Heff decision made it even more difficult to

stop liquor sales to Omahas. Superintendent MacKey did state that to their credit, some towns bordering the reservation offset the court ruling by refusing to license new saloons, or by licensing them with the condition that they sell no liquor to Indians. But now bootleggers plied their wares on the Iowa side of the Missouri River, and Indians crossed the river in boats to buy whiskey. Unfortunately, the Iowa liquor dealers appeared to be doing nothing illegal.¹²²

Indian's Friend saw the Heff decision as the "death knell" for the Omahas and Winnebagoes. According to this organ of the National Indian Association, as a result of the Supreme Court's ruling, the "already besotted" Omahas would soon be exterminated, and Superintendent Wilson of the Winnebago Agency predicted that in a few years, "every able-bodied man on the reservation [would] drink himself to death."¹²³ In 1904, Omaha Daily Bee editor Edward Rosewater had proposed a ten-mile "prohibition zone" around the reservations to cut off the Indians' whiskey supply. At the time, Superintendent MacKey had scoffed at the idea. "The zone," he argued, " would have to be 100 miles each way, and then a troop of United States Cavalry would be needed to patrol the lines of the reservation. . . ." ¹²⁴ But in the opinion of the United States District Attorney, Rosewater's plan, which never reached the floor of the State Legislature, would have passed had Nebraska lawmakers been aware of the recent Supreme Court decision.¹²⁵

On July 26, 1905, Omaha Agency Superintendent John MacKey appealed to Iowa law enforcement officers for help in stopping liquor sales on the Missouri's eastern shore. Deputy United States Marshal J. A. Tracy in Sioux City responded that it would be difficult to prosecute Iowa liquor traffickers such as William Wise, the most flagrant offender, because he had an Iowa liquor license, and the recent Supreme Court ruling protected him. Tracy advised MacKey to provide him with names and facts, especially the names of any unallotted Indians, and he would discuss the case with the United States Attorney for Iowa.¹²⁶ To comply with Marshal Tracy's request, Omaha notary public Carey La Flesche

took the statements of over a dozen Indians and whites who had either witnessed clandestine Iowa liquor sales or who had themselves bought whiskey from Iowa dealers.

Three Poncas, visiting on the Omaha Reservation, testified that two white whiskey peddlers had pitched a tent on the Iowa shore, setting up a more or less permanent operation.¹²⁷ Walter Adair of Decatur, Nebraska, swore that on August 2, 1905, he came upon this camp on the Iowa side of the river, occupied by William Wise and two other men whom he did not know. Early in the afternoon Little Rabbit, an Omaha, motioned to Wise from the Nebraska shore. Wise rowed across the river and brought the sixty-year-old Indian to his camp, where he filled a bottle with whiskey. He then returned Little Rabbit to the Omaha Reserve.¹²⁸ Five days after Adair testified, Little Rabbit admitted that he bought \$1.25 worth of whiskey from Wise and a second man on August 2.¹²⁹ On the same day that Little Rabbit made his purchase, Omahas Arthur Mitchell and George Ramsey bought a one-half gallon jug of whiskey from the Iowa peddlers.¹³⁰

William Wise and his companion undoubtedly knew the location of the Iowa state line in the midst of the Missouri River. When fourteen-year-old James Wood and his friend Jeremiah Parker purchased liquor for young Wood's father, the boys paid on the Nebraska shore, then the peddler simply rowed Parker fifty yards out from shore and handed him his whiskey.¹³¹ Wise became even bolder. On August 22, Charles Funkhouser testified that two weeks earlier, he had seen a white man row across the Missouri and deliver twelve jugs of whiskey to two Omahas who waited on the Nebraska side within the boundaries of the reservation.¹³² The identities of the Iowa peddlers were never in doubt. Nearly everyone who testified assured Superintendent MacKey that he either recognized William Wise or could identify him and his partner, believed to be Charles Allen.

J. A. Singhaus, Tekamah, Nebraska, attorney and a United States Commissioner, seemed eager to prosecute William R. Marr of Decatur for bringing whiskey onto the Omaha Reservation, and he offered his help in suppressing the Iowa traffic as well.

Singhaus issued arrest warrants for Wise, Marr, and Allen, but Marshal Tracy in Iowa could not apprehend them with a warrant from Nebraska.¹³³ On August 18, Tracy received Iowa warrants to bring in the three whiskey peddlers, and on August 21, he took Wise and Allen into custody. Unable to post bond, the two men were jailed in Sioux City.¹³⁴ State jurisdictions now came into play; Wise and Allen were not brought to Nebraska for trial until the Federal Judge for the Northern District of Iowa issued a removal order. Marr remained free in Nebraska, but Commissioner Singhaus claimed that he could arrest him at any time. The commissioner also intended to prosecute the Indians named in affidavits as having brought liquor onto the reservation.¹³⁵

As a final move to halt the Iowa-to-Nebraska liquor traffic, Singhaus suggested that Superintendent MacKey destroy what remained of Allen's and Wise's camp on the Iowa shore "in such a way that it could not be shown who did it."¹³⁶ Thanks to the cooperation of the Iowa authorities, the whiskey peddlers doing business on the Missouri's east bank were now virtually out of business. But it remained difficult to prosecute liquor traffickers. Even when indicted, few were punished, since appeals were pending in one or two cases, and the courts were waiting to see how they proceeded.¹³⁷

Leasing irregularities on the Omaha and Winnebago reservations did not end with the Beck-Fluornoy era. In the early 1900s, six or seven speculators made enormous profits by gaining control of leases for over 40,000 acres of Indian land, then sub-leasing them at a fifty to two-hundred percent profit. Much of this land fell into the hands of four area men—F. B. Hutchens, C. C. Maryott, brother of the Omaha Reservation trader, and the O'Connor brothers, Indian traders at Winnebago.¹³⁸ Like Agent Beck before him, Omaha and Winnebago agent Charles P. Mathewson was accused of favoring leases to middlemen. Individual allottees were effectively locked out of the leasing process and could not choose their own renters, since Mathewson favored leasing in large tracts and insisted that he had too little time to approve contracts negotiated by Indians.¹³⁹

Apparently patience with shady dealings grew thin in early 1902. On February 24, editor Edward Rosewater charged Mathewson and trader C. J. O'Connor with "gross mismanagement" at the agency, and showed Indian Commissioner William Jones "documentary proof" of wrongdoing.¹⁴⁰ A week later, a delegation of Omahas and Winnebagoes, unhappy with affairs on their reservations, arrived in Washington to protest Mathewson's leasing policies.¹⁴¹ But the actions of one of Mathewson's clerks brought an investigator to the agency. When Special Agent Eugene McComas arrived in Nebraska, he had with him an extensive list of Indian leases to middlemen, complete with rentals paid. Mathewson must have known that McComas possessed damaging evidence; the Pender Times reported that the agent had hired Indian attorney Thomas Sloan to defend him, if necessary.¹⁴²

McComas was considered a problem for Indian agents "on the ropes." Taking his assignment seriously, he refused to allow Mathewson to "wine and dine" him. As he left the agency after completing his investigation, he declared the leasing operation on the reservations to be in "bad shape." Although Commissioner Jones declined to release the contents of the special agent's report until it could be reviewed, the Omaha Daily Bee reported that McComas would recommend the dismissals of the agency farmer and the chief agency clerk, as well as the removal of Agent Mathewson. In addition, the investigator would likely tell the Indian office that the Omahas received too little compensation for their lands.¹⁴³ Sensing that they were on shaky ground, the new Pender "ring" dispatched Agent Mathewson, C. J. O'Connor, and their "trouble-shooter," E. A. Wiltse to Washington to try to "offset any bad effect" that McComas's visit may have had on their operation.¹⁴⁴

In May, the Interior Department sent another inspector, Special Agent Frank C. Churchill, to the Omaha Reservation. From the outset, locals complained about the way Churchill conducted his investigation. Although he was in possession of widespread

evidence against "parties on the reservation," he chose not to act on his knowledge. Churchill began his interrogations behind closed doors, and when Edward Rosewater complained, the investigation came to a halt. None of the parties involved held out much hope for a "fair and impartial report."¹⁴⁵

Early in 1903, it appeared that the dishonest Mathewson would no longer have a job. Since none of Nebraska's congressmen lobbied for an agent for the Omahas and Winnebagoes, Congress failed to appropriate money for his salary in fiscal year 1904. Mathewson's position was eliminated effective July 1, 1903, and the agency was turned over to bonded school superintendents, the first of which was to be the newly-unemployed Omaha and Winnebago agent.¹⁴⁶ Mathewson's appointment as superintendent was in keeping with an Indian department custom of giving agents jobs "equally as good" as their old ones. The advantage to Mathewson was that as a civil servant, he could now be removed only for misconduct. Behind the scenes, land syndicate front man E. A. Wiltse had urged Nebraska Senator J. H. Millard to back Mathewson for the superintendency. The syndicate was naturally delighted with Mathewson's assignment, but most Thurston County residents opposed the appointment of such a person to a secure civil service job.¹⁴⁷

Mathewson and his middlemen gave the impression that they were still in business, but they knew that their "gravy train" had been at least partially derailed. Under a new 1902 Interior Department rule, in the future, no one person would be allowed to lease more than one section of farmland, and already, several hundred leases had been disapproved. In reporting the new ruling, the Pender Times editor remarked, "Now it's Rosewater's turn to smile."¹⁴⁸

Edward Rosewater could smile for a while, but the Omahas had not seen the last of the Pender ring or other local "sharks" bent on taking advantage of Indians. And in 1902, the United States government had passed the first in a series of laws that would drastically

reduce Omaha real estate holdings through land sales. Little by little, Congress would make it easier for whites to separate Omahas from their allotments, as heirship rulings and competency commissions made more and more Indians eligible to sell their lands. In 1894, the Board of Indian Commissioners had voiced their concern that the twenty-five-year trust period to protect Indian lands from sale could be overridden by special legislation. They foresaw a great temptation for Indians to sell their allotments, leaving many homeless:

We are getting possession of Indian lands quite fast enough by the purchase of large unallotted tracts, and we can surely leave the unallotted lands to their owners until a generation shall be educated to appreciate their value, and use them for their own and their children's benefit.¹⁴⁹

For the Omahas, this progressive vision was not to be.

NOTES

¹Henry L. Dawes, "Testimony," Proceedings of the Ninth Annual Meeting of the Lake Mohonk Conference of Friends of the Indian [LMC], 1891, 87. [All Lake Mohonk Conference references are from the University of Nebraska at Omaha's microfiche collection, Call # E93.L3].

²Alice C. Fletcher, "The Allotted Indians' Difficulties," Outlook (April 11, 1896): 660-61.

³Henry L. Dawes to Eliphalet Whittlesey, April 24, 1887, Board of Indian Commissioners, Letters Received, cited in Henry E. Fritz, The Movement for Indian Assimilation, 1860-1890 (Philadelphia: University of Pennsylvania Press, 1963), 213.

⁴Council Fire XII (June 1889): 70. U. S. Congress. Senate. Petition of Members of the Omaha Tribe of Indians in Regard to Citizenship and Taxation and Praying for the Payment of Their Annuities, S. Misc. Doc. 26, 50th Cong., 1st sess., 1887, 1-2. [Ser. set 2516].

⁵"Letter from Dr. La Flesche," Indian's Friend 3 (February 1891): 3. Susan La Flesche, "The Omahas and Citizenship," Southern Workman 20 (April 1891): 177.

⁶Susette Tibbles, "Perils and Promises of Indian Citizenship," Our Day 5 (June 1891): 461-62. Ironically, many Omahas over-estimated their property's value, and their assessments were later lowered.

⁷Report of Agent Robert H. Ashley, August 17, 1892, in the Appendix to the Annual Report of the Commissioner of Indian Affairs [ARCIA], 1892, 186-87. [All of the Commissioners' reports in this chapter are from the University of Nebraska at Omaha's microfiche collection, Call # I 20.1]. Ebenezer Kingsley, "Statement," Twelfth Annual LMC, 1893, 36. Kingsley, a Hampton Institute-educated Winnebago, charged that his people and the Omahas sold their votes for as little as fifty cents each.

⁸Susette Tibbles, "Perils and Promises of Indian Citizenship," 461. Susan La Flesche, "The Omahas and Citizenship," 177. "Letter from Dr. La Flesche," 3.

⁹"Proclamation of the Organization of Thurston County," March 29, 1889, Nebraska State Historical Society [NSHS], Record Group [RG] 237, Thurston County (Series 4), County Board of Superintendents Records, Reel 1, Preceding Vol. 1.

¹⁰Henry L. Dawes, "The Severalty Law," Thirteenth Annual LMC, 1894, 51. H. B. Frissell, "A Visit to the Omahas," Southern Workman 16 (November 1887): 117.

¹¹Council Fire XII (June 1889): 70.

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- ¹²Dawes, "The Severalty Law," 51.
- ¹³Ward Shepard, "Land Problems of an Expanding Indian Population," in Oliver La Farge, ed., The Changing Indian (Norman: University of Oklahoma Press, 1942), 78.
- ¹⁴Report of Commissioner John H. Oberly, December 3, 1888, in ARCIA, 1888, XL.
- ¹⁵Seventh Annual LMC, 1889, 84-89, 94-97.
- ¹⁶D. S. Otis, The Dawes Act and the Allotment of Indian Lands, edited by Francis Paul Prucha (Norman: University of Oklahoma Press, 1973), 110, 113.
- ¹⁷Eighth Annual LMC, 1890, 82-83. Ninth Annual LMC, 1891, 87. Congressional Record, 51st Cong., 1st sess., March 10, 1890, 2068.
- ¹⁸Ninth Annual LMC, 1891, 87. Annual Report of the Board of Indian Commissioners [BIC], 1891, 99. [All Board of Indian Commissioners Reports are from the University of Nebraska at Omaha's microfilm collection, Call # I 20.5].
- ¹⁹U. S. Congress. Senate. Letter from the Secretary of the Interior, Transmitting in Response to a Resolution, a Copy of a Communication from the Commissioner of Indian Affairs, with Accompanying Papers, in Regard to Leases in Severalty on the Omaha and Winnebago Reservations, S. Exec. Doc. 73, 51st Cong., 2nd sess., 1891, 6. [Ser. set 2818]. [Hereafter cited as Leases in Severalty on the Omaha and Winnebago Reservations]. During this period, the Omahas and Winnebagoes were united as one agency. Every effort has been made, where possible, to separate data and reports on the two tribes.
- ²⁰Leases in Severalty on the Omaha and Winnebago Reservations, 4-5.
- ²¹Leases in Severalty on the Omaha and Winnebago Reservations, 1-2, 4. The Winnebagoes had leased huge amounts of their lands. The Thurston County clerk reported 22,134 acres of their reservation under lease in 1891.
- ²²Report of Agent Robert H. Ashley, August 26, 1890, in ARCIA, 1890, 187.
- ²³Leases in Severalty on the Omaha and Winnebago Reservations, 1-2, 4. For a complete 1890 list of Omaha and Winnebago allottees and their leased lands, see Exhibit A—Abstract of Leased Lands, in Leases in Severalty on the Omaha and Winnebago Reservations, 8-10.
- ²⁴26 Statutes at Large 795.
- ²⁵28 Statutes at Large 305.

²⁶C. C. Painter to Herbert Welsh, October 5, 1894, Indian Rights Association Papers [IRAP] (Glen Rock, New Jersey: Microfilming Corporation of America, 1975), Series I-A, Reel 11.

²⁷BIC Report, 1895, 7. 30 Statutes at Large 85.

²⁸J. P. Kinney, A Continent Lost—A Civilization Won (New York: Arno Press, 1975), 222. 31 Statutes at Large 229.

²⁹C. C. Painter, "The Indian and His Property," Seventh Annual LMC, 1889, 86-87. Francis La Flesche to Rosalie Farley, n. d., La Flesche Family Papers [LFP], Nebraska State Historical Society [NSHS], Manuscript [MS] 2026, Reel 1.

³⁰Kinney, A Continent Lost, 221-22. Francis La Flesche, "An Indian Allotment," Eighteenth Annual LMC, 1900, 77.

³¹Appendix to Report of Commissioner T. J. Morgan, August 27, 1892, in ARCIA, 1892, 186-87.

³²Twelfth Annual Report, 1894, IRAP, Reel 103, D12. C. C. Painter, "Remarks," Twelfth Annual LMC, 1894, 86-87. C. C. Painter to Herbert Welsh, October 5, 1894, IRAP, Series I-A, Reel 11. Report of Agent William H. Beck, August 20, 1896, in ARCIA, 1896, 197. In 1894, Dr. Susan La Flesche told C. C. Painter that eighty percent of Omaha men and fifty percent of Omaha women drank whenever they had the opportunity. Painter suspected a white plot to keep the Omahas drunk and therefore unfit to farm their own lands. Twelfth Annual LMC, 1894, 87.

³³Report of Acting Commissioner Frank C. Armstrong, September 14, 1894, in ARCIA, 1894, 35. Report of Commissioner Daniel M. Browning, September 15, 1896, in ARCIA, 1896, 40. Report of Commissioner William A. Jones, September 10, 1897, in ARCIA, 1897, 42. Report of Commissioner William A. Jones, October 1, 1900, in ARCIA, 1900, 76. Report of Commissioner William A. Jones, October 15, 1901, in ARCIA, 1901, 73. Report of Commissioner William A. Jones, October 15, 1903, in ARCIA, 1903, 57. Report of Commissioner William A. Jones, October 17, 1904, in ARCIA, 1904, 76. Report of Commissioner Francis E. Leupp, September 30, 1905, in ARCIA, 1905, 83. Report of Superintendent John F. MacKey, August 15, 1904, in ARCIA, 1904, 235. Not all commissioners during this period reported leasing figures, and no separate Omaha and Winnebago leasing data was given for 1894.

³⁴Report of Acting Agent W. A. Mercer, November 12, 1898, in ARCIA, 1898, 329. Report of Agent Charles P. Mathewson, August 31, 1899, in ARCIA, 1899, 234.

³⁵Report of Acting Agent W. A. Mercer, November 16, 1898, in BIC Report, 1898, 24-25.

³⁶"Platform," Eighteenth Annual LMC, 1900, 7-8.

³⁷Eighteenth Annual Report, 1900, IRAP, Series II, Reel 103, D-18, 58.

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- ³⁸William A. Jones, "Testimony," Eighteenth Annual LMC, 1900, 78.
- ³⁹Francis La Flesche, "An Indian Allotment," Eighteenth Annual LMC, 1900, 78.
- ⁴⁰Report of Agent Charles P. Mathewson, August 24, 1901, in ARCIA, 1901, 270. Report of Agent Charles P. Mathewson, August 26, 1902, in ARCIA, 1902, 240. Report of Agent Charles P. Mathewson, August 24, 1903, in ARCIA, 1903, 201.
- ⁴¹Report of Superintendent John F. MacKey, August 15, 1904, in ARCIA, 1904, 235.
- ⁴²Report of Commissioner William A. Jones, October 1, 1900, in ARCIA, 1900, 18. Despite his obvious dissatisfaction with leasing, Commissioner Jones played a role in its growth by curtailing rations to able-bodied Indians in 1901, in many cases leaving rentals as their sole source of support. W. David Baird, "William A. Jones: 1897-1904," in Robert M. Kvasnicka and Herman J. Viola, eds., The Commissioners of Indian Affairs, 1824-1977 (Lincoln: University of Nebraska Press, 1979), 215.
- ⁴³Report of Commissioner Robert G. Valentine, September 12, 1912, in ARCIA, 1912, 5.
- ⁴⁴Norma Kidd Green, Iron Eye's Family: The Children of Joseph La Flesche (Lincoln: Johnsen Publishing Company, 1969), 92.
- ⁴⁵The Omaha People to T. J. Morgan, December 22, 1890, LFP, NSHS, MS 2026, Reel 1. William E. Peebles to Thomas McCauley, December 25, 1890, LFP, NSHS, MS 2026, Reel 1. "Credentials," n.d., LFP, NSHS, MS 2026, Reel 1. Green, Iron Eye's Family, 92-93.
- ⁴⁶Rosalie Farley to Francis La Flesche, May 14, 1893, LFP, NSHS, MS 2026, Reel 1. Lease, December 31, 1890, LFP, NSHS, MS 2026, Reel 1.
- ⁴⁷Green, Iron Eye's Family, 93. Rosalie Farley to Francis La Flesche, May 14, 1893, LFP, NSHS, MS 2026, Reel 1.
- ⁴⁸Rosalie Farley to Francis La Flesche, May 14, 1893, LFP, NSHS, MS 2026, Reel 1. Green, Iron Eye's Family, 94-95.
- ⁴⁹Rosalie Farley to Francis La Flesche, May 14, 1893, LFP, NSHS, MS 2026, Reel 1. Records of the United States Circuit Court, District of Nebraska, Number 18, Docket Q2, cited in Green, Iron Eye's Family, 94.
- ⁵⁰Rosalie Farley to Francis La Flesche, May 14, 1893, LFP, NSHS, MS 2026, Reel 1.

⁵¹Rosalie Farley to Francis La Flesche, May 25, 1893, LFP, NSHS, MS 2026, Reel 1.

⁵²Rosalie Farley to Francis La Flesche, May 14, 1893, LFP, NSHS, MS 2026, Reel 1. Rosalie Farley to Francis La Flesche, May 25, 1893, LFP, NSHS, MS 2026, Reel 1. Rosalie Farley to Francis La Flesche, May 28, 1893, LFP, NSHS, MS 2026, Reel 1. Rosalie Farley to Francis La Flesche, September 11, 1893, LFP, NSHS, MS 2926, Reel 1. In April 1894, William Peebles was still trying to exact payment from the Omahas for legal fees. When they received their annuity, he sent a message threatening to prosecute them if they refused to pay. Rosalie Farley to Francis La Flesche, April 8, 1894, LFP, NSHS, MS 2026, Reel 1.

⁵³Rosalie Farley to Francis La Flesche, November 20, 1893, LFP, NSHS, MS 2026, Reel 1.

⁵⁴Rosalie Farley to Francis La Flesche, January 2, 1894, LFP, NSHS, MS 2026, Reel 1.

⁵⁵Rosalie Farley to Francis La Flesche, January 2, 1894, LFP, NSHS, MS 2026, Reel 1.

⁵⁶Green, Iron Eye's Family, 95.

⁵⁷Breckenridge and Breckenridge to Rosalie Farley, December 26, 1893, LFP, NSHS, MS 2026, Reel 1.

⁵⁸Farley v. Peebles, et al., 70 Northwestern Reporter 232. The events surrounding the leasing controversy in 1890-1894 are almost entirely cited from Rosalie Farley's letters to her half-brother Francis La Flesche. As a participant in the controversy, Rosalie could not, of course, be completely objective, but her letters were written after the events occurred, and she did not appear to be campaigning on her own behalf. Most importantly, her version of the mismanaged trial at West Point is fully supported by the lengthy opinion of the Nebraska Supreme Court when it overturned Judge Norris' ruling in 1897.

⁵⁹Rosalie Farley to Francis La Flesche, June 7, 1896, LFP, NSHS, MS 2026, Reel 1.

⁶⁰"Leasing the Indian Lands," Thurston Republic, May 29, 1896, p. 1, reprinted from the Lyons [Nebraska] Mirror.

⁶¹Alice Fletcher to Rosalie Farley, June 20, 1896, LFP, NSHS, MS 2026, Reel 1.

⁶²Rosalie Farley to Francis La Flesche, August 17, 1893, LFP, NSHS, MS 2026, Reel 1. C. C. Painter to Herbert Welsh, October 4, 1894, IRAP, Series I-A, Reel 11.

⁶³Report of Commissioner Daniel M. Browning, September 14, 1895, in ARCIA, 1895, 37-38.

⁶⁴Report of Commissioner Daniel M. Browning, September 14, 1895, in ARCIA, 1895, 38. Rosalie Farley to Francis La Flesche, November 20, 1893, LFP, NSHS, MS 2026, Reel 1.

⁶⁵Painter to Welsh, October 5, 1894, IRAP, Series I-A, Reel 11. Beck v. Fluornoy Live-Stock and Real Estate Co., Circuit Court of Appeals, Eighth Circuit, Number 520, 65 Federal Reporter 30, 37-38.

⁶⁶Report of Commissioner Daniel M. Browning, September 14, 1895, in ARCIA, 1895, 38-39.

⁶⁷Report of Commissioner Daniel M. Browning, September 14, 1895, in ARCIA, 1895, 40. At the time Commissioner Browning submitted his annual report, the United States district attorney was trying to have the state-ordered injunction transferred to the federal courts, and Beck had suspended his evictions.

⁶⁸Report of Commissioner Daniel M. Browning, September 14, 1895, in ARCIA, 1895, 41.

⁶⁹Green, Iron Eye's Family, 95-96. Rosalie Farley to Francis La Flesche, July 29, 1895, LFP, NSHS, MS 2026, Reel 1. "Settlers Tell the Story," Omaha Morning World-Herald, July 24, 1895, 1. "Big Pow Wow at Pender," Omaha Daily Bee, July 24, 1895, 1. Report of Commissioner Daniel M. Browning, September 14, 1895, in ARCIA, 1895, 37-41. The congressional delegation consisted of Senators John M. Thurston and William V. Allen and Representatives George D. Meiklejohn, W. E. Andrews, and Jesse B. Strode.

⁷⁰"Big Pow Wow at Pender," Omaha Daily Bee, July 24, 1895, 1.

⁷¹U. S. Congress. Senate. Transcript of the Proceedings Had Before Senators William V. Allen and John M. Thurston and Congressmen George D. Meiklejohn, W. E. Andrews, and Jesse B. Strode, Members of the Nebraska Delegation in the Fifty-Fourth Congress of the United States, Sitting as a Body at the Omaha and Winnebago Reservations and at Pender Thurston County, Nebr., on the 24th and 25th Days of July, A. D. 1895, for the Purpose of Inquiring into the Conditions of Affairs on Said Reservations, S. Doc. 79, 54th Cong., 1st sess., 1896, 56-148. [Ser. set 3349]. [Hereafter cited as Transcript of the Proceedings].

⁷²"Settlers Tell the Story," Omaha Morning World-Herald, July 24, 1895, 1.

⁷³Rosalie Farley to Francis La Flesche, July 29, 1895, LFP, NSHS, MS 2026, Reel 1.

⁷⁴Rosalie Farley to Francis La Flesche, July 29, 1895, LFP, NSHS, MS 2026, Reel 1.

⁷⁵Transcript of the Proceedings, 7-8.

76Transcript of the Proceedings, 10-11.

77Transcript of the Proceedings, 5-6. The painfully honest Charles Robinson gave perhaps the most direct indictment of allotment when he said he had an allotment but had done nothing with it, and if he had more land, he would do even less. Transcript of the Proceedings, 9-10.

78Transcript of the Proceedings, 6.

79Transcript of the Proceedings, 4.

80Transcript of the Proceedings, 9.

81S. A. Combs to William Allen, July 26, 1895, Exhibit I, Transcript of the Proceedings, 167.

82Transcript of the Proceedings, 12.

83Transcript of the Proceedings, 7.

84Transcript of the Proceedings, 18-19. An April 1893 letter from Rosalie Farley to her brother Francis supported Beck's charges against Wheeler and Chittenden. Rosalie Farley to Francis La Flesche, April 5, 1893, LPF, NSHS, MS 2026, Reel 1.

85Report of Commissioner Daniel M. Browning, September 14, 1895, in ARCIA, 1895, 40. Transcript of the Proceedings, 148-49.

86John M. Thurston to John M. Reynolds, July 27, 1895, Exhibit N, Transcript of the Proceedings, 169-171. W. E. Andrews to Reynolds, July 31, 1895, Exhibit O, Transcript of the Proceedings, 171-72. Allen to Reynolds, July 29, 1895, Exhibit K, Transcript of the Proceedings, 167-68.

87"Making Trouble for Beck," Thurston Republic, March 19, 1897, 5. Reprinted from the Omaha Daily Bee, March 19, 1897.

88"Captain Wm. H. Beck Removed," Thurston Republic, May 21, 1897, 1.

89"The Indian Agency," Thurston Republic, February 26, 1897, 4.

90"Peebles Would Succeed Beck," Thurston Republic, March 5, 1897, 1. Reprinted from the Omaha Daily Bee, March 2, 1897.

91"Relieves Captain Beck," Thurston Republic, June 11, 1897, 2.

92Rosalie Farley to Francis La Flesche, August 6, 1898, LFP, NSHS, MS 2026, Reel 1.

⁹³Alice C. Fletcher and Francis La Flesche, The Omaha Tribe, Twenty-Seventh Annual Report of the Bureau of American Ethnology (Washington, D. C. : Government Printing Office, 1911), 640. 27 Statutes at Large 630-31.

⁹⁴Through his position as agency clerk, Thomas Sloan more than once became involved in shady land transactions. He had also been the "front man" for Agent William Beck's alleged land leasing scheme. Only one-sixteenth Omaha, activist and "progressive" Thomas Sloan is an enigmatic figure in tribal history. After graduating from Hampton Institute in 1899, he returned to the reservation and studied law under his friend and fellow Omaha Hiram Chase. Following his employment at the Omaha Agency, he entered private law practice and served for a time as a tribal delegate to Washington. As an attorney, he specialized in Indian cases, but it is evident from his land dealings that his people's welfare was not his top priority. Hazel Hertzberg, The Search for an American Indian Identity: Modern Pan-Indian Movements (Syracuse: Syracuse University Press, 1971), 46.

⁹⁵Rosalie Farley to Francis La Flesche, April 5, 1893, LFP, NSHS, MS 2026, Reel 1.

⁹⁶Rosalie Farley to Francis La Flesche, September 11, 1893, LFP, NSHS, MS 2026, Reel 1. Ed Farley to Francis La Flesche, April 2, 1895, LFP, NSHS, MS 2026, Reel 1.

⁹⁷Francis La Flesche to Rosalie Farley, January 23, 1898, LFP, NSHS, MS 2026, Reel 1.

⁹⁸Report of Agent Charles P. Mathewson, August 31, 1899, in ARCIA, 1899, 233. Report of Agent Charles P. Mathewson, August 20, 1900, in ARCIA, 1900, 275. Report of Agent Charles P. Mathewson, August 24, 1903, in ARCIA, 1903, 202.

⁹⁹Report of Agent Charles P. Mathewson, August 20, 1900, in ARCIA, 1900, 273.

¹⁰⁰Report of Agent Charles P. Mathewson, August 24, 1903, in ARCIA, 1903, 202. Report of Superintendent John F. MacKey, August 15, 1904, in ARCIA, 1904, 236. 37 Statutes at Large 111.

¹⁰¹Sara T. Kinney, "Letter," Ninth Annual LMC, 1891, 81.

¹⁰²C. C. Painter, "Some Dangers Which Now Threaten the Interests of the Indians," Tenth Annual LMC, 1892, 71-72. Painter to Welsh, October 5, 1894, IRAP, Series I-A, Reel 11. Twelfth Annual Report, 1894, IRAP, Series II, Reel 103, D-12.

¹⁰³Report of Acting Agent William H. Beck, August 25, 1893, in ARCIA, 1893, 195.

¹⁰⁴Henry L. Dawes, "The Severalty Law," Thirteenth Annual LMC, 1894, 50-51.

¹⁰⁵Ebenezer Kingsley, "Statement," Twelfth Annual LMC, 1894, 80. One Omaha told C. C. Painter that there was really no increase in alcohol consumption in the early 1890s; it was just more out in the open because no one worried about punishment. C. C. Painter, "Some Dangers Which Now Threaten the Interests of the Indians," Tenth Annual LMC, 1892, 73-74.

¹⁰⁶Report of Agent Robert H. Ashley, September 1, 1892, in ARCIA, 1892, 306.

¹⁰⁷"The Indian Temperance Question," Indian's Friend 7 (February 1895): 5.

¹⁰⁸H. B. Frissell, "Land in Severalty," Twelfth Annual LMC, 1894, 47. Twelfth Annual Report, 1894, IRAP, Series II, Reel 103, D-12.

¹⁰⁹Report of Commissioner William A. Jones, October 15, 1901, in ARCIA, 1901, 51. Report of Commissioner William A. Jones, October 16, 1902, in ARCIA, 1902, 52.

¹¹⁰Report of Commissioner William A. Jones, October 15, 1901, in ARCIA, 1901, 51. Report of Commissioner William A. Jones, October 16, 1902, in ARCIA, 1902, 52. Report of Commissioner William A. Jones, October 17, 1904, in ARIA, 1904, 56.

¹¹¹Report of Acting Agent William H. Beck, August 25, 1894, in ARCIA, 1894, 189. Report of Acting Agent William H. Beck, August 20, 1895, in ARCIA, 1895, 200. Report of Acting Agent William H. Beck, August 20, 1896, in ARCIA, 1896, 197. Report of Superintendent John F. MacKey, August 15, 1904, in ARCIA, 1904, 235-36.

~~¹¹²U. S. Congress: Senate. Sale of Intoxicating Liquors to Indians, S. Report-1294, 54th Cong., 2nd sess., 1897, 1-13. [Ser.-set-3474]. This report contains a complete discussion of the Meiklejohn bill and documents supporting its passage.~~

¹¹³Sale of Intoxicating Liquors to Indians, 13.

~~¹¹⁴29 Statutes at Large 506.~~

¹¹⁵Report of Agent Charles P. Mathewson, July 20, 1900, in ARCIA, 1900, 277. "Another Appeal," Indian's Friend 12 (March 1900): 8.

¹¹⁶Report of Agent Charles P. Mathewson, August 24, 1903, in ARCIA, 1903, 203.

¹¹⁷A. O. Wright to the Commissioner of Indian Affairs, November 16, 1904, Winnebago Agency Subject Files [WASF], Box A-106, Federal Records Center [FRC], Kansas City [KC].

¹¹⁸A. O. Wright to the Commissioner of Indian Affairs, November 16, 1904, WASF, Box A-106, FRC, KC.

119E. J. Smith's Testimony, October 12, 1904, WASF, Box A-106, FRC, KC. Thomas L. Sloan to A. O. Wright, October 20, 1904, Omaha Agency Subject Files [OASF], Box A-105, FRC, KC. John Ashford must have had a change of heart since he was allegedly convicted of liquor trafficking in 1895. Combs to Allen, July 26, 1895, Exhibit I, Transcript of the Proceedings, 167.

120A. O. Wright to the Commissioner of Indian Affairs, November 16, 1904, WASF, Box A-106, FRC, KC.

121The Matter of Heff, 25 Supreme Court Reporter 605. Albert Heff had been sentenced to four months in the Shawnee County, Kansas jail and fined \$200.00 plus court costs.

122Report of Superintendent John F. MacKey, August 24, 1905, in ARCIA, 1905, 249. The town of Homer had selfish reasons for curtailing its saloons. According to South Dakota Indian Superintendent John Flinn, the town jail was overcrowded with drunken Indians, so "kind hearted" bar tenders dragged their Omaha and Winnebago customers out of the saloons and laid them in rows on the sidewalks. According to Flinn, Homer's citizens became tired of having to "stumble over a corduroy road composed of newly born American citizens." John Flinn, "Firewater and the Indians," Indian School Journal 7 (April 1907): 25-26.

123"The Whiskey Decision a Bad Thing for the Allotted Indian," Indian's Friend 18 (September 1905): 6-7.

124"Leupp is Coming," Pender [Nebraska] Times, December 23, 1904, 1.

125"Decision Received," Pender Times, April 28, 1905, 1. The Heff decision created a curious situation; the State of Nebraska now had to deal with the expected increase in liquor traffic due to a federal court ruling.

126J. A. Tracy to John F. MacKey, July 30, 1905, OASF, Box A-97, FRC, KC. Unallotted Indians were not covered by the Heff decision; liquor sales to them were still illegal.

127Affidavit of Jack Fremont, July 25, 1905, OASF, Box A-96, FRC, KC. Affidavit of Thomas Treads On Toe, July 25, 1905, OASF, Box A-96, FRC, KC. Affidavit of Grover Story Teller, July 25, 1905, OASF, Box A-96, FRC, KC.

128Affidavit of Walter Adair, August 3, 1905, OASF, Box A-96, FRC, KC.

129Affidavit of Little Rabbit, August 8, 1905, OASF, Box A-96, FRC, KC.

130Affidavit of Arthur Mitchell, August 7, 1905, OASF, Box A-96, FRC, KC. Affidavit of George Ramsey, August 8, 1905, OASF, Box A-96, FRC, KC.

131 Affidavit of Jeremiah Parker, August 8, 1905, OASF, Box A-96, FRC, KC. Affidavit of James Wood, August 8, 1905, OASF, Box A-96, FRC, KC. Affidavit of John Wood, August 8, 1905, OASF, Box A-96, FRC, KC.

132 Affidavit of Charles Funkhouser, August 22, 1905, OASF, Box A-96, FRC, KC.

133 J. A. Singhaus to MacKey, July 29, 1905, OASF, Box A-97, FRC, KC. Singhaus to MacKey, August 17, 1905, OASF, Box A-97, FRC, KC.

134 Tracy to MacKey, August 18, 1905, OASF, Box A-97, FRC, KC. Tracy to MacKey, August 22, 1905, OASF, Box A-97, FRC, KC. It is unclear what grounds Iowa authorities used for the arrests of Wise and Allen. Since Wise had an Iowa liquor license and the Heff decision removed obstacles to liquor sales to allotted Indians, it is possible that Superintendent MacKey was able to provide Marshal Tracy with names of unallotted Indians.

135 Singhaus to MacKey, August 26, 1905, OASF, Box A-97, FRC, KC.

136 Singhaus to MacKey, August 26, 1905, OASF, Box A-97, FRC, KC.

137 Report of Superintendent John M. Commons, August 18, 1906, in ARCIA, 1906, 265.

138 "Against Mathewson," Pender Times, February 28, 1902, 1. "Playing a Dangerous Game," Omaha Daily Bee, July 24, 1902, 1. The original hand-written lease ledger for this period, which includes names of lessees, names of Indian allottees, descriptions of leased lands, dates, and in many cases, annual rental rates, is located in the Winnebago Agency Lease Ledger, 1895-1902, Book 89, FRC Container # 516503, FRC, KC.

139 "Against Mathewson," Pender Times, February 28, 1902, 1. Besides the leasing fraud charges, Agent Mathewson also was accused of keeping alcohol in his house at the agency—a violation of federal law. An Indian working in the agent's home allegedly found bottled beer in the cellar. "Inspector is Here," Pender Times, June 6, 1902, 1.

140 "Charges Against Agency," Omaha Daily Bee, February 25, 1902, 1. It is unclear what action, if any, Commissioner Jones took on Rosewater's charges, since the same reporter sent conflicting stories to the Omaha World-Herald and the Sioux City Journal. Pender Times, March 7, 1902, 1.

141 "Ball Still Arollin'," Pender Times, March 7, 1902, 1.

142 "Trouble at Agency," Pender Times, February 7, 1902, 1.

143 "Gone to Washington," Pender Times, February 21, 1902, 1. "Omaha Report is Ready," Omaha Daily Bee, February 28, 1902, 1. By May 30, 1902, Commissioner

Jones and Interior Secretary Ethan A. Hitchcock still had not reviewed Agent McComas's report. "The Investigation," Pender Times, May 30, 1902, 1.

144"Gone to Washington," Pender Times, February 21, 1902, 1.

145"The Investigation," Pender Times, May 30, 1902, 1. "Inspector is Here," Pender Times, June 6, 1902, 1. An investigative reporter assigned by Rosewater to the Omaha Agency was arrested and charged with impersonating a federal official. This, of course, only stiffened the editor's resolve to get at the truth. "Inspector is Here," Pender Times, June 6, 1902, 1.

146"His Salary Clipped," Pender Times, January 30, 1903, 1. Pender Times, February 20, 1902, 1.

147"Mathewson Gets It," Pender Times, July 3, 1903, 1.

148"Nothing New," Pender Times, March 14, 1902, 1. "The Leases," Pender Times, October 24, 1902, 1.

149BIC Report, 1894, 7-8.

CHAPTER SIX

THE FINAL ASSAULT: TAXATION AND LAND SALES ON THE OMAHA RESERVATION, 1902-1916

"There is not a wild Indian living who knows what a fee-simple is. . . . and there are certainly very few Indians, civilized or uncivilized, who understand it."¹

Henry M. Teller, 1881

"So soon as the proper official declares that an Indian is competent to administer his own affairs, let that Indian have . . . a patent in fee for his allotment, and let him shift for himself."²

James McLaughlin, circa 1909

The Board of Indian Commissioners' fears became reality for the Omahas during the early decades of the twentieth century as each new law was designed to relieve tribal members of their lands or incomes. Even more threatening was the fact that the Interior Secretary was given discretionary power to issue land titles to Indians whose lands were still held in trust. In many cases, inherited lands were sold as quickly as heirs received them, and in 1910, a government competency commission issued hundreds of fee-patents, sometimes to Indians who did not want them, and almost always to recipients who did not understand what they were. In addition, taxation of Omaha lands became a major issue. Thurston County organizers knew as early as 1889 that their county was composed of over ninety percent Indian trust lands, and that their tax base would be small. Almost from its inception, the county waged a campaign to tax Omaha lands, and most of Nebraska's senators and representatives were happy to support tax legislation that would keep their white constituents happy at the Omahas' expense. Land fraud continued on the reservation,

and unfortunately, some of the best-educated Omahas, who could have become effective advocates for their people, often chose to align themselves with persons who victimized the Indians. By late 1916, the Omaha land base had been drastically reduced. All the property that remained in Indian hands was taxed, and despite the disastrous results of that first competency commission among the Omahas, a new commission was hard at work on other reservations, issuing thousands of fee-patents that would soon be in the hands of white settlers and speculators.

On his way back east after conducting his 1902 investigation of the Omaha Agency, Inspector Eugene McComas told reporters that the situation with regard to traders near the reservation was "as near a hold-up as is possible to imagine." According to McComas, traders were allowed to attend Indian "paydays," and most Omahas left the agency with little or nothing.³ In addition to the inspector's report, remarks made by a Catholic priest and published in the Washington Post prompted the Indian Department to send another investigator in 1904. Upon his arrival in Nebraska, Inspector A. O. Wright was met by Father Joseph Schell, self-proclaimed missionary to the Winnebagoes and the author of the inflammatory statements in the Washington newspaper.⁴ In oral testimony, Father Schell accused Homer, Nebraska, merchants John and Thomas Ashford and C. J. O'Connor of cheating the Omahas and Winnebagoes and of contributing to their dependence upon alcohol. For instance, the priest accused the businessmen of charging the Indians 100 to 1,500 percent interest on loans, and claimed that they loaned the Indians "whiskey money." According to Father Schell, drunken Indians were led into banks to sign notes for three times the loaned amounts, and he insisted that Indians were "hunted down" and forced to buy goods at exorbitant prices when merchants learned they were expecting money. Finally, Schell charged that Homer merchants drove out other tradesmen who attempted to sell Indians goods at reasonable prices.⁵

Shortly after his first contact with Father Schell, Inspector Wright began to suspect the priest's motives. Schell presented Wright with affidavits, allegedly from Indians, but when Wright informed the priest that his Indian witnesses must testify in person, they never appeared. When questioned, several Indians swore that Father Schell had written the affidavits and had them sign the documents when they were drunk.⁶ Gradually, Wright learned the true story behind the priest's accusations. Apparently, Joseph Schell had reached Homer in April 1903, claiming to be the new missionary to the Winnebagoes. He took over the town's Catholic church and demanded \$4,000 from town citizens to repair the church, to build a parsonage, and to pay his salary. When the Ashford brothers and O'Connor refused to donate eighty percent of the money, Schell threatened to put them out of business. The priest intimidated other merchants as well. When Homer butcher William O'Dell was called to testify before Inspector Wright, Father Schell warned him that he, too, would soon be bankrupt if he did not incriminate O'Connor and the Ashfords.⁷

Obsessed with his vendetta against local merchants, Father Schell portrayed them as greedy and grasping, never missing an opportunity to exploit their Indian customers. In their own testimony, the merchants agreed with Schell's accusations, to a point. C. J. O'Connor confirmed that he did go to the agency to collect debts when the Indians received lease money or other income, because he wanted to be paid while his debtors still had some money. But he denied what the priest called "snapping" checks from Indians. On the contrary, O'Connor testified that many Omahas voluntarily gave him their checks so that he could deduct their payments.⁸

Trader Thomas Ashford, Jr. verified that on occasion he had loaned drunken Indians enough money to reclaim their horses from livery stables, but swore that he had never knowingly loaned any whiskey money. However, he knew that Indians sometimes borrowed money for "food," then used it to buy liquor.⁹ In response to Father Schell's charges of price-gouging, all of the merchants admitted charging "high-risk" Indians more

for their purchases, but reservation trader George C. Maryott defended his pricing policy, explaining that he had to transport goods over eighteen miles of bad roads. Maryott believed the Indians took advantage of his "generosity," buying goods in town when they had cash, and only dealing with him when they needed credit. Without exception, the merchants admitted to charging clearly illegal interest rates for small loans, but they called the extra charges "premiums," necessary to cover collection costs.¹⁰

Although he realized that the local tradesmen were looking out for their own interests, Inspector Wright defended the merchants, even after they had pleaded guilty to many of the charges. Wright insisted that while on the reservations, he never saw an Indian forced to surrender a check; traders were simply urging their customers to pay their debts, and sometimes they even gave Indians gifts for prompt payment. The inspector did observe that not only merchants crowded around the agency on paydays; lawyers collected fees in this way, and the justice of the peace became a familiar figure as he waited to collect fines. Wright also explained to his superiors that many Indians' reluctance to pay their bills led merchants to take chattel mortgages on their work horses, and when an Indian exhausted his credit, the horses became collateral. As for Father Schell, Inspector Wright recommended that in the future, the priest should be barred from all Indian reservations.¹¹

In 1906, Congress finally agreed with Commissioner William Jones that the liquor traffic among Indians was out of control. Between 1906 and 1916, federal lawmakers appropriated nearly \$300,000 to suppress liquor sales, but it was too little money spread too thinly, and like weeds, bootleggers and liquor dealers resurfaced on the Omaha Reservation.¹² With little help forthcoming, Omaha and Winnebago Superintendent Albert H. Kneale took matters into his own hands in 1910. Faced with rampant alcohol abuse on the two reservations, Kneale called upon Ed Brents, a Special Officer for the Suppression of the Liquor Traffic among Indians, to help him stop liquor sales. Together, they devised a plan in which they would accompany two Winnebagoes "of pronounced Indian type" to

bars in towns near the reservations. After being served whiskey, the Indians would turn their purchases over to Brents, who then labeled the bottles with date and liquor seller. During their "sting operation," not one saloon refused to sell the Indians liquor. Because there was a Nebraska law prohibiting liquor sales to Indians, Kneale and Brents presented their evidence to the Thurston County Attorney in hopes of getting convictions. To their surprise, the county attorney, who was himself part Indian, refused to press charges, arguing that because it discriminated against Indians, the state law was unconstitutional. Actually, he did not want to see the law enforced, because that would mean "[he] could not even purchase a drink [himself]."¹³ Having failed in Pender, the two investigators took their case to the United States Attorney in Omaha, who cooperated fully. A grand jury heard the case and handed down indictments that resulted in several arrests. Kneale and Brents had largely curtailed Indian liquor sales in saloons, but they were unable to stop bootleggers.¹⁴

Despite the concerted efforts of Kneale and Brents, liquor continued to reach the Omahas. In a January 1915 report, Kneale's successor, Axel Johnson, accused "notorious character" Will Estill of selling whiskey to Indians in order to separate them from their lands, and he charged that George F. Phillips, who had been under investigation for two years, was still distributing lemon extract among the Omahas.¹⁵ Phillips was arraigned on July 12, 1915 at Pender, for selling intoxicants to the Indians.¹⁶ The previous year, Will Estill had been exonerated of liquor trafficking charges, and had lashed out at those who had initiated the charges and allegedly conspired against him. In a series of scathing letters, he accused the government's star witness of perjury, claimed that a special investigator had conducted a personal campaign against him, and implicated Omaha Agency clerk W. A. Martindale in a plot to convict him of whiskey dealing.¹⁷ Two Indian Department inspectors apparently agreed that Estill had been the victim of a conspiracy. E. B. Linnen

and E. M. Sweet, Jr. defended Estill, calling him "an honest and upright man," while accusing clerk Martindale of discriminating against him in the granting of leases.¹⁸

Due to budget constraints, in October 1914, the Indian Office had recalled its special deputy assigned to help halt liquor traffic among the Omahas. Now it would be up to a deputy at Sioux City, Iowa and a part-time officer to stop the whiskey flow. But this arrangement proved ineffective, and in November 1915, Omaha Superintendent Axel Johnson requested and received an additional enforcement officer.¹⁹ In April 1916, Superintendent Johnson himself was commissioned a Deputy Special Officer for the balance of the fiscal year.²⁰

Axel Johnson and other superintendents ignored few sources in their campaign against illegal whiskey. The Interior Department received permission to search mail vehicles entering reservations, and in November 1915, Johnson informed Chief Special Officer Henry Larson that he wished to cancel the leases of those persons who had brought liquor onto the reservation. Larson supported Johnson's efforts, and an assistant Indian Commissioner reminded the superintendent that Omaha leases contained no provisions for such cancellations, but that he had no objections to Johnson's inserting such a clause in future leases.²¹ In June 1916, liquor arrests were made in Winnebago and at Rosalie, Nebraska, and instead of being fined, offenders were put to work on a county road gang.²²

In the meantime, a series of United States Supreme Court rulings contradicted the Heff decision of 1905 and supported the earlier Meiklejohn anti-liquor law. In one of these cases, attorney Thomas Sloan attempted to convince the high court to negate an Eighth Circuit Appeals Court conviction of tribal member Simeon Hallowell for bringing liquor onto his allotment. Sloan failed, and the ruling stood.²³ On June 25, 1916, the Supreme Court overturned the controversial Heff decision, stating that the ruling had not reflected the true intentions of Congress when it passed the 1887 Dawes Act. Now it was once again

illegal to sell liquor to allotted Indians.²⁴ Liquor traffic enforcement officers rejoiced at the news of the high court ruling. Henry Larson predicted that keeping allotted Indians under federal protection would increase the number of whiskey traffic convictions, and the special officer in Sioux City looked forward to "lots of fun" as more arrests were made.²⁵

But on the Omaha Reservation, the traffic continued, and concerned Thurston County residents received little help in combating the problem. In August 1916, a vice-president of the Farmers State Bank of Rosalie asked Axel Johnson to send a "good Indian or two" to testify against a "new crop of boot leggers [sic]."²⁶ The Walthill [Nebraska] Times editor, sharply critical of Third District Representative Dan Stephens, accused the Nebraska congressman of dragging his feet in regard to stationing a special agent on the Omaha Reservation to stop bootlegging. The irate editor believed that as a Democrat in a Democrat-controlled Congress, Stephens could get the agent if he really wanted to.²⁷ It would obviously take more than zealous agents and a Supreme Court decision to solve the Omahas' alcohol problems.

Buried in the 1902 Indian Appropriation Act was a section that would bring about the first phase of wholesale land loss among the Omahas. Section Seven stated that "the adult heirs of a deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such descendent. . . ." Buyers of "heirship lands" would receive unencumbered titles, as though allottees' patents had been unrestricted.²⁸ This law allowing Indians to sell heirship lands was a natural progression from the 1890s leasing laws. The acres lost to Indians through the sale of inheritances was only a tiny percentage of the total lands turned over to whites, but heirship sales devastated Indian futures. Combined with the later sales of surplus lands, the loss of inherited acreage left many allottees' grandchildren nearly landless.²⁹ Congress passed the 1902 heirship law because

1) it did not want deceased Indians' lands lying untilled; 2) it hoped Indians would apply their heirship proceeds toward improving their own allotments; 3) some people did not want to see Indians become heirs to large estates, because it would encourage idleness; and 4) perhaps most important, whites wanted the land.³⁰

Shortly after the bill's passage, Commissioner William Jones's office fielded many inquiries from whites living near reservations, and he hoped that delays in implementing the law would give Indians time to learn their rights, to ascertain the true value of their lands, and to decide whether they really wished to sell.³¹ Reaction to the new law was overwhelmingly favorable among whites on and around the Omaha Reservation. Agent Charles Mathewson considered the law a wise one for the Omahas whose trust period would expire in a few years. To Mathewson, selling heirship lands would be "a valuable lesson in the management of their own affairs."³² The Pender [Nebraska] Times viewed the legislation as a step toward equalizing the tax burden in Thurston County; white county residents hoped that the trust limitations of about 40,000 heirship acres would be lifted as allottees died and their lands were sold.³³

Before the rules governing the sale of heirship lands arrived at the Omaha and Winnebago Agency, attorney Thomas Sloan procured a copy and released some of the guidelines. The entire procedure would be controlled by the agent, who was supposed to look out for the Indians' welfare. Any contracts were to be witnessed by two prominent Indians, and before any action could be taken, each land tract had to be probated in county court, a process that, optimistically, would take three months. Lands of minors could not be sold without a court order, and then would go to the highest bidder. Buying heirship lands could be risky, since Indian land titles were often contested, and under Nebraska law, heirs could come forward after probate to claim their rights.³⁴

While Thurston County whites extolled the virtues of the new law, the Omahas, whose lives would be most directly affected, opposed it. At a general council in late July

1902, 149 of 150 Omahas in attendance signed a protest and vowed not to sell their lands. In specific terms, the council outlined their trampled rights, identified the guilty whites, and voiced their annoyance with certain Omahas who had aided whites in their schemes. In addition, the council claimed that the May 27 act was passed without their knowledge, and they wanted it repealed. In summing up their protest, the Omahas declared:

All proceedings tending to the destruction of our rights, happiness and prosperity . . . are hereby disapproved. That the Act of Congress of May 27, 1902, providing for the sale of the lands of deceased Indians of our tribe, is hereby disapproved and not binding on our people. . . . That our tribal council . . . are hereby invested with power to . . . obtain relief from the wrongs we have so long suffered, even to the bringing of suits or actions . . . in any court of justice, against any person or persons who violate our rights. . . .³⁵

At about the same time the Omahas issued their protest, Edward Rosewater of the Omaha Daily Bee accused the Thurston County "land lease ring," allegedly presided over by Superintendent Charles Mathewson, of putting up \$500,000 to purchase Indian heirship lands. A provision of the statute requiring purchase money to be deposited prior to sales allegedly played right into the syndicate's hands and effectively shut out those settlers who would buy lands if they could do so in installments.³⁶ Recognizing that ordinary farmers would have difficulty raising the full purchase price of a parcel of land, Nebraska congressman John S. Robinson asked Commissioner Jones to amend the rules to allow mortgages.³⁷

In September 1902, the Interior Department changed the heirship land rules to require sealed bids, with sales going to the highest bidders. In response to criticisms of the original rules, Interior Secretary Ethan Hitchcock nullified deeds already issued and ordered the land resold. The Pender Times gleefully reported that speculators in Omaha lands had lost several thousand dollars that had been paid to Indian heirs as bribes.³⁸ Despite the pleas of newly-elected Nebraska Third District congressman John J. McCarthy, Commissioner Jones and Secretary Hitchcock refused to back down regarding

the new rules. On one day in early September 1903, Hitchcock disapproved thirty-one heirship land sales in Thurston County. Heretofore, according to the Pender newspaper, land transfers had been "going through as though greased." The Times surmised that the Interior Secretary had found something badly amiss, and that he planned to conduct an investigation.³⁹

The Times was correct. Hitchcock returned the money for the rejected land sales and promptly dispatched an Interior Department inspector to Nebraska. Hitchcock had discovered that Omaha and Winnebago Superintendent Charles Mathewson had continued his association with the land syndicate.⁴⁰ Inspector O'Fallon remained at the Omaha and Winnebago Agency for about a month, vowing to "weed out the whole outfit." At a meeting with the inspector in late September, the Omahas vented their anger at the superintendent and his cronies. However, outspoken tribal member Silas Wood, who was eager to sell his land, defended Mathewson and accused attorney Hiram Chase of lowering Indian land prices by telling prospective buyers that the titles were no good. Shortly after the Omaha meeting, Superintendent Mathewson, pleading ill health, suddenly resigned. But given his history, few believed that his sole reason for leaving was his health. Edward Rosewater, who had been "hounding" Mathewson for two years, took credit for his early departure.⁴¹

The requirement for sealed bids was the first of several adjustments to the Indian heirship act. On September 16, 1903, the Indian Office ordered the "newspaper of widest circulation in the county" to publish an updated weekly list of available Omaha heirship lands. The Pender Times printed the list, and went a step further by publishing a convenient map of the Omaha Reservation showing Indian allotments and inherited lands available for purchase. Regular Times subscribers could buy a copy of the map for just one dollar.⁴² In 1904, Commissioner Jones suggested that cash from sales of inherited lands be deposited in individual Indian accounts in national banks near reservations, so that each

Indian could gain business experience by personally withdrawing ten dollars from his or her account each month. By June 30, 1905, Omahas had deposited \$62,164.40 in either the Pender National Bank or Security National Bank of Sioux City.⁴³ However, after taking office, Commissioner Robert Valentine became convinced that Indians had become dependent upon their monthly stipends and had ceased to "progress." Accordingly, in March 1909, he instructed superintendents and agents to stop these small payments. The Commissioner claimed that with the stipends discontinued, more Indians began working their lands.⁴⁴

On October 28, 1905, all agents received instructions to insert a clause in deeds for inherited Indian lands, prohibiting the use or sale of alcohol on those parcels. The proviso proved unpopular with land buyers, and due to protests from whites living on or near South Dakota's Yankton Reservation, the Indian office asked its attorneys to review the amendment. After reviewing the clause, the legal department advised that it be removed, because it would slow land sales and reduce prices, and would have little impact on liquor traffic, since it pertained only to heirship lands. The Attorney General's office agreed, and on February 3, 1906, the liquor restriction ended. During fiscal 1906, sales of inherited Omaha lands dropped sharply, a decline that Commissioner Francis E. Leupp attributed directly to the liquor clause that was in effect for part of the year.⁴⁵

The first Indian heirship lands subject to the law of May 27, 1902 and the amended rules of October 4, 1902 went on sale on March 4, 1903, and by June 30, 1904, 142 tracts of land on the Omaha and Winnebago reservations, comprising 9,542 acres, had been sold for a total of \$239,284.50, or an average price of \$25.58 per acre.⁴⁶ Between July 1904 and August 1905, another fifty Omaha parcels totaling 3,126 acres sold for about \$26.00 per acre, and by August 1906, despite the short-lived liquor clause, another eighteen tracts changed hands.⁴⁷ According to the Indian Department plan, Indians would use the proceeds from sales of heirship lands to improve their allotments, but little of the money

was used for its intended purpose. The Omahas were the only tribe for which figures on these expenditures were reported, and of the \$147,150 realized between 1902 and 1904, less than twenty percent went toward improvements.⁴⁸

Unfortunately, much of the Omahas' heirship land money made its way into the coffers of local merchants who, anticipating heirs' sudden windfalls, had extended credit to the unsuspecting Indians. Many Omahas went deeply into debt, and in 1905 and 1906, over 400 claims were paid from heirship land proceeds on deposit in local banks.⁴⁹ Ten years later, little had changed. In a 1915 report, Superintendent Axel Johnson stated that the Omahas still had no understanding of a credit economy, and many of them would "sign any paper" to obtain goods or money on credit. An Omaha would mortgage his horses, his tools, even his crops, and in order to pay his debts, would often have to sell his land. In Johnson's opinion, unless the credit system among the Omahas stopped, the tribe would face financial ruin.⁵⁰

Heirship lands comprised only a small portion of the Omaha Reservation, but a 1906 law placed much more Omaha land in jeopardy. Confusion over Indians' rights as citizens and the differing degrees of acculturation among allotted Indians had made a modification of the Dawes Act necessary. The Indian Office saw its need to manage the affairs of the "helpless class," while at the same time discontinuing its role as guardian of an increasing number of "competent" Indians. The 1905 Heff decision had basically given allotted Indians equal rights with whites. As a result, Congress worried that it could no longer protect Indians, and that the Supreme Court ruling would slow the pace of allotment. Representative Charles H. Burke of South Dakota argued that the Heff ruling had "demoralized" Indians. In order to prevent further degeneration and to return Indians to United States jurisdiction, Burke introduced sweeping Indian legislation that would become known simply as the Burke Act.⁵¹

To circumvent the effects of the Heff decision and to prevent future liquor sales to Indians, the 1906 Burke Act would allow the Interior Secretary or the President to shorten or lengthen trust periods for individual Indians based upon their ability to manage their own affairs. Any Indian categorized as "competent" could then be issued a patent in fee simple with *no restrictions as to sale, encumbrance, or taxation*.⁵² This open-ended proviso would later justify the disastrous 1910 competency commission and the tragic loss of Omaha lands.

The Burke Act enjoyed nearly unanimous support in Congress and among Indian Department officials. Indian Commissioner Francis E. Leupp argued that prior to the passage of this law, the only way a self-sufficient Indian could be released from the "shackles of wardship" was through special legislation, and Leupp saw that route as an open invitation to "graft and blackmail." The commissioner enthusiastically supported fee-patents and predicted that "the Burke law, wisely administered" would do more to end the Indian problem "than any other single factor in a generation of progress."⁵³ The pragmatic House Committee on Indian Affairs backed the bill because it would reduce the paperwork involved in approving individual allotments. That responsibility would now fall to the Indian Department, which Burke insisted "[knew] best when an Indian [had] reached such a stage of civilization as to be . . . capable of managing his own affairs." ⁵⁴

Reformers were less than enthusiastic about the new law. While the Board of Indian Commissioners did not question the bill's good intentions, they did see it as a step backward for Indians. It was, they argued, impossible for the Interior Secretary to know each Indian's circumstances. Therefore, it appeared to be left to an Indian who wanted citizenship to convince the Indian Bureau that he or she deserved it. The commissioners also believed it was wrong "to make citizenship for an Indian depend upon his keeping on the pleasant side of the local officials at the agency. . . ." ⁵⁵ Samuel Brosius of the Indian Rights Association complained that Indians denied citizenship until their trust periods

expired were also being denied the opportunity to learn valuable lessons on surviving in a white world. In addition, it seemed incongruous to Brosius that some tribal members would become citizens subject to state laws, while others would remain under federal jurisdiction.⁵⁶ Unfortunately, no one seemed concerned about the possible ramifications of the removal of restrictions on Indian lands.

In order to receive a fee-patent under the terms of the Burke Act, an allottee was required to submit an application to his superintendent, who would then forward it to the Indian Office along with his own evaluation of the Indian's competency. Persons believing that a patent should not be issued had thirty days to come forward and give their reasons for objection.⁵⁷ Commissioner Leupp was happy to see that the process was "well safeguarded." At this early date, he really believed that the procedure would work properly, since superintendents, agents, or inspectors would thoroughly investigate each case.⁵⁸ But in determining applicants' competency, agents and superintendents held personal opinions that no doubt influenced their recommendations. While later admitting that mistakes had been made, and that more would be made in the future, Leupp insisted that most resulted from misinformation received from sources other than Indian agents.⁵⁹

By December 1908, 123 Omahas had been issued titles to 6,882 acres of land under the terms of the Burke Act. According to Superintendent John M. Commons, many Indians had sold their lands, some had mortgaged them, and a few had retained their allotments. But he believed that about seventy-five percent of the Omahas who had received fee-patents had used good judgment in handling their affairs, and he recommended that patents should continue to be issued gradually, to prevent a huge number at the termination of the trust period. Commons had correctly heard that whites around the reservation anticipated "something of a harvest" when the trust period expired in 1909.⁶⁰

But much to the dismay of Thurston County land-seekers, the trust period for the "old" Omaha allotments did not expire as scheduled in 1909. A campaign to extend the trust

period had begun in January 1904, when 397 Omahas, claiming old age or bad fortune, petitioned the government to prolong their trust relationship. The petitioners feared that because of their lack of business acumen, the very young and the very old would continue to be preyed upon by greedy whites and, without their trust umbrella, would soon lose their lands. The list of petitioners included some surprises, such as former agency clerk Thomas McCauley, who undoubtedly was able to manage his own affairs. But the most glaring name among the signers was that of attorney and judge Hiram Chase, obviously a capable Omaha.⁶¹

The editor of the Pender Times called Chase's participation in the petition hypocritical. By signing the document, Chase had placed himself among those Omahas who considered themselves unprepared to continue without government support. Yet Chase had held public office in Thurston County for ten years as county attorney and judge, and was currently campaigning for reelection to the bench. The Times sarcastically asked its readers if they were willing to pay an "admittedly incompetent" Indian a salary for two more years. Without using the actual words, the irate editor accused Chase of tax evasion. While holding public office, he owned and received revenue from over 600 acres of land, but in ten years, had been billed for only \$84.50 in taxes, some of which remained unpaid. The newspaper predicted that the thoroughly political Omaha attorney would issue an election-eve statement that he was in favor of paying taxes, knowing that he would not have to if the trust period continued.⁶²

Provisions of the 1906 Indian Appropriation Act giving the President power to extend the twenty-five-year trust period of any Indian outside Indian Territory enraged the Pender Times editor. Accusing the Nebraska congressional delegation of being "asleep when this section passed," he complained that whites in Thurston County had hoped that their tax burden would be lightened when the trust period expired. The county, he feared, would now "be left shackled in the hands of the Secretary of the Interior."⁶³ At least one

Omaha questioned the tribal trust extension request. In a letter to the Times, Levi Levering argued that retaining an Indian agent would retard Omaha progress and merely "create [an] office for an old worn out politician."⁶⁴ Suspicious superintendent John F. MacKey doubted the tribe's motives. He believed the Omahas wanted a trust extension so they could fall back on "Uncle Sam" if they failed as farmers. They were, he charged, perfectly willing to assert their rights as "citizens" when it served their purposes, but if it meant avoiding responsibility, they chose to remain simply "Indians."⁶⁵

Superintendent MacKey's replacement, John M. Commons, agreed completely with the Omaha petitioners. Like them, he feared that Omaha senior citizens and minors would become landless if the trust period ended, and he recommended that it be extended a few years for some, and indefinitely for others.⁶⁶ Commons gained an ally in Commissioner Robert Valentine, who, in March 1909, instructed the superintendent to provide lists of all minor, elderly, and handicapped Omahas so that their lands could be protected. A few weeks later, he amended his instructions to include the lands of deceased Omahas whose heirs included minors.⁶⁷

By May, Commons had compiled a detailed list of Omahas in each category requested by the commissioner. He included the names of ninety-two "old and incapable" Indians, thirteen whom he considered "old but capable," eight disabled tribal members, and thirty-three younger Omahas who had requested extensions over the superintendent's objections. Commons also forwarded a list of the 115 Omaha minors who would not turn twenty-one until after the trust period was due to expire. These were all "new," or Rankin allotments, and Commons provided each minor's annuity number, allotment number, and the date on which he or she would reach majority. He also included the names of seventeen Omahas between the ages of twenty-one and twenty-five and recommended trust extensions for each.⁶⁸ Commons' reply contained a list of 164 deceased allottees with minor heirs, along with a recommendation that these lands remain in trust until each heir

reached majority. The superintendent did not consider trust extensions necessary for five minor heirs who had white fathers.⁶⁹

In his attempt to protect as many Omahas as possible, Commons added three categories not requested by Commissioner Valentine. He hoped that thirty-seven parcels of heirship land to which heirs had not yet been determined would remain in trust, along with the proceeds from the sale of inherited lands that were deposited in area banks.⁷⁰ In June, Commons forwarded a list of thirty-one land parcels that had been sold or that were currently advertised for sale, asking that these lands and monies also be held in trust until sales were completed or proceeds paid to Indian sellers.⁷¹

Just a month before the scheduled end of the trust period for the old Omaha allotments, Thurston County taxpayers eagerly anticipated two-thirds of the Omaha Reservation lands coming onto the tax rolls. The Pender newspaper stated flatly that the end of the trust period would place 150,000 acres of land "into the hands of the whites, who have awaited this move." The Times admitted that the recent law allowing the President to grant trust extensions clouded the issue, but its editor believed that most requests for extensions would be denied, and the trusteeship would end on schedule.⁷² As the July 10, 1909 deadline approached, the reservation was overrun by land speculators who tricked many Omahas into signing away their lands. Pender businessmen and two Indians formed a syndicate to buy up Indian lands as they were removed from trust. Omahas Thomas Sloan and William F. Springer, along with Will Estill, Llewelyn C. Brownrigg, and Garry P. Meyers, stockpiled currency so that they could purchase land immediately after midnight on July 10. Estill and Springer alone invested nearly \$20,000 of their own money, and borrowed another \$15,000 to finance land contracts with about forty Indians.⁷³

In a series of letters to the Interior Secretary and Commissioner Valentine, Dr. Susan La Flesche Picotte accused these same men of interfering with an agency

investigation conducted by E. B. Linnen. Dr. Picotte claimed she could prove that Sloan, Estill and their cronies had incited the Indians to complain about Superintendent Commons' job performance. While Commons lay seriously ill, Estill, Springer, and Brownrigg allegedly rounded up Indians and took them to Inspector Linnen to prefer charges, after telling them exactly what to say. Dr. Picotte pleaded with Valentine not to remove Commons, who had become a great protector of her people.⁷⁴ But the syndicate apparently succeeded in its campaign to discredit the crusading superintendent, for he was transferred a few months later.⁷⁵

Due to the rampant irregularities on the reservation, on July 3, 1909, President William Howard Taft extended the trust period on nearly all of the original Omaha allotments for ten years. This was done with the condition that competent Omahas would continue to be singled out and given patents in fee. The Pender speculators who had entered into premature land contracts lost huge sums of money when Taft ordered the extension, and to cut their losses, they urged Omahas still under trust agreements to apply for land titles.⁷⁶ Thurston County taxpayers felt betrayed by the President's action, and their frustration surfaced on the front page of the Pender Times, whose editor charged fully competent Omahas with shifting the burden of taxation to local whites when they could have taken title to their lands and paid their share.⁷⁷

To placate angry Nebraskans, the Indian Office offered assurances that every effort would be made to "free" the lands of competent Omahas.⁷⁸ The method used to free Omaha lands was both arbitrary and unfair. To expedite fee patenting, Commissioner Valentine had proposed special "competency commissions" on the Kiowa Reservation in Oklahoma, among the Yakimas in Washington, and at the Umatilla and Santee reservations. But the very first commission operated on the Omaha Reservation. Because they had been allotted for twenty-five years, and many worked farms, the Omahas were considered the nation's most competent Indians, and Valentine wanted to see them

completely independent. In addition, the commissioner believed that allowing capable Indians to sell the land they did not actually farm would be the best way to end the destructive practice of leasing.⁷⁹ Local whites, eager to purchase Omaha lands, supported Valentine's idea, since they knew that at least some of the Indians would sell their lands either to speculators or to current lessees.

Because he believed the local superintendent had too narrow a view and could not possibly represent all the interests involved, Valentine doubted his ability to judge Indian competency. He therefore appointed a three-man commission to determine which Omahas could handle their own affairs. On October 10, 1909, Indian Office traveling auditor W. W. McConihe, former Omaha superintendent Andrew G. Pollack, and H. P. Marble, prominent Thurston County newspaper editor, began their work among the unfortunate Omahas.⁸⁰ All Indians over age eighteen were to be presented forms containing seventy-five questions regarding their financial and physical condition, their education, the current use of their lands, and most important, whether or not they desired fee-patents. Two local businessmen were to certify each Omaha's fitness for land ownership, and the commissioners would then add their own comments. By February 1, 1910, McConihe, Pollack, and Marble had supposedly questioned 605 Omaha allottees.⁸¹

In early March, the commissioners submitted their report to Robert Valentine. Based on testimony and their questionnaires, they had divided the Omahas into three classes. Class One Indians were declared fully competent to receive fee-patents; those in Class Two could lease their lands and handle their own funds, but their allotments would remain in trust. Class Three included "wholly incompetent" Indians "who should remain under the supervision and jurisdiction of the Government for a further period of tutelage."⁸² On February 28, an Omaha newspaper had estimated that approximately 250 Indians would receive titles to their lands. A week later, W. W. McConihe put the number at 300, and assured his superiors that "everything [was] working out beautifully."⁸³ Two

hundred ninety-four Omahas officially became "competent" on March 10, 1910, and on that same day, the Land Office issued 244 fee-patents for 20,199 acres of Indian land.⁸⁴ Later that month, Superintendent Albert Kneale received the official list of Omahas whom the Indian Office considered ready to receive titles to their lands. At the Department's request, Kneale published the list in local newspapers, along with each Indian's acreage and a warning that any contract to buy or sell these Indians' lands would be void if the patent had not yet been recorded by the General Land Office.⁸⁵

In choosing competent Omahas, the three commissioners often violated their own rules. Self-sufficiency and knowledge of English were essential criteria, yet allottees who could not read, write, or speak English, and who could not manage on their own received fee-patents. In addition, the commissioners never met some of the Indians whom they ruled competent.⁸⁶ Historian Richmond R. Clow further argues that those Omahas who agreed to accept fee-patents did not really understand the meaning of their assent. Allottees' forms were filled out by the commissioners; there was no place on the competency form for an Indian to sign, and it is unlikely that taxation, mortgages, and other land-owning obligations were explained to confused Omahas. Clow also asserts that Omahas may have accepted fee-patents because they would agree to anything to keep their lands.⁸⁷ Of 258 Indians who actually appeared before the commissioners, fifty-three stated that they did *not* want fee-patents. But their lands, totaling 4,002 acres, were patented over their objections, meaning that one of every five Omaha allottees interviewed by the three commissioners was "forced to accept a fee-patent to his or her land."⁸⁸

The commission's arbitrary division of Omahas into three competency classes caused controversy from the beginning. On March 11, 1910, approximately 500 Indians attended a tribal meeting to voice their objections to government interference in their affairs. Many of the 243 Class Two Omahas believed they were as capable as their fellow tribesmen labeled Class One. For their part, Class One allottees felt they were being

discriminated against. They believed it was unfair to tax only the lands of "competent" Indians, and at the council, many demanded to be declared Class Two so that they could keep their allotments, tax-free. Not surprisingly, land-hungry Thurston County whites tried to convince the three commissioners to include more Omahas in the Class One category.⁸⁹

With the issuance of deeds imminent, on March 31, the Omaha Reservation teemed with speculators from Winnebago, Sioux City, and other "nearby financial centers," who hoped to snap up the lands of those Indians on the "competent list." However, the deeds had not yet been filed with the General Land Office, and by early April, speculation was rife as to the status of the Indian patents. None had been delivered, and no announcement had been made; everyone remained in the dark. Rumors claimed that fifty deeds had been registered in Pender, but no one knew for sure, and "everyone . . . [had] the headache from sustained deep thought on the subject."⁹⁰ Finally, Superintendent Kneale announced that all patents had been delayed pending an investigation into possibly illegal land contracts. E. P. Holcomb, Chief Superintendent, Special Indian Agent W. W. McConihe, and Interior Department Inspector E. B. Linnen conducted the inquiry, which resulted in grand jury land fraud indictments of eight local men and former Superintendent John M. Commons, now a resident of New Mexico.⁹¹

According to the charges, the defendants had induced Indians to sign away their lands while they were still in trust. In some instances, Indians were persuaded to sell their property at prices far below true value; the speculators then transferred the deeds to third parties at over double the price. In other cases, unsuspecting Omahas were led to believe they had signed leases, when in fact they had sold their lands for "a mere pittance." Many allottees, upon receiving their fee-patents, found that deeds, sometimes for the lands on which they were living, had been filed as much as a year earlier. By the time third, or even fourth, parties took over the lands, it had become difficult to trace the transactions. Consequently, the Indian Office intended to cancel every patent obtained by fraud, and to

invalidate the resulting deeds. The seven Nebraska defendants, H. L. Keefe, W. T. Diddock, E. S. Kelly, Will Estill, E. W. Rossiter, and James J. Orr, all of Walthill, and Frank Coddington of Decatur, all pled "no contest" to illegally trafficking in Omaha lands, and were fined from \$25.00 to \$300.00 each. The unsuspecting Omahas who had sold their lands prematurely found themselves reclassified as "incompetent."⁹²

The work of the Omaha competency commission was a complete failure. A carefully researched list of land transactions involving both "old" and "new" allottees who received fee-patents in March 1910 and shortly thereafter reveals a pattern of forced patents, mortgages, and quick sales. Many allottees sold their lands outright within weeks of receiving them. For example, Ernest Merrick, Thomas White, Charles Thomas, and Mary Esau Walker were issued patents on March 10, and all had sold their allotments, totaling 280 acres, by March 31. By October 5, Will Estill alone had purchased the lands of at least four Indians, one of whom had not given his consent to receive a fee-patent. James Porter, Edward Esau, Madeline Tyndall, and John Sheridan were among those Omahas who answered "no" to the question, "Do you desire a fee-patent?" Tyndall subsequently mortgaged her land eight times before selling it in 1913; Esau's land transaction record shows fifteen mortgages in four years; Porter had already borrowed on his land when he sold it in August 1911; and Sheridan's record reveals ten loans in just two years. He sold his land for a mere dollar.⁹³

An appalling number of Omahas mortgaged and re-mortgaged their lands. Rocco Grant received his fee-patent on September 1, 1910, and had already borrowed on his acreage five times when he sold it the following June. Etta Webster (Warner), Eugene Pappan, and Jackson Wolf each had thirteen or more loans on their records, and Daniel Webster, who had not consented to a fee-patent, had twenty-one unpaid mortgages on his land when he sold it for one dollar in October 1916. Homer Walker borrowed on his land seven months before he received it, and later mortgaged it seven more times. Amos Walker

told the competency commission he was too old to receive title to his lands. The commissioners said he was intelligent, and issued him a fee-patent anyway. Walker leased his land for three years, then took out fifteen different mortgages. Maggie Walker, either his wife or daughter, sold the land in 1916, again for just one dollar. Upton Henderson received a fee-patent on March 10, 1910, mortgaged his land eleven times, then sold it for one dollar in 1916. Henderson was blind.⁹⁴

As it had so many times before, the Indian Department ignored the disastrous results of its policies among the Omahas. Many tribal members had already sold or mortgaged their lands when Commissioner Valentine appointed another competency commission in 1910 on the nearby Santee Sioux Reservation. But Valentine soon questioned his own decision. The Omaha experiment had obviously failed, and the Santee commissioners were using similar slipshod methods. Given the "carelessness and incompetence" of the commissioners on the two reservations, Valentine reluctantly decided that fee-patents were not in the best interest of the Indians, since they were "at cross purposes with other efforts of the government to encourage industry, thrift, and independence." He subsequently canceled plans for further commissions and disregarded the Santee report. The Indian Office now temporarily returned to reviewing fee-patents on a case-by-case basis.⁹⁵

Concerned with the possible damage done by his competency commissions, in April 1912, Valentine asked Indian superintendents to tell him what effects fee-patenting had had on their charges. He especially wanted to know how many Indians had sold their newly-acquired lands to whites.⁹⁶ Later that year, S. A. M. Young sent Commissioner Valentine the bad news regarding the Omahas. Young reported that ninety percent of the Omahas who had been issued fee-patents by the commission had sold their lands, eight percent had mortgaged them, and only two percent still retained their allotments. One inspector stated the obvious — "The work of the 1910 commission was not a success"—

but rather than condemning the commissioners, he placed the blame on Thurston County whites who had badgered the Omahas to apply for fee-patents before they were ready.⁹⁷

Citing "mental wear and tear" and "the struggle between all kinds of opposing forces . . .," a weary and ailing Robert Valentine resigned as Commissioner of Indian Affairs in September 1912.⁹⁸ With Valentine gone from the Indian Office and with President Woodrow Wilson's election, "progressivism" replaced humanitarianism in Indian affairs. Progressives, who were determined to force Indians to make it on their own, turned to a much more liberal fee-patenting policy. Over the objections of some Indian Department officials, new Commissioner Cato Sells and Interior Secretary Franklin K. Lane instituted a "policy of greater liberalism" in which *all* able-bodied adult Indians of less than one-half Indian blood would be given complete control of their properties, and those more than one-half Indian would receive patents in fee if found competent. To accomplish this goal, Sells reinstated competency commissions. Between 1917 and 1920, the Indian Department issued over 17,000 Indian land patents.⁹⁹

Commissioner Sells did not stumble forward blindly. Recognizing that "a more liberal policy with regard to the issuance of patents in fee [had] been followed at the Omaha and Winnebago reservations than elsewhere," in December 1914, Sells asked Omaha Superintendent Axel Johnson and Winnebago Superintendent S. A. M. Young to study the effects and results of fee-patenting on their reservations and to report to him as soon as possible. The commissioner wanted facts and figures, but he was also concerned with moral issues, and wanted Johnson's and Young's recommendations as to whether a future fee-patenting policy should be liberal or restricted.¹⁰⁰ Superintendents at the Santee, Sisseton, Yankton, and Pottawatami agencies each received a copy of Sells' letter to Johnson and were also asked to forward reports.¹⁰¹

In reply to Sells' request, Axel Johnson submitted a detailed report that included a list of 140 male Omaha patentees divided into four categories: 1) those who retained their

lands; 2) those who sold their lands, but used the proceeds wisely; 3) those who had little or nothing to show for the sale of their allotments; and 4) those who signed away their holdings or squandered their payment due to the influence of alcohol. Of the 140 allottees listed, eighteen, or fewer than thirteen percent, kept their lands. Ten used their land proceeds wisely, and a disturbing 112, or eighty percent, had nothing left. In at least sixteen of these cases, liquor was to blame.¹⁰²

Johnson believed that the liberal granting of fee-patents demoralized both Indians and whites. The large amounts of Indian land that could be alienated attracted unscrupulous whites, who relieved the Omahas of their lands by fraud, by the use of whiskey, and by encouraging them to go into debt. Knowing that they were being cheated demoralized the Indians, as did the increased use of alcohol. Superintendent Johnson stated emphatically that liberal issuance of fee-patents would result in Indian land loss. But, he cautioned, if the government insisted on pursuing that policy, patents should be issued gradually and only upon the recommendations of local superintendents, who could best judge Indians' competency.¹⁰³ In their investigative report of March 1915, Indian Department inspectors E. B. Linnen and E. M. Sweet, Jr. agreed that to keep the Omaha land base from eroding further, the department should be very cautious in its issuance of fee-patents.¹⁰⁴

Just a few days before Superintendent Johnson submitted his disturbing account of the Omahas, Superintendents Young of the Winnebago Agency and E. D. Mossman of the Sisseton Agency had filed almost identical reports. Like the Omahas, few Winnebagoes retained their lands or used their land proceeds wisely, and like their Indian neighbors, many lost their property due to alcohol.¹⁰⁵ Patents in fee had been issued on the Sisseton Reservation over a period of years, but in late 1914, Superintendent Mossman told Sells that of 222 Indians receiving titles to their lands, only *nine* had successfully kept them. The "most intelligent class" among the Sissetons opposed fee-patents and saw them as a means to make paupers of the Sioux. Mossman agreed, and believed that granting a large number

of fee-patents at one time would cause a "feast of graft." He had recommended that only a handful of Indians receive land titles during his superintendency, and he planned to continue that policy.¹⁰⁶

Totally ignoring the disastrous results reported by Johnson, Young, Mossman, and Yankton Superintendent A. W. Leech, Interior Secretary Lane proceeded with his renewal of a liberal fee-patenting policy: "It is the judgment of those who know the Indian best, and it is my conclusion . . . that we should henceforth make a . . . systematic effort to cast the full burden of independence and responsibility upon an increasing number of Indians of all tribes." Citing the powers granted to him by the 1906 Burke Act, Lane promised to use that authority "as soon as the machinery of administration can be set in motion."¹⁰⁷ Lane's policy was encouraged by the Indians of South Dakota's Cheyenne River Reservation, and especially by tribal member Henry C. Lafferty, who, in a series of letters to the Secretary, urged him to "hurry up the process of removing restrictions and cutting red tape." Any doubts Lane may have entertained were erased when he received a petition from thirty-two of Lafferty's tribesmen, supporting his plan.¹⁰⁸

A few days after receiving the Cheyenne River petition, Lane appointed Interior Department Inspector Major James McLaughlin and Frank A. Thackery of the Pima Indian School in Arizona to "[ascertain] just what Indians should be allowed to handle their own affairs." At each reservation, the two would be joined by the local superintendent as the third member of the competency commission.¹⁰⁹ Thackery apparently had doubts about his new role. In a letter to the Indian Rights Association's Matthew K. Sniffen, he asked questions about the workings of a competency commission, the most revealing of which was, "Do you think it would be advisable to force citizenship upon thoroughly competent Indians who do not desire it? . . ." ¹¹⁰

Lane and Sells' new policy produced the results expected by Indian officers in the field. Delivery of fee-patents at the Yankton Agency invited a "mad rush by land buyers,"

and Superintendent Leech feared that "the Secretary [would] feel very much disappointed over results [there]."¹¹¹ When the competency commissioners, accompanied by Secretary Lane and a film crew, arrived on the Santee Sioux Reservation to conduct an elaborate citizenship ceremony, they discovered that at least twenty-five Santee patentees had already arranged to sell their lands for about one-half their value. Unperturbed, Lane withheld the patents in question and continued with the ceremony, before a "large and appreciative audience."¹¹² In Thurston County, land speculators became even bolder under the liberalized fee-patenting rules. Through an Indian Department informant, they knew when each Indian patent would be issued, and were able to snap up the land before the local superintendent had the paperwork. Real estate brokers often used liquor to pry Omahas loose from their lands, and on several occasions actually held drunken Indians captive until their fee-patents came through, then induced them to turn over their deeds for practically nothing.¹¹³

In 1916, Superintendent W. A. Leech expressed his concern for Yankton Sioux children who would likely become landless because of wholesale fee-patenting on their reservation.¹¹⁴ Seven years earlier, shortly before the trust period for the old Omaha allotments was due to expire, Interior Secretary James R. Garfield suddenly realized that over 500 Omaha children had not been issued allotments. The oversight dated back to the 1882 Omaha Allotment Act and the government's failure to issue a trust patent for the unallotted tribal lands. Section Eight of the original act provided that each Omaha child born before the end of the trust period (July 10, 1909), should receive an allotment from these "excess" lands, but for some unexplained reason, these allotments were never made. The only lands allotted to Omaha children after 1882 were the additional acreages provided for in the act of March 3, 1893. Now the Interior Department determined that each child born after March 3, 1893 was entitled to forty acres of land.¹¹⁵

The government had a problem. In 1909, there were 520 living Omaha children who had been born after 1893, and only 4,500 acres of unallotted land. It appeared that Secretary Garfield had two choices; he could allot forty acres to only 112 children, leaving the rest landless, a plan fiercely fought by Omaha parents, or he could divide the acreage equally, giving each child only 8.6 acres of sometimes marginal land, too little to farm or to lease. But Omaha Superintendent John Commons offered a third alternative. Why not, he suggested, sell the 4,500 acres, which were worth approximately \$100,000, and give each child an equal share of about \$192.¹¹⁶ Garfield took Commons' advice, with the stipulation that each young Omaha's money would remain in the United States Treasury at five percent interest until he or she reached age twenty-five. This plan would net an Omaha fifteen-year-old the grand sum of \$285.¹¹⁷

The Interior Department had not yet finished with these unfortunate Omaha children. True, the proceeds from 4,500 acres of land would be divided 520 ways, but before one Omaha child received one cent, the \$3,000 cost of implementing the land sales would be deducted from the profits, meaning that landless children would pay for a twenty-five-year-old government error.¹¹⁸ In early 1910, a new Interior Secretary, R. A. Ballinger, found another way to reduce the children's share of the land proceeds. Since young Omahas would benefit most from increased property values after the completion of an ongoing reservation drainage project, Ballinger proposed that the project's \$600 cost be subtracted before the children could receive their shares.¹¹⁹

Having disposed of the embarrassing problem of children's allotments, with the Omahas' concurrence, Congress passed an act on May 11, 1912 "to provide for the disposal of the unallotted land on the Omaha Indian Reservation. . . ." Not all of the land would be sold: forty-nine acres was reserved for the Indian agency; the Omahas could select ten acres to be used as a tribal cemetery, and the Presbyterian Church retained ten acres. Two acres of the grounds of the old Presbyterian mission would be deeded to the

Nebraska State Historical Society, and a 164-acre town-site would be surveyed and platted. The act authorized the Interior Secretary to survey, appraise, and sell forty acre tracts of the remaining land. No one person could purchase more than 160 acres, and Omahas whose allotments were being eroded by the Missouri River could choose new farms from the unallotted lands. Their original allotments would then be sold.¹²⁰

There was some question as to which Omahas could apply for new allotments to replace eroded ones. The Interior Department finally ruled that those allottees whose lands had entirely disappeared and those who had inherited lands subject to erosion could exchange their lands. Those whose property was close to the river but not actually in danger, could not.¹²¹ The problem of lands in litigation added to the confusion over the sale of the remaining unallotted lands. In March 1914, Assistant Indian Commissioner C. F. Hauke informed Superintendent John Spear that six of the seven applications for new allotments due to erosion were for lands currently involved in lawsuits. Hauke assured the Omaha superintendent that as soon as court decisions were received, the Indians involved would be notified. In the meantime, to expedite land sales, he urged those allottees to make other selections.¹²² In early 1915, new Omaha superintendent Axel Johnson inquired about the disputed allotments. Hauke reminded Johnson that nothing could be done regarding substitute allotments for the six patient applicants until the lawsuits cleared the courts. Once more, he urged the Indians to choose other lands.¹²³

The six Omaha allottees would have a long wait. In 1914, attorneys John L. Webster and Hiram Chase filed twenty-one suits with the Federal District Court that would determine ownership of the remaining Omaha tribal lands. Webster and the United States Attorney agreed that, regardless of the outcome, when the court handed down its rulings, they would take one decision to the Circuit Court of Appeals as a test case. The others would await the Appeals Court verdict. In March 1915, *two* cases came before Appeals Court Judge Walter H. Sanborn. Interestingly, one involved land claimed by Hiram

Chase.¹²⁴ Chase asserted that as sole heir of his mother, Clarissa Chase, he owned the forty acres assigned to her in 1870 by the terms of the 1865 treaty. Another Omaha, Rose Wolf Setter, claimed the same land as widow and sole survivor of Reuben Setter, who was allotted the forty acres in 1899 and received a trust patent for it in March 1902, under the 1882 Omaha Allotment Act. The questions involved were whether the land assignment in 1870 was a title, or merely permission to occupy the land, and whether the provisions of the 1882 act superseded all other agreements.¹²⁵ The Eighth District Court had found in favor of Rose Wolf Setter, but in April 1915, Judge Sanborn overturned the earlier decision and awarded the disputed land to Chase, ruling that his mother did have title to the allotment.¹²⁶

When the Attorney General's office informed Assistant Indian Commissioner E. B. Meritt of the Appeals Court decision, Meritt voiced his disagreement. He believed that the 1882 act took precedence over the earlier treaty, and that Mrs. Wolf Setter should have the land. Because of his disagreement and the far-reaching implications of the ruling in this case, Meritt recommended that the Attorney General take the matter to the United States Supreme Court.¹²⁷ In his objections, Meritt faulted Judge Sanborn for not following the opinions of two earlier cases involving Omaha Thomas Sloan. Sanborn had reviewed the Sloan cases, but decided that they were too dissimilar to the Chase litigation to be cited as precedents.¹²⁸

On July 21, 1915, First Assistant Interior Secretary A. A. Jones asked the Attorney General to present the Chase-Wolf Setter claims to the Supreme Court. On April 24, 1916, the high court heard the arguments, but refused to render a decision. Instead, the justices asked for the Court of Appeals records so that they could further review the case.¹²⁹ Finally, on November 5, 1917, more than three years after the suit had first been filed in District Court, the Supreme Court rendered its verdict. Stating that Hiram Chase's mother

merely had the right to occupy the forty disputed acres, the court ruled in favor of Rose Wolf Setter. As a result, future reservation land disputes would be decided in favor of Omahas who were granted allotments in 1882.¹³⁰

While Omaha allottees remained on their eroding lands and awaited the Supreme Court's decision, the Nebraska State Historical Society enlarged its reservation preserve and tribal leaders ensured their people adequate burial grounds by correcting a deficiency in the 1912 land sales act. Neither the tribe nor the Historical Society was content with the terms of the May 1912 act. Walthill attorney Harry L. Keefe complained that the two-acre Presbyterian mission site earmarked for transfer to the Society did not include an historic spring-house and cemetery. Keefe hoped to enlarge the Historical Society's tract so that these points of interest could also be preserved, and he asked the Omaha Agency clerk to bring his request to the Indian Department's attention.¹³¹ Upon learning of Keefe's request, Commissioner Cato Sells asked Francis La Flesche to attend a tribal meeting and ascertain whether his people would agree to enlarge their land donation to the Historical Society.¹³²

In late November, 1913, Keefe informed Sells that, on behalf of the Historical Society, he wanted to buy the entire forty-acre tract surrounding the mission. He pointed out that this land was unfit for farming, and suggested that the Omahas could "well afford to give the 40 acre tract to [his] society." But barring a donation, the attorney was confident that the Historical Society could raise enough money to make the purchase.¹³³ Sells in turn notified the Omaha superintendent that he would try to enact legislation to include the spring-house and cemetery in the Society's land patent, but he saw no need to rush, since the Nebraska legislature would have to approve funds for the historic site.¹³⁴ Unless Keefe and the Historical Society wanted to pursue the mission preservation immediately, Sells suggested that it would be better to issue the patent when all the lands were ready for sale.¹³⁵ The Omahas apparently refused to give up the additional thirty-eight acres without

compensation, for in January 1915, the State Historical Society agreed to buy the extra land. Harry Kccfc appeared especially anxious to secure the property. He told Superintendent Axel Johnson that if the land could be made available before the rest of the unallotted parcels, he and two other Society members would buy it and be reimbursed later. He intended to ask the legislature to designate the entire forty acres as an "historical monument."¹³⁶

In the original draft of the 1912 act to sell unallotted Omaha lands, the tribe was to be allowed only a seven-acre burial ground, but before the bill became law, the Interior Secretary agreed to grant the Indians an additional three acres for cemetery purposes.¹³⁷ Before Congress even considered the 1912 legislation, the Omahas had outgrown their cemetery and had been burying their dead, without congressional approval, on an adjoining tract to the north of the original burial grounds. In December 1914, Superintendent Johnson, at the tribe's request, asked the Indian Department to approve their use of the entire cemetery tract, which now comprised eighteen acres. The Omahas' request arrived too late to be included in the 1916 Indian Appropriation Act, but Assistant Commissioner E. B. Meritt promised that, if necessary, his office would support special legislation to provide the extra land.¹³⁸

But the Omahas still were not satisfied, and in April 1915, in council with Superintendent Johnson, they asked for a total of forty-eight acres on which to bury their dead. Assistant Commissioner Meritt, who had been involved in all the cemetery negotiations, questioned whether the tribe really intended to use the entire acreage as a cemetery.¹³⁹ At a second tribal council in early June, the Omahas made their final request to the Indian Department, this time asking for a total of seventy-eight acres of burial grounds, to be located in two different areas of the reservation. Meritt acceded to their request and prepared legislation for introduction at the next session of Congress.¹⁴⁰ The Interior Department agreed that the Omahas' present burial grounds were inadequate, and in

July 1916, at the urging of Secretary Franklin Lane, Congress approved a bill to set aside seventy acres of Omaha Reservation land as a tribal cemetery.¹⁴¹ Like any lands withdrawn from sale for special purposes, the extra cemetery acres reduced each Omaha child's share of land sale proceeds. But enlarging the burial grounds benefited the young as well as the old by ensuring that Omahas would be buried on their own lands, with their own people.

From the time the Omahas had settled on their reservation, whites in northeast Nebraska had resented their occupation of that valuable land and had tried to buy it, lease it, or cheat the Indians out of it. What land whites could not wrest from the Omahas, they attempted to tax. These were trust lands, and as such, remained tax exempt, but as the Board of Indian Commissioners had predicted, Omaha trust status was violated time and again by special legislation. The formation of Thurston County in 1889 marked the real beginning of the campaign to tax Omaha lands, and some Nebraska senators and congressmen became willing county allies by sponsoring Indian tax bills.

For the first three years of its existence, Thurston County made no attempt to tax Omaha lands, but revenues did not meet expenses. In April 1892, in a bizarre plan to induce the government to make up their revenue shortfall, county officials entered into a contract with the ubiquitous Pender "businessman," William E. Peebles. Peebles agreed to lobby Congress for money for Thurston County in lieu of taxes not forthcoming from Indian trust lands. In return for successful passage of a tax relief bill, Peebles would receive ten percent of any money Congress appropriated. Peebles' strange contract did not sit well with the House Committee on Indian Affairs. On July 26, 1894, the county received a telegram from Peebles canceling his contract and asking the county commissioners to officially inform Nebraska Third District Congressman George D. Meiklejohn that a deal no longer existed between him and the county in the event that a tax bill passed.¹⁴²

However, invalidating the Penderite's contract with the county had not ended the efforts to tax Omaha lands. Perhaps in response to Peebles' lobbying, on September 6, 1893, Representative Meiklejohn had introduced a bill "extending relief to Indian citizens and for other purposes." Unfortunately, the "other purposes" included taxing the Omahas.¹⁴³ Commissioner of Indian Affairs Daniel M. Browning opposed Meiklejohn's bill, mainly because it provided that the land taxes would be deducted from the tribal trust fund, without Indian approval. The bill failed to pass, but its introduction foreshadowed the coming struggle between whites in Thurston County and the county's overwhelming Indian majority.¹⁴⁴

Thurston County's tax problems were real. On March 2, 1900, the Pender Times published a supplement illustrating the county's unique tax situation. According to one chart, only a little over seven percent of the county's taxable real estate lay within the Omaha and Winnebago reservations, yet these lands comprised ninety-one percent of the county. A high crime rate on the reservations necessitated large Indian court costs which white taxpayers resented paying. It is therefore not surprising that the county wanted to tax the other ninety-one percent of its land.¹⁴⁵ Early in 1902, nervous Omahas were led to believe that a law to tax their lands was currently before Congress. When confronted by concerned Indians, Congressman John S. Robinson assured them that no such bill had been introduced, and even if it had, it could not become law without violating treaty rights.¹⁴⁶ The Omahas must have been relieved to learn in 1903 that the United States Supreme Court had ruled that the treasurer of Roberts County, South Dakota could not tax the lands, improvements, or personal property of Indians whose lands were held in trust.¹⁴⁷

Ignoring the high court decision, Thurston County officials stepped up their taxing campaign. On June 13, 1905, the County Board of Equalization passed a resolution requiring that all funds from heirship lands deposited in individual Omaha accounts be

added to the tax list, and ordered Superintendent John MacKey to turn over Omaha deposit records. MacKey refused, and on June 14, the Equalization Board met again and instructed County Assessor Thomas Pollack to go to the Omaha Agency and bring back a list of the names of all Omahas having money on deposit in banks or in other institutions. Pollack apparently got the names, for on June 19, the board had in its possession a printed list, along with increases in assessment due to heirship deposits.¹⁴⁸ All this activity did not go unnoticed. In late July, the United States District Attorney filed suit in Circuit Court, asking Judge W. H. Munger to grant a temporary injunction prohibiting Thurston County from pursuing its taxation policy. A deputy United States marshal then notified the county clerk and treasurer that they could not tax or attempt to tax money in Omaha accounts.¹⁴⁹

In September 1905, the government once more took its complaint against Thurston County to the Eighth Circuit Court, this time to request a ruling on the legality of Omaha heirship funds taxation. After hearing the arguments, Judge Munger, citing the freedom given Indians by the Heff decision, and arguing that monies from heirship lands were deposited to the credit of individual Indians, ruled that these accounts could be taxed "the same as the property of any ordinary citizen." Interestingly, Omaha attorney Thomas Sloan represented Thurston County before Judge Munger.¹⁵⁰ Upon receipt of a telegram from Omaha informing him of the judge's decision, Indian Commissioner Francis E. Leupp instructed the Attorney General to have the United States Attorney appeal the ruling.¹⁵¹ Six months later, with Thomas Sloan once more representing Thurston County, the Court of Appeals overturned Judge Munger's decision. In the opinion of Judge Walter H. Sanborn, "the lands and their proceeds, so long as they are held or controlled by the United States and the term of the trust has not expired . . . are not subject to taxation by any state or county."¹⁵² Judge Sanborn's ruling was a rare Omaha victory, but the county continued to take advantage of any opportunity to produce revenue at Indian expense. Section Two of a reservation drainage act of February 18, 1909 provided that up to \$240 could be

demanding of each Omaha allottee to protect his or her land from flooding. County officials, of course, took full advantage of this "tax" windfall.¹⁵³

But the big blow fell in 1910, when Nebraska Senator Norris Brown introduced a bill in Congress to tax Omaha lands. Nebraska's Third District Congressman, James F. Latta, a member of the House Indian Affairs Committee, and South Dakota Representative Charles Burke shepherded Brown's bill through the House.¹⁵⁴ On April 27, congressmen nearly came to blows over Brown's tax proposal. Burke presented the case for Thurston County, arguing that despite President Taft's Omaha trust period extension in 1909, it was unfair for the Indians to remain tax-exempt, since they had paid no taxes for twenty-five years and owned nearly all the county's land. Using county officials' standard argument, Burke claimed that taxation would benefit the Omahas, with improved roads and schools increasing their property values. Representative John J. Fitzgerald of New York had no real aversion to taxing Indians, but he was concerned that paying taxes to Thurston County would bankrupt the Omahas, and Congress would then have to support them. Oklahoma Congressman Charles D. Carter objected to Senator Brown's attempt to tax allotments still in trust, and asked Burke, "Is not that a new departure in Indian legislation?"¹⁵⁵

In a letter accompanying reports from both the Senate and House Indian Affairs Committees, Interior Secretary R. A. Ballinger enumerated a host of reasons to tax Omaha property: 1) because of low revenues, Thurston County had no courthouse and could not afford to prosecute Indian crimes; 2) Indians paid no taxes while requiring high expenditures, especially in court costs; and 3) the county was in debt. The Secretary agreed that the trust period had been a good idea, but he also believed that it was time for the Omahas to take on the responsibilities and privileges of citizenship. Omahas, he argued, could afford to pay taxes. Most leased their lands, and in February 1910, the Indian Office had been authorized to pay them the balance from their federal trust fund. Finally, echoing

Charles Burke, Ballinger claimed that the increase in the Omahas' property values over the next ten years would more than equal their tax bill.¹⁵⁶

On May 6, 1910, Congress passed the "Brown Act," which dictated that all Omaha lands allotted prior to 1885 would now be "subject to appraisal and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and state purposes as provided by the laws of the State of Nebraska. . . ." The law included the following provisions: 1) lands could not be sold for unpaid taxes; 2) if taxes remained unpaid one year after they became due, the Thurston County treasurer could report delinquencies to the Interior Secretary, who was then authorized to pay the taxes from rent money on deposit; 3) however, if no funds were available, that year's taxes would be excused.¹⁵⁷ The Brown Act effectively reversed Judge Sanborn's ruling in United States v. Thurston County, and conflicted with Part Three, Section Four of the Enabling Act of April 1864, which admitted Nebraska to statehood and dictated that "no taxes shall be imposed by the State on lands or property therein belonging to or which may be purchased by the United States."¹⁵⁸

At a meeting in Macy, Nebraska in November 1910, attended by Congressman Latta and county officials, Senator Norris Brown's private secretary began to explain the new taxation act to a large group of Omahas, and soon found himself defending the legislation. Nearly all of the Indians objected to the Brown Act; Silas Wood blamed county officials for its passage, and Hiram Chase criticized Congress for passing the bill without Indian consent. Latta pointed out that an Omaha delegation present in Washington while the bill was being debated had voiced no objections.¹⁵⁹ In 1915, Indian Commissioner Cato Sells denied that the "taxation of the Omaha lands impose[d] any great hardship on the Indians."¹⁶⁰ But chief Indian Department Inspector E. B. Linnen disagreed. Omahas had complained to him that lessees were deducting their Indian landlords' taxes from their rent payments, thus depriving the Omahas of income. The provision of the Brown Act allowing

those Omahas with no money in the bank to have their taxes excused was an open invitation for Indians to withdraw their deposits to avoid being taxed. It was especially unfair that some Omahas paid taxes while others did not. Ultimately, non-competent Indians with no control over their own funds bore the heaviest tax burden.¹⁶¹

President Taft's 1909 order had extended the trust period on "old" Omaha allotments to July 10, 1919. Nearly four years before the new expiration date, forces were at work ensuring that the first trust extension would be the last. On November 16, 1915, Walthill, Nebraska citizens met to discuss the issue. A Pender banker, who could not be present, nevertheless expressed his views. George J. Adams, cashier of the Pender State Bank, adamantly opposed any further trust extensions. In his opinion, the President had over-stepped his authority in granting the first one, and he was convinced that "if [the Omahas [were] not now capable of manageing [sic] their own affairs they never [would] be." It was the duty of the United States, he insisted, to free up Omaha lands for taxation, since Thurston County had "incurred obligations" anticipating Omaha tax revenues.¹⁶² Eighth Circuit Court Judge Guy T. Graves, who should not have become involved in the dispute, also opposed further trust extensions, citing the unfairness to both white and Indian Thurston County taxpayers. Graves emphasized that even with the Brown Act in effect, less than fifty percent of county lands were taxed, and he wanted to see all Indian allottees share the burden.¹⁶³

Also in 1915, an Omaha "committee," whose members included attorneys Hiram Chase and Thomas Sloan, joined local whites in opposing further trust extensions. Both Chase and Sloan had been involved in shady land deals in the past, and their presence on the committee made it suspect. Their fellow Indians apparently did not trust the two Omaha attorneys. Early in 1916, the editors of Indian School Journal reprinted an article from an Indian newspaper whose author suspected that the committee's leaders wanted their people's lands.¹⁶⁴ But at least one admirer considered the group public-spirited citizens

with "absolutely no ulterior motives." This anonymous letter writer praised the committee's efforts to end the trust period, calling their campaign "a great cause" that would "benefit both . . . the much down trodden and abused Indian, and the taxpayers of Thurston County."¹⁶⁵

Indian Department employees familiar with conditions on the Omaha Reservation unanimously supported a second trust extension. In 1915, Inspectors E. B. Linnen and E. M. Sweet, Jr. reported that eighty-seven percent of the Omahas who had been issued land patents had sold their property, and they "strongly recommend[ed] that "in the best interests of these Indians . . . this trust period should be extended for another ten years. . . ." Linnen and Sweet also informed their superiors that because of his concerns, Axel Johnson had recommended the issuance of only one fee-patent in his first seven months as Omaha superintendent.¹⁶⁶ Johnson, one of only a handful of white men to truly befriend the Omahas in the early twentieth century, urged the government to extend the trust period so that they could keep their lands.¹⁶⁷

In 1916, the Omaha trust extension issue became moot as Thurston County and Congress found ways to tax the remaining Omaha lands. Section Twelve of that year's Indian Appropriation Act included an assessment against Omaha allottees' patents in fee that violated the "letter and spirit" of both the 1882 Omaha Allotment Act and the Dawes Act of 1887, which promised that all allotments would be issued "free of all charges or incumbrances whatsoever."¹⁶⁸ Drainage ditches were to be constructed upon certain Omaha allotments, and the offending appropriation act required that Indians owning these parcels be assessed up to ten dollars per acre for the cost of construction. When any Omaha received a patent to land within the drainage district before the assessment was paid, the unpaid drainage taxes would become a first lien against the property—an obvious "encumbrance."¹⁶⁹

To please their constituents, in 1916, both Nebraska Senator Norris Brown and Third District Representative Dan V. Stephens introduced bills to tax Omaha allotments issued in 1885 or later and therefore not covered by the 1910 Brown Act. In pushing his bill, Congressman Stephens claimed that "there [were] few, if any, either white or Indian who [were] opposed to its passage." Stephens was wrong; although a few Omahas backed the bill, believing that more lands to tax would reduce their own liabilities, most Omahas opposed the legislation.¹⁷⁰ Both Thurston County and the Nebraska lawmakers appeared anxious to rush the bill through Congress. Citing the heavy tax burden of the county's white minority, the Senate hastily approved the legislation on May 27, 1916.¹⁷¹

To bolster their case on Capitol Hill, the Thurston County Commissioners had hired noted Washington, D. C. Indian issues attorney Charles J. Kappler as their lobbyist. Early in August, both he and Nebraska Senator Gilbert M. Hitchcock advised Stephens to save time by substituting the Senate version of the bill for his own, since it had already cleared that chamber and therefore would not have to go back for reconsideration.¹⁷² The Democrat-sponsored bill faced opposition from House Republicans, but Walthill Attorney Harry Keefe assured Representative Stephens that he would use his political influence to convince House Minority Leader James R. Mann to drop his objections. The House approved the bill in December with just one insignificant word change.¹⁷³ No high ranking Interior Department official raised a hand to stop this unfair legislation; Secretary Franklin Lane had no objections to taxing all Omaha lands as long as they could not be sold if taxes became delinquent.¹⁷⁴

Probably because of his unflagging efforts to put Omaha lands on the Thurston County tax rolls, the Walthill [Nebraska] Citizen urged all Indians on the reservation to vote for Dan Stephens, "their truly [sic] good friend."¹⁷⁵ Dan Stephens was no Indian's friend, as he proved in a December 18, 1916 letter to Pender Republic editor E. L. Barker: "It gives me pleasure to advise you that I have today secured the passage through the

House of the bill taxing Indian lands. . . . I am very glad indeed to have been able to render this service to the people of your county."¹⁷⁶ On December 30, 1916, the disastrous Brown-Stephens Act became law. Under its Section Two, all allotments issued in 1885 or later, whether or not they were still in trust, would be taxed. As in the earlier Brown Act, taxes could be deducted from Indians' funds, but would be excused if no money was available, and lands could not be forfeited for unpaid taxes.¹⁷⁷ Thurston County officials aggressively implemented the Brown-Stephens Act, taxing trust lands and, in some cases, violating the new law by selling the lands of penniless Indians who could not pay their taxes. For its part, the Interior Department abetted the county's taxation efforts by arbitrarily designating July 10, 1919 as the expiration date for the trust periods of even the "new" 1893 allotments, which were scheduled to remain under government protection until 1925, 1926, or even 1929.¹⁷⁸

With the aid of Congress, and at a tremendous cost to its Indian majority, Thurston County had largely solved its revenue problems by late 1916. But the Omahas' troubles had escalated. Local merchants continued to skirt the law by charging Indians usurious interest on loans and inflated prices for goods, and liquor remained a problem despite the best efforts of law enforcement officers. The tribe did receive another trust period extension, in 1919, but it made little difference, since "special legislation" had already taken away most government protection. Hundreds of unfortunate Omaha children, born after 1893, had received little more than pocket change from the sale of their people's last unallotted lands, and many Indian adults were now both landless and poverty-stricken.

For decades, white and Indian land speculators and government officials had "used every method, fair and foul," to separate Omahas from their valuable lands.¹⁷⁹ By 1916, nearly ninety percent of Omaha allottees holding fee-patents had either sold their lands or taken mortgages they could not repay, and the property they managed to keep could now be taxed. In an address before the Nebraska State Historical Society in 1928, Omaha tribal

member William F. Springer traced his people's "greater hardships" to the 1906 Burke Act and the discretionary powers that it granted the Secretary of the Interior.¹⁸⁰ Springer was probably correct. As damaging as it was, the sale of heirship property, legalized in 1902, involved only a small percentage of reservation lands. But the Burke Act made possible the 1910 competency commission and its tragic consequences.

Except for isolated, minor victories, the years 1902-1916 had been disastrous for the struggling Omahas. Because of their perceived high degree of acculturation, they had been forced to become "independent" much too soon. Now, surrounded by hostile whites, victimized by some of their own tribal members, and at the mercy of bureaucrats, they had become pawns in the struggle to control prime Nebraska lands. In 1896, anthropologist Alice Fletcher had marveled at the resilience of the allotted Indian: "That he stands at all under his burden is a wonder; that he staggers as he walks should not surprise us; that he falls often should not destroy our hope in him, or relax our efforts to help."¹⁸¹ To face the future after decades of such "help," the Omahas would need all the strength they could muster.

NOTES

¹Congressional Record, January 20, 1881, 46th Cong., 3rd sess., 781. Although Colorado Senator Teller's words were directed toward his Senate colleagues during the congressional debate over the impending Dawes Act, they were just as true in 1909 when the competency commission visited the Omaha Reservation.

²James McLaughlin, My Friend the Indian (Seattle: Superior Publishing Company, 1970), 107.

³"Affairs at Omaha Agency," Omaha Daily Bee, March 4, 1902, 10. "Inspector McComas Again," Pender [Nebraska] Times, March 7, 1902, 1.

⁴A. O. Wright to the Commissioner of Indian Affairs, November 16, 1904, Winnebago Agency Subject Files [WASF], Box A-106, Federal Records Center [FRC], Kansas City [KC].

⁵"Relating to Usurious Practices," n. d., WASF, Box A-106, FRC, KC. "Relating to Monopolization of Trade and Consequently High Prices Charged," n. d., WASF, Box A-106, FRC, KC.

⁶Wright to the Commissioner of Indian Affairs, November 16, 1904, WASF, Box A-106, FRC, KC.

⁷Wright to the Commissioner of Indian Affairs, November 16, 1904, WASF, Box A-106, FRC, KC. "Testimony of C. J. O'Connor, Regarding Monopolization of Trade," n. d., WASF, Box A-106, FRC, KC. "William O'Dell's Testimony," n. d., WASF, Box A-106, FRC, KC. The Bureau of Catholic Missions was unfamiliar with Father Joseph Schell and he had never been assigned to the Winnebago Agency. O' Dell was not intimidated and refused to incriminate his fellow merchants.

⁸"Statement of C. J. O'Connor," n. d., WASF, Box A-106, FRC, KC. "Testimony of C. J. O'Connor Relative to Snapping of Checks," n. d., WASF, Box A-106, FRC, KC.

⁹"Testimony of C. J. O'Connor Regarding Usurious Practices," n. d., WASF, Box A-106, FRC, KC. "Testimony of Thomas Ashford, Jr.," October 12, 1904, WASF, Box A-106, FRC, KC.

¹⁰"Testimony of C. J. O'Connor Regarding Monopolization of Trade," n. d., WASF, Box A-106, FRC, KC. "G. C. Maryott's Statement," n. d., WASF, Box A-105, FRC, KC. A. O. Wright to the Commissioner of Indian Affairs, November 16, 1904, WASF, Box A-106, FRC, KC.

¹¹Wright to the Commissioner of Indian Affairs, November 16, 1904, WASF, Box A-106, FRC, KC.

¹²34 Statutes at Large 328. ³⁴Statutes at Large 1017. ³⁴Statutes at Large 72. ³⁵Statutes at Large 782. ³⁹Statutes at Large 124.

¹³Albert H. Kneale, Indian Agent (Caldwell, Idaho: Caxton Printers, Ltd., 1950), 217-208. Although Kneale did not identify the mixed-blood Thurston County Attorney, it was quite likely Omaha lawyer Hiram Chase.

¹⁴Kneale, Indian Agent, 208-209.

¹⁵Report of Axel Johnson, January 1, 1915, James McLaughlin Papers [MP], Assumption Abbey Archives, Richardton, North Dakota, Reel 5, Frame 26. Henry A. Larson to Albert H. Kneale, May 10, 1913, Omaha Agency Subject Files [OASF], Box A-97, FRC, KC. A. E. Hess to W. A. Martindale, May 13, 1913, OASF, Box A-97, FRC, KC.

¹⁶Assistant United States Attorney [Signature Illegible] to Axel Johnson, July 5, 195, OASF, Box A-97, FRC, KC.

¹⁷Will Estill to Charles Smith, December 14, 1914, OASF, Box A-97, FRC, KC. Estill to Johnson, December 16, 1914, OASF, Box A-97, FRC, KC. Estill to S. A. M. Young, December 16, 1914, OASF, Box A-97, FRC, KC.

¹⁸Report of E. B. Linnen, Chief Inspector, and E. M. Sweet, Jr., Inspector on the Omaha Reservation, Nebraska, March 13, 1915, File # 993655-14-150, Bureau of Indian Affairs [BIA], Record Group [RG] 75, National Archives [NA]. [This material is from Professor Richmond R. Clow's research file for his article, "Taxing the Omaha and Winnebago Trust Lands, 1910-1971: An Infringement of the Tax-Immune Status of Indian Country," American Indian Culture and Research Journal 9:4 (1985): 1-22, [Hereafter cited as Richmond Clow Research File]. Will Estill may have been conspired against in this instance, but he was not an "honest and upright man." Always lurking on the fringes of the reservation, Estill became involved in numerous cases of land fraud.

¹⁹Larson to Johnson, October 14, 1914, OASF, Box A-97, FRC, KC. Larson to Johnson, November 24, 1915, OASF, Box A-97, FRC, KC.

²⁰Larson to Johnson, April 17, 1916, OASF, Box A-97, FRC, KC. It is possible that further "budget constraints" had resulted in the removal of a regular officer, since Johnson was appointed only for the remainder of the fiscal year. Chief Special Officer Larson was able to supply Johnson with a badge (# 87), but no weapon. Larson to Johnson, April 25, 1916, OASF, Box A-97, FRC, KC.

²¹W. H. Lamar to Bo Sweeney, April 9, 1915, OASF, Box A-97, FRC, KC. Larson to All Officers, May 4, 1915, OASF, Box A-97, FRC, KC. Larson to Johnson, December 10, 1915, OASF, Box A-97, FRC, KC. E. B. Meritt to Larson, December 30, 1915, OASF, Box A-97, FRC, KC.

²²Special Officer [Signature Illegible] to Johnson, June 15, 1916, OASF, Box A-97, FRC, KC. Special Officer [No Signature] to Larson, June 15, 1916, OASF, Box A-97, FRC, KC. In his temporary status as a special deputy, Axel Johnson assisted in the Rosalie arrests.

²³United States v. Celestine, 30 Supreme Court Reporter 93 (1909). United States v. Sutton, 30 Supreme Court Reporter 116 (1909). *Hallowell v. United States*, 31 Supreme Court Reporter 587 (1911).

²⁴United States v. Fred Nice, 36 Supreme Court Reporter 696 (1916).

²⁵Larson to All Superintendents and Officers, June 30, 1916, OASF, Box A-97, FRC, KC. Special Officer [Signature Illegible] to Johnson, July 26, 1916, OASF, Box A-97, FRC, KC.

²⁶F. L. Gallagher to Johnson, August 31, 1916, OASF, Box A-97, FRC, KC.

²⁷"Dan's Confession," Walthill [Nebraska] Times, September 29, 1916, Dan V. Stephens Papers, Nebraska State Historical Society [NSHS], Manuscript [MS] 3643, Series 7, Box 42, Folder 239.

²⁸32 Statutes at Large 275.

²⁹David M. Holford, "The Subversion of the Indian Land Allotment System, 1887-1934," Indian Historian 8 (Spring 1975): 13-14.

³⁰Holford, "Subversion of the Indian Land Allotment System," 14.

³¹Report of Commissioner William A. Jones, October 16, 1902, in ARCIA, 1902, 65-66. [All of the Commissioners' reports in this chapter are from the University of Nebraska at Omaha's microfiche collection, Call # I20.1].

³²Report of Agent Charles P. Mathewson, August 26, 1902, in ARCIA, 1902, 239.

³³"To Sell Certain Lands," Pender Times, April 11, 1902, 1.

³⁴"The Heirship Lands," Pender Times, July 11, 1902, 1. "Indian Heirship Lands," Bancroft [Nebraska] Blade, July 18, 1902, 1.

³⁵"Don't Want to Sell," Pender Times, July 25, 1902, 1. "Indians Make a Protest," Omaha Daily Bee, July 26, 1902, 1. Bancroft Blade, August 1, 1902, 2. Of the 150 Omahas attending the council, only Silas Wood voted to sell his lands. Despite the general opposition to land sales, the Pender Times reported that some land deals had already been made. "Don't Want to Sell," Pender Times, July 25, 1902, 1.

³⁶Omaha Daily Bee, July 24, 1902, 1. Reprinted in Pender Times, July 25, 1902, 1.

³⁷"Robinson's Letter," Pender Times, August 1, 1902, 2. In addition to helping settlers buy land, Robinson saw the extended payment period as a way to ensure that all heirs would receive their fair share of the proceeds.

³⁸"New Rules Out," Pender Times, October 24, 1902, 1. "All Deeds are Void," Pender Times, October 3, 1902, 1. "Knocks out Speculators," Omaha Daily Bee, September 30, 1902, 1.

³⁹"Department Won't Change," Pender Times, December 12, 1902, 1. "Will Stand Pat," Pender Times, February 13, 1903, 1. "Land Sales Held Up," Pender Times, September 11, 1903, 1.

⁴⁰"Inspector is Here," Pender Times, September 25, 1903, 1.

⁴¹"Mathewson Resigns," Pender Times, October 2, 1903, 1. Mathewson's replacement at the Omaha Agency was John MacKey. The Omahas and Winnebagoes once more had separate agencies.

⁴²"New Land Rules," Pender Times, October 9, 1903, 1. "Thurston County Map," Pender Times, April 29, 1904, 1.

⁴³Report of Commissioner William A. Jones, October 17, 1904, in ARCIA, 1904, 64-65. Report of Commissioner Francis E. Leupp, September 30, 1905, in ARCIA, 1905, 32. By June 30, 1906, \$158,639.34 had been deposited for Omahas. Only the Yankton Sioux in South Dakota had realized more from heirship land sales. Report of Commissioner Francis E. Leupp, September 30, 1906, in ARCIA, 1906, 97.

⁴⁴Report of Commissioner Robert G. Valentine, September 15, 1909, in ARCIA, 1909, 67.

⁴⁵Report of Commissioner Francis E. Leupp, September 30, 1906, in ARCIA, 1906, 96, 99-103. "A New Wrinkle," Pender Times, November 10, 1905, 1.

⁴⁶Report of Commissioner William A. Jones, October 17, 1904, in ARCIA, 1904, 62, 66.

⁴⁷Report of Superintendent John F. MacKey, August 24, 1905, in ARCIA, 1905, 249. Report of Superintendent John M. Commons, August 18, 1906, in ARCIA, 1906, 264.

⁴⁸Report of Commissioner William A. Jones, October 17, 1904, in ARCIA, 1904, 63.

⁴⁹Report of Superintendent John M. Commons, August 18, 1906, in ARCIA, 1906, 264-65.

⁵⁰Report of Superintendent Axel Johnson, January 1, 1915, MP, Reel 5, Frames 12-13.

⁵¹Report of Commissioner Francis E. Leupp, September 30, 1906, in ARCIA, 1906, 28. Frederick E. Hoxie, A Final Promise: The Campaign to Assimilate the Indians, 1880-1920 (Cambridge: Cambridge University Press, 1989), 220. U. S. Congress. House. Allotment of Lands in Severalty to Certain Indians, H. Report 1558, 59th Cong., 1st sess., 1906, 1-2. [Ser. set 4906]. See also U. S. Congress. Senate. Allotment of Lands in Severalty to Certain Indians, S. Report 1998, 59th Cong., 1st sess., 1906. [Ser. set 4904].

⁵²34 Statutes at Large 182.

⁵³Report of Commissioner Francis E. Leupp, September 30, 1906, in ARCIA, 1906, 30. For a discussion of the workings of the Burke Act and his role in its passage, see Francis E. Leupp, The Indian and His Problem (New York: Charles Scribner's Sons, 1910), 61-78.

⁵⁴Allotment of Land in Severalty to Certain Indians, 2.

⁵⁵Annual Report of the Board of Indian Commissioners [BIC], 1906, 17-19. [All Board of Indian Commissioners Reports are from the University of Nebraska at Omaha's microfilm collection, Call # I 20.5].

⁵⁶Samuel M. Brosius to Merrill M. Gates, October 30, 1908, Indian Rights Association Papers [IRAP] (Glen Rock, New Jersey: Microfilming Corporation of America, 1975), Reel 20.

⁵⁷Report of Commissioner Francis E. Leupp, September 30, 1906, in ARCIA, 1906, 31.

⁵⁸Francis E. Leupp to the Secretary of the Interior, February 8, 1906, Allotment of Lands in Severalty to Certain Indians, 3-4.

⁵⁹Report of Commissioner Francis E. Leupp, September 30, 1907, in ARCIA, 1907, 64.

⁶⁰John M. Commons to the Commissioner of Indian Affairs, December 2, 1908, OASF, Box A-102, FRC, KC.

⁶¹Petition to Extend the Omaha Trust Period, n. d., WASF, Box A-105, FRC, KC. "Want an Extension," Pender Times, January 22, 1904, 1. The "old" Omaha allotments were the Fletcher allotments dating to 1884. The 1893 Rankin allotments are referred to as the "new" allotments, and had a later trust expiration date.

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- 62"Chase Admits Incompetency," Pender Times, October 29, 1909, 1.
- 63"Twenty-Five Year Extension Period Extended," Pender Times, August 10, 1906, 1.
- 64"Against Extension," Pender Times, February 5, 1904, 1.
- 65"Leupp is Coming," Pender Times, December 23, 1914, 1. Report of Superintendent John F. MacKey, August 24, 1905, in ARCIA, 1905, 249.
- 66Commons to the Commissioner of Indian Affairs, December 2, 1908, OASF, Box A-102, FRC, KC. Report of Superintendent John M. Commons, August 18, 1906, in ARCIA, 1906, 265.
- 67Robert G. Valentine to Commons, February 19, 1909, OASF, Box A-102, FRC, KC. Valentine to Commons, March 15, 1909, OASF, Box A-102, FRC, KC.
- 68C. F. Hauke to Commons, May 1, 1909, OASF, Box A-102, FRC, KC. Commons to the Commissioner of Indian Affairs, May 20, 1909, OASF, Box A-102, FRC, KC. On June 2, Commons added one more name to the list of persons aged twenty-one to twenty-five. Commons to the Commissioner of Indian Affairs, June 2, 1909, OASF, Box A-102, FRC, KC.
- 69Commons to the Commissioner of Indian Affairs, May 20, 1909, OASF, Box A-102, FRC, KC.
- 70Commons to the Commissioner of Indian Affairs, May 20, 1909, OASF, Box A-102, FRC, KC. Commons to the Commissioner of Indian Affairs, June 1, 1909, OASF, Box A-102, FRC, KC.
- 71Commons to the Commissioner of Indian Affairs, June 1, 1909, OASF, Box A-102, FRC, KC. Commons to the Commissioner of Indian Affairs, June 19, 1909, OASF, Box A-102, FRC, KC.
- 72"Reservation Matters," Pender Times, June 11, 1909, 1.
- 73Susan La Flesche Picotte to Valentine, July 13, 1909, BIA- Central Classified Files [CCF], Omaha, File # 55028-09-150, RG 75, NA.
- 74Picotte to Valentine, July 13, 1909, BIA-CCF, Omaha, File # 55028-09-150, RG 75, NA. Picotte to the Secretary of the Interior, June 28, 1909, BIA-CCF, Omaha, File # 55028-09-150, RG 75, NA, cited in Janet A. McDonnell, "Land Policy on the Omaha Reservation: Competency Commissions and Forced Fee Patents," Nebraska History 63 (Fall 1982): 402.

⁷⁵Annual Report, Omaha and Winnebago Agency, July 1, 1910, Richmond Clow Research File.

⁷⁶Report of Commissioner Robert G. Valentine, November 1, 1910, in ARCIA, 1910, 48. Commons to Valentine, July 16, 1909, BIA-CCF, Omaha, File # 55028-09-150, RG 75, NA.

⁷⁷"Not So Bad," Pender Times, August 13, 1909, 1.

⁷⁸Memorandum by F. H. Abbott, "Problem of the Omahas," July 29, 1909, BIA-CCF, Omaha, File # 61671-09-127, RG 75, NA, cited in McDonnell, "Land Policy on the Omaha Reservation," 402. "Not So Bad," Pender Times, August 13, 1909, 1. "Abbott Talks," Pender Times, October 15, 1909, 1.

⁷⁹Robert G. Valentine, "Making Good Indians," Sunset 24 (June 1910): 611, 601. McDonnell, "Land Policy on the Omaha Reservation," 401.

⁸⁰Valentine, "Making Good Indians," 600. Kneale, Indian Agent, 223-24. McDonnell, "Land Policy on the Omaha Reservation," 404.

⁸¹William McConihe and H. P. Marble to the Commissioner of Indian Affairs, February 18, 1910, BIA-CCF, Omaha, File # 61671-09-127, RG 75, NA; McConihe to Marble, February 10, 1910, BIA-CCF, Omaha, File # 61671-09-127, RG 75, NA, cited in McDonnell, "Land Policy on the Omaha Reservation," 404. U. S. Congress. Senate. Taxation of Lands of Omaha Indians in Nebraska, S. Report 397, 61st Cong., 2nd sess., 1910, 2. [Ser. set 5593].

⁸²Report of Commissioner Robert G. Valentine, November 1, 1910, in ARCIA, 1910, 48. Dividing the Omahas into three competency classes also affected leasing rules. Class One and Two Indians could continue to initiate their own leases following established rules, but Class Three leases would be controlled by the agency superintendent. Despite strict rules, some whites continued to lease Class Three lands without going through the agency. "Late Agency News," Winnebago [Nebraska] Chieftain, July 15, 1910, 8. "Late Agency News," Winnebago Chieftain, August 20, 1910, 1.

⁸³"Omaha Indians to Be Free," Omaha Daily Bee, February 28, 1910, 1-2. McConihe to F. H. Abbott, March 6, 1910, BIA-CCF, Omaha, File # 114127-14-127, RG 75, NA.

⁸⁴McConihe to Abbott, March 10, 1910, BIA-CCF, Omaha, File # 114127-14-127, RG 75, NA, cited in McDonnell, "Land Policy on the Omaha Reservation," 404. "20,000 Acres," Pender Times, March 4, 1910, 1. Janet McDonnell obtained her fee-patent figures from the Omaha Tract Book in the Bureau of Indian Affairs Aberdeen, South Dakota Area Office and from Competency Commission examination forms at the Winnebago Agency. A hand-written land sale and fee-patent ledger at the Federal Records Center in Kansas City lists allottees by name and allotment number, and includes the tract book page on which his or her land transaction can be found. This ledger includes the names of approximately 175

of the Omahas whose fee-patents were issued on March 10, 1910. Winnebago Agency, Land Sale and Fee-Patent Book #30, FRC Container #516423, FRC, KC.

85"Competent Omahas," Pender Times, March 25, 1910, 1. "Late Agency News," Winnebago Chieftain, April 8, 1910, 8.

86Allotment and Estate Files at the Omaha Agency. McConihe and Marble to the Commissioner of Indian Affairs, January 15, 1910, BIA-CCF, Omaha, File # 61671-09-127, RG 75, NA. E. B. Linnen, Report on the Omaha Agency, October 24, 1916, BIA-CCF, Omaha, File # 150, RG 75, NA, all cited in McDonnell, "Land Policy on the Omaha Reservation," 404-405.

871910 Omaha Reservation Methodology, 3-4, Richmond Clow Research File.

881910 Omaha Reservation Methodology, 3, Richmond Clow Research File. McDonnell, "Land Policy on the Omaha Reservation," 405.

89"Agency Matters," Pender Times, March 11, 1910, 1. "Object," Pender Times, March 18, 1910, 1. McConihe to Abbott, March 6, 1910, BIA-CCF, Omaha, File # 114127-14-127, RG 75, NA.

90"Deeds Coming," Pender Times, April 1, 1910, 1. "To Indict," Pender Times, April 8, 1910, 1.

91"Deeds Coming," Pender Times, April 1, 1910, 1. "Eight Indicted," Pender Times, April 22, 1910, 1, reprinted from the Omaha Daily Bee, April 20, 1910.

92"Eight Indicted," Pender Times, April 22, 1910, 1. reprinted from the Omaha Daily Bee, April 20, 1910. "Men Fined in Indian Case," Indian School Journal 13 (February 1913): 280, reprinted from the Omaha Daily Bee. "Agency Matters," Pender Times, March 11, 1910, 1. There is no indication of the disposition of John Commons' indictment, but the indictment itself shows that he may have been less concerned with Omaha rights than Dr. Susan Picotte believed.

93All information on the disposition of fee-patented Omaha lands is taken from the Richmond Clow Research File. Clow obtained this material from the Omaha and Winnebago Competency Report and from the Thurston County Courthouse in Pender, Nebraska, where his researchers conducted title searches. The patentees mentioned are representative of the tragic land loss on the Omaha Reservation as a result of the competency commission's work.

94Richmond Clow Research File.

95Marble, Andrew Pollack, and Frank McIntyre to the Commissioner of Indian Affairs, September 30, 1910, BIA-CCF, Omaha, File # 70731-10-127, RG 75, NA. Valentine to E. P. Holcombe, November 30, 1910, BIA-CCF, Omaha, File # 34939-11-127, RG 75, NA. Hauke to Marble, McIntyre, and Pollack, March 23, 1911, BIA-CCF, Santee, File # 24448-11-127, RG 75, NA. Hauke to McIntyre, June 20, 1911, BIA-CCF,

Santee, File # 24448-11-127, RG 75, NA. Abbott to H. G. Wilson, January 13, 1911, BIA-CCF, General Services File, File # 70942-10-312, RG 75, NA, all cited in McDonnell, "Land Policy on the Omaha Reservation," 406-407.

⁹⁶Circular 619, Valentine to All Superintendents, April 8, 1912, BIA, Numbered Circulars, RG 75, NA.

⁹⁷S. A. M. Young, Report on the Omaha Agency," November 25-26, 29-30, 1912, BIA-CCF, Omaha, File # 126946-12-150, RG 75, NA, cited in McDonnell, "Land Policy on the Omaha Reservation," 407.

⁹⁸Proceedings of the Thirtieth Annual Lake Mohonk Conference of Friends of the Indian [LMC], 1912, 81-82. [All Lake Mohonk Conference references are from the University of Nebraska at Omaha's microfiche collection, Call # E93.L3]. Diane T. Putney, "Robert Grosvenor Valentine, 1909-12," in Robert M. Kvasnicka and Herman J. Viola, eds., The Commissioners of Indian Affairs, 1824-1977 (Lincoln: University of Nebraska Press, 1979), 241.

⁹⁹Edgar Meritt, Memorandum for the Commissioner, December 1, 1913, BIA-CCF, General Services, File # 152446-13-312, RG 75, NA, cited in McDonnell, "Land Policy on the Omaha Reservation," 407. Report of Commissioner Cato Sells, October 15, 1917, in ARCIA, 1917, 3-4. Report of Commissioner Cato Sells, September 30, 1920, in ARCIA, 1920, 48-49.

¹⁰⁰Cato Sells to Johnson, December 4, 1914, Major James McLaughlin Papers [MP], Assumption Abbey Archives, Richardton, North Dakota, Reel 5, Frames 714-15. Sells to S. A. M. Young, December 4, 1914, MP, Reel 5, Frames 716-17.

¹⁰¹Sells to Charles E. Burton, December 4, 1914, MP, Reel 5, Frame 710. Sells to E. D. Mossman, December 4, 1914, MP, Reel 5, Frame 711. Sells to A. W. Leech, December 4, 1914, MP, Reel 5, Frame 712. Sells to Arvel R. Snyder, December 4, 1914, MP, Reel 5, Frame 713.

¹⁰²Report of Axel Johnson, Social and Economic Effects of a Liberal Policy of Granting Patents in Fee on the Omaha Reservation, January 1, 1915, MP, Reel 6, Frames 18-27. [Hereafter cited as Report of Axel Johnson].

¹⁰³Report of Axel Johnson, MP, Reel 6, frames 28-31.

¹⁰⁴Report of E. B. Linnen, Chief Inspector, and E. M. Sweet, Jr., Inspector on the Omaha Reservation, Nebraska, March 31, 1915, BIA, File # 993655-14-150, RG 75, NA, Richmond Clow Research File.

¹⁰⁵Report of S. A. M. Young, December 19, 1914, MP, Reel 5, Frames 738-54.

¹⁰⁶E. D. Mossman to the Commissioner of Indian Affairs, December 28, 1914, MP, Reel 7, Frames 745-53.

¹⁰⁷Franklin K. Lane, "From the War-Path to the Plow," National Geographic 27 (January 1915): 80. Local superintendents no doubt "knew the Indian best," and most of them opposed Lane's plan. The Indian Rights Association called for the repeal of the Burke Act and for the establishment of a permanent, non-political competency commission with regional branches to minimize delays in fee-patenting. Indian Rights Association, Thirty-Second Annual Report, 1914, IRAP, Reel 102, D 32.

¹⁰⁸Henry C. Lafferty to Franklin K. Lane, January 7, 1915, MP, Reel 6, Frame 36. Lane to Lafferty, January 12, 1915, MP, Reel 6, Frame 37. Lafferty to Lane, March 31, 1915, MP, Reel 6, Frames 65-66. Petition of the Cheyenne River Sioux, March 1915, MP, Reel 6, Frame 68.

¹⁰⁹Franklin K. Lane, Circular, April 8, 1915, MP, Reel 6, Frame 71.

¹¹⁰Frank A. Thackery to Matthew K. Sniffen, May 25, 1915, IRAP, Reel 30.

¹¹¹Leech to an Unidentified Correspondent, June 20, 1916, MP, Reel 7, Frames 154-57.

¹¹²James McLaughlin to O. M. McPherson, June 9, 1916, MP, Reel 7, Frames 78-80.

¹¹³Arthur Mullen to the Commissioner of Indian Affairs, August 14, 1919, BIA-CCF, General Services, File # 85492-19-312, RG 75, NA. H. S. Traylor to Sells, April 8, 1919, BIA-CCF, Omaha, File # 31768-19-150, RG 75, NA. John F. Farley to Sells, March 26, 1919, BIA-CCF, Omaha, File # 27231-19-127, RG 75, NA, all cited in McDonnell, "Land Policy on the Omaha Reservation," 408.

¹¹⁴Leech to an Unidentified Correspondent, June 20, 1916, MP, Reel 7, Frame 156.

¹¹⁵Commons to the Commissioner of Indian Affairs, December 2, 1908, OASF, Box A-102, FRC, KC. U. S. Congress. House. Disposal of Unallotted Land on the Omaha Indian Reservation, H. Doc. 1431, 60th Cong., 2nd sess., 1909, 1-4. [Ser. set 5557]. U. S. Congress. House. Survey of Tribal Lands on Omaha Indian Reservation, H. Doc. 630, 61st Cong., 2nd sess., 1910, 1-4. [Ser. set 5836]. U. S. Congress. House. Disposal of Unallotted Land, Omaha Indian Reservation, Nebr., H. Report 571, 62nd Cong., 2nd sess., 1912, 1-5. [Ser. set 6131]. 22 Statutes at Large 341. 27 Statutes at Large 612, 630.

¹¹⁶Commons to the Commissioner of Indian Affairs, December 2, 1908, OASF, Box A-102, FRC, KC.

¹¹⁷Disposal of Unallotted Land on the Omaha Indian Reservation, H. Doc. 1431, 3.

¹¹⁸Disposal of Unallotted Land on the Omaha Indian Reservation, H. Doc. 1431, 4.

¹¹⁹U. S. Congress. House. Disposal of Unallotted Lands of the Omaha Indian Reservation, H. Doc. 1479, 60th Cong., 2nd sess., 1909, 2. [Ser. set 5557]. Survey of Tribal Lands on Omaha Indian Reservation, 3.

¹²⁰37 Statutes at Large 111. Commons to the Commissioner of Indian Affairs, December 2, 1908, OASF, Box A-102, FRC, KC.

¹²¹Jones to the Commissioner of Indian Affairs, July 1, 1913, OASF, Box A-96, FRC, KC. Hauke to John S. Spear, July 23, 1913, OASF, Box A-96, FRC, KC.

¹²²Hauke to Spear, March 14, 1914, OASF, Box A-96, FRC, KC. Hauke to Dan V. Stephens, September 8, 1914, OASF, Box A-96, FRC, KC.

¹²³Hauke to Johnson, January 16, 1915, OASF, Box A-96, FRC, KC.

¹²⁴Hauke to Stephens, September 8, 1914, OASF, Box A-96, FRC, KC. Assistant Attorney General to the Secretary of the Interior, March 3, 1915, OASF, Box A-96, FRC, KC.

¹²⁵Chase v. United States, 222 Federal Reporter 594 (1915).

¹²⁶Chase v. United States, 222 Federal Reporter 598 (1915).

¹²⁷Assistant Attorney General to the Secretary of the Interior, May 21, 1915, Richmond Clow Research File. Assistant Attorney General to the Secretary of the Interior, June 10, 1915, OASF, Box A-96, FRC, KC. Meritt to the Secretary of the Interior, July 20, 1915, OASF, Box A-96, FRC, KC.

¹²⁸Meritt to the Secretary of the Interior, July 20, 1915, OASF, Box A-96, FRC, KC. Chase v. United States, 222 Federal Reporter 593 (1915). The Interior Department had denied Thomas Sloan an allotment he claimed he was entitled to because his mother was an Omaha. But in Sloan v. United States in October 1902, a District Court judge ruled that Margaret Sloan, mother of Thomas Sloan, had previously been granted a 320 acre allotment on the Nemaha "half-breed" tract in southeastern Nebraska, and was ineligible for an allotment on the Omaha Reservation. The judge ruled that because Margaret Sloan held no land titles on the reservation, she could not pass along any land to her son. Sloan's case was dismissed, and he was ordered to pay court costs. 95 Federal Reporter 193 (1899). 118 Federal Reporter 283 (1902).

¹²⁹Jones to the Attorney General, July 21, 1915, OASF, Box A-96, FRC, KC. United States as Trustee v. Hiram Chase, 36 Supreme Court Reporter 553 (1916).

¹³⁰United States v. Chase, 38 Supreme Court Reporter 24 (1917).

¹³¹Harry L. Keefe to B. A. Martindale, August 29, 1913, OASF, Box A-96, FRC, KC.

132Sells to Francis La Flesche, November 24, 1913, OASF, Box A-96, FRC, KC.
Sells to Spear, November 25, 1913, OASF, Box A-96, FRC, KC.

133Keefe to the Commissioner of Indian Affairs, November 26, 1913, OASF, Box A-96, FRC, KC.

134Sells to Spear, November 26, 1913, OASF, Box A-96, FRC, KC.

135Sells to Johnson, December 30, 1914, OASF, Box A-96, FRC, KC.

136Keefe to Johnson, January 5, 1915, OASF, Box A-96, FRC, KC.
Unfortunately, letters at the Kansas City Archives do not indicate whether Keefe succeeded in "jumping the gun" on his purchase for the Historical Society.

137Disposal of Unallotted Land, Omaha Indian Reservation, Nebr., H. Report 571, 2. See also U. S. Congress. Senate. Sale and Designation of Lands in Omaha Indian Reservation in Nebraska, S. Report 459, 62nd Cong., 2nd sess., 1912, 2. [Ser. set 6120].

138Preston C. West to the Secretary of the Interior, January 26, 1915, OASF, Box A-96, FRC, KC. Meritt to Johnson, January 4, 1915, OASF, Box A-96, FRC, KC.
Meritt to Johnson, February 13, 1916, OASF, Box A-96, FRC, KC.

139Meritt to Johnson, April 24, 1915, OASF, Box A-96, FRC, KC.

140Meritt to Johnson, September 10, 1915, OASF, Box A-96, FRC, KC. The Assistant Commissioner appeared to be exasperated with the Omahas' increased burial site demands; he wanted assurances that when the larger areas were set aside, the Indians would disinter their people who were buried on allotments and rebury them in one of the tribal cemeteries.

141U. S. Congress. House. Setting Apart of Tribal Lands for Cemetery Purposes for the Omaha Indians, H. Report 210, 64th Cong., 1st sess., 1916, 1-2. [Ser. set 6903]. See also U. S. Congress. Senate. The Omaha Indians, S. Report 710, 64th Cong., 1st sess., 1916, 1-2. [Ser. set 6899].

142Nebraska State Historical Society [NSHS], Record Group 237, Thurston County (Series 4), County Board of Superintendents Records, Vol. 1 (1889-1903), Reel 1, 155, 292.

143Congressional Record, Vol. 25, Part 1 (1893), 1274. Clow, "Taxing the Omaha and Winnebago Trust Lands," 4.

144Clow, "Taxing the Omaha and Winnebago Trust Lands," 4. Daniel M. Browning to William Beck, October 31, 1893, Letters Sent, BIA, RG 75, NA, cited in Clow, "Taxing the Omaha and Winnebago Trust Lands," 4.

145"Thurston County, Nebraska, Some Facts and Figures Showing the Inequalities of the Burden of Taxation on Different Parts of the County," Pender Times, A Supplement, March 2, 1900.

146"Ball Still Arollin'," Pender Times, March 4, 1902, 1.

147United States v. James A. Rickert, 23 Supreme Court Reporter 478 (1903). "Little Left to Tax," Pender Times, February 27, 1903, 1.

148"Increases Evaluation," Pender Times, May 26, 1905, 1. NSHS, Record Group 237, Thurston County (Series 4), County Board of Superintendents Records, Vol. 2, Reel 1, 42-45.

149"Enjoins County," Pender Times, July 28, 1905, 1. This was the first lawsuit of this type ever brought in federal court, and the government contended that the money on deposit was a trust fund, in lieu of Indian lands, and so should remain tax exempt until the trust period elapsed. Indians' deposits ranged from \$60 to \$2,516, and the tax Thurston County hoped to extract would have been twenty percent of those amounts.

150United States v. Thurston County, et al, 140 Federal Reporter 456 (1905). Report of Commissioner Francis E. Leupp, September 30, 1906, in ARCIA, 1906, 95.

151Report of Commissioner Francis E. Leupp, September 30, 1905, in ARCIA, 1905, 34.

152United States v. Thurston County, Neb., et al, 143 Federal Reporter 287, 292 (1906). These proceedings further demonstrated Thomas Sloan's lack of concern for his people's welfare. He appeared to be pro-Indian when his personal welfare was at stake, but at other times he was simply a "lawyer for hire."

15335 Statutes at Large 628-29.

154"All Omaha Lands are Taxable," Pender Times, May 13, 1910, 1.

155Congressional Record, April 27, 1910, Vol. 45, Part 5, 1910, 5449-51.

156U. S. Congress. House. Taxation of Lands of Omaha Indians in Nebraska, H. Report 1042, 61st Cong., 2nd sess., 1910, 1-3. [Ser. set 5592]. Also see Senator Norris Brown's report in U. S. Congress. Senate, Taxation of Lands of Omaha Indians in Nebraska, S. Report 397, 61st Cong., 2nd sess., 1910, 1-3. [Ser. set 5583].

15736 Statutes at Large 348. In December 1914, an assistant Interior Secretary informed the Cuming County [Nebraska] Treasurer that there were no funds available to pay the land taxes in 1912 for twenty-eight parcels of Indian land. Five of these parcels were listed as belonging to Joseph La Flesche, who had died years before, and five belonged to Rosalie La Flesche Farley. La Flesche's tax bill amounted to \$60.32, and Rosalie Farley owed \$127.26. There is an error on the list, which includes the lands of

"Susan La Flesche Tibbles." This should either be Susan La Flesche Picotte or Susette La Flesche Tibbles. The amount due was \$113.40. Bo Sweeney to Herman Zeplin, December 16, 1914, OASF, Box A-96, FRC, KC.

¹⁵⁸Taxation of Omaha-Winnebago Trust Lands, Field Solicitor, Aberdeen, South Dakota, p. 6, Richmond Clow Research File. *United States v. Thurston County, Neb.*, et al, 143 Federal Reporter 287 (1906). 13 Statutes at Large 407.

¹⁵⁹"Indian Meeting," Pender Times, November 8, 1910, 1.

¹⁶⁰Sells to Johnson, February 15, 1915, Letters Sent, BIA, RG 75, NA, cited in Clow, "Taxing the Omaha and Winnebago Trust Lands," 10.

¹⁶¹Report of E. B. Linnen, Chief Inspector, and E. M. Sweet, Jr., Inspector on the Omaha Reservation, Nebraska, March 31, 1915, File # 993655-14-150, BIA, RG 75, NA, Richmond Clow Research File. In 1913, First National Bank of Pender's assistant cashier, H. D. Hancock, had expressed delight that in the future, taxes on Indian lands would be taken from the Omahas' rent receipts, since "the tax problem [was] the one drawback to [the] county." At that time Hancock wanted to know if lessees could pay their landlords' taxes and deduct those sums from their rents. H. D. Hancock to Spear, July 8, 1913, WASF, Box A-108, FRC. KC.

¹⁶²George J. Adams to L. C. Brownrigg, November 16, 1915, WASF, Box A-105, FRC, KC.

¹⁶³Guy T. Graves to the Committee Opposing a Trust Extension, November 23, 1915, WASF, Box A-105, FRC, KC.

¹⁶⁴"The Omaha and His Land," Indian School Journal 16 (January 1916): 261.

¹⁶⁵Letter to Hiram Chase, November 27, 1915, WASF, Box A-105, FRC, KC.

¹⁶⁶Report of E. B. Linnen, Chief Inspector, and E. M. Sweet, Jr., Inspector on the Omaha Reservation, Nebraska, March 31, 1915, File # 993655-14-150, BIA, RG 75, NA, Richmond Clow Research Notes.

¹⁶⁷Report of Axel Johnson, January 1, 1915, MP, Reel 6, Frames 31-32.

¹⁶⁸24 Statutes at Large 389.

¹⁶⁹39 Statutes at Large 142-43.

¹⁷⁰Stephens to Gilbert M. Hitchcock, May 17, 1916, Dan V. Stephens Papers [SP], NSHS, Manuscript [MS] 3643, Series 1, Box 19, Folder 152. Clow, "Taxing the Omaha and Winnebago Trust Lands," 12.

171U. S. Congress. Senate. Taxation of Winnebago and Omaha Indian Lands, Nebraska, S. Report 491, 64th Cong., 1st sess., 1916. [Ser. set 6899].

172Clow, "Taxing the Omaha and Winnebago Trust Lands," 12. Hitchcock to Stephens, August 7, 1916, SP, NSHS, MS 3643, Series 1, Box 20, Folder 153. Charles J. Kappler to Stephens, August 8, 1916, SP, NSHS, MS 3643, Series 1, Box 20, Folder 159.

173Keefe to Stephens, August 28, 1916, SP, NSHS, MS 3643, Series 1, Box 20, Folder 159. U. S. Congress. House. Taxation of Winnebago and Omaha Indian Lands, Nebraska, H. Report 1098, 64th Cong., 1st sess., 1916, 1-3. [Ser. set 6905].

174U. S. Congress. House. Lands of Winnebago and Omaha Indians, Nebraska, H. Report 994, 64th Cong., 1st sess., 1916, 2. [Ser. set 6905]. See also Taxation of Winnebago and Omaha Indian Lands, Nebraska, H. Report 1098, 1-3, and Taxation of Winnebago and Omaha Indian Lands, Nebraska, S. Report 491, 1-2.

175Walthill [Nebraska] Citizen, October 26, 1916, From a newspaper clipping in SP, NSHS, MS 3643, Box 42, Folder 238.

176"Bill to Tax Indians Lands," Pender [Nebraska] Republic, December 29, 1916, 4.

17739 Statutes at Large 866.

178Taxation of Omaha -Winnebago Trust Lands, Field Solicitor, Aberdeen, South Dakota, pp. 9-10, Richmond Clow Research File.

179Margaret Mead, The Changing Culture of an Indian Tribe (New York: Columbia University Press, 1932), 30.

180William F. Springer, "The Omaha Indians: What They Ask of the United States Government," Indian Historian 9 (Winter 1976): 32.

181Alice C. Fletcher, "The Allotted Indian's Difficulties," Outlook (April 11, 1896): 661.

CONCLUSION

The [Sacred] Pole stands for the authority of your ancestral ways. The spirit of these ways remains strong within you. That spirit does not depend upon particular material things from the past like hunting buffalo or living in earth lodges as your ancestors did. It lives on in the generosity with which you live your lives. It lives in the help and respect you give to one another. It lives in the blessings you pass on to those who come after you. . . .¹

Robin Ridington, August 1989

A study of the Omaha people during the nineteenth and early-twentieth centuries represents a microcosm of the government's general policy-making toward Native Americans. Perhaps because the Omahas had always befriended Americans and cooperated with the government, federal program after federal program had its beginnings on their reservation. Nearly every one failed miserably, and government officials appeared to learn nothing from this experimentation. In their zeal to assimilate Indians, they ignored warnings from concerned agents and from the Omahas themselves, and blindly applied the same disastrous policies to other unsuspecting tribes throughout the United States.

The government seldom honored its commitments to the Omahas. Repeated promises of protection from the Sioux never produced tangible results, and treaty obligations of mills, blacksmiths, and teachers were only slowly implemented. Likewise, the tribe often waited years for annuities, and proceeds from land sales met delay after delay. On the other hand, Congress acted quickly to accommodate Thurston County whites in their campaigns to tax Omaha lands and alienate Indian allotments. By late 1916, the Omahas' future was bleak. The newly enacted Brown-Stephens Act ensured that henceforth all allotments would be taxed, and tribal members saw their precious lands rapidly slipping away. Merchants who had systematically cheated the Indians conducted

"business as usual," and alcohol remained a serious problem. These concerns, along with the violation of their trust agreements, threatened the tribe's survival.

Many times in the past, explorers, reformers, and Indian agents had predicted the Omahas' demise. In 1800, travelers along the Missouri River believed smallpox had virtually ended their existence as a tribe, and during the height of the Sioux attacks in the 1840s, Indian agents worried that the Omaha nation would starve to death or be annihilated. In 1888, even the usually optimistic Alice Fletcher thought the people's culture was dying and that the tribe might not endure. Fletcher and Francis La Flesche, fearing that the Omahas' Sacred Pole and its cultural secrets would be buried along with its last "keeper," Yellow Smoke, persuaded the elderly man to allow them to transfer the "Venerable Man" to the Peabody Museum at Harvard University for safe-keeping.²

In her 1932 study of the Omahas (the "Antlers"), anthropologist Margaret Mead claimed that the tribe's culture had only "the shadow of [its former] rich complexity," and thirty-three years later, in a new introduction to her book, she was even more pessimistic, referring to the Omahas as a "culturally deprived" people.³ True, the goal of many reformers, government officials, and missionaries had been to dilute Omaha culture and to assimilate the people into the white world. They had partially succeeded, as traditional Omaha government had disintegrated with allotment, and many tribal customs had been temporarily abandoned. But, in more recent times, anthropologist Robin Ridington and Nebraska folklorist Roger Welsch have vehemently denied that the Omahas are or ever were "culturally deprived." Even Margaret Mead, while announcing the end of the Omahas as a distinct culture, admitted that the tribe remained "emotionally bound" to an Indian identity.⁴ Ridington argues that, despite pressure to assimilate, the tribe has remained determined to devise "some means by which the bands of the tribe might be kept together and the tribe itself saved from extinction."⁵ Omaha culture has survived during the past century in music, oratory, games, and annual powwows held in Macy, Nebraska. Welsch,

a student of the Omahas and an adopted member of the tribe, insists that "there is scarcely an Omaha occasion without opportunity for speech-making, gift-giving, and music—three pervasive characteristics of Omaha culture."⁶

The Omahas have kept their culture alive throughout the twentieth century, and recently, events of great importance have contributed to a tribal cultural renaissance. In the 1980s, the Omahas reestablished the Hethu shka or Warrior Society, whose aim is to "keep alive the memory of historic and valorous acts," and to reacquaint the people with their ancestral customs.⁷ The tribe also recently received remastered wax cylinder recordings of their music that had originally been gathered by Francis La Flesche at the turn of the century. Likewise, many young Omahas are becoming vitally interested in learning and preserving tribal traditions. One teenager told the Peabody Museum curator, "Our young generations of Omahas do cherish the sacred ways. . . . Just as our elders have kept and are teaching us the ways now, we will teach the future Omahas."⁸

One event above all others defines the Omaha cultural renewal. In 1988, exactly 100 years after Yellow Smoke surrendered the Sacred Pole, his great-great-grandson once more touched the tribe's most sacred object. In an emotional ceremony conducted in a courtyard outside the Peabody Museum, the Sacred Pole was officially returned to its rightful owners. On July 12, 1989, a Creek Indian artist associated with the museum accompanied the "Venerable Man" as he returned to Nebraska. Today, the Sacred Pole rests at the Center for Great Plains Studies in Lincoln as he awaits his final journey to a planned Omaha cultural center on the reservation.⁹

Although culturally rich, the Omahas have faced economic impoverishment during the last century. But in 1992, with the opening of Casino Omaha a few miles west of Onawa, Iowa, tribal financial fortunes began to improve. In 1992, each of the approximately 5,000 tribal members received \$1,000.00 from casino profits, and the following year, the casino's management made a \$500.00 per capita distribution.¹⁰ Even

more important, gambling revenues have made possible much-needed programs and improvements that will benefit all Omahas. The most visible improvement is repair of reservation roads, but casino profits have also paid for renovation of the Macy public school, scholarships for Indian students, expansion of health-care facilities and nutrition programs, reduction of tribal debt, and an emergency youth shelter.¹¹

Casino Omaha is not a "cure-all" for the tribe's financial woes. Although it utilizes largely Indian employees, the gambling establishment is neither a sure source of future tribal income nor a solid economic base on which to build a tribal future. Despite the recent financial windfall, the Omaha people still face serious problems. Many Omahas lack higher education, and many are unemployed. As a result, a large percentage of families continue to live in poverty. Alcoholism, a legacy of the earliest contact with whites, continues to plague the tribe, and many babies are born with fetal alcohol syndrome. Nevertheless, tribal members express eternal hope. Seventy-nine-year-old former Omaha health director Pauline Tyndall sees better days ahead: "I think things are looking up for us. We've been so weary here—almost without a future."¹²

In the impassioned words of anthropologist Robin Ridington, Native Americans "survive as communities of relations. They survive in ceremonies and prayers. They survive in the gifts they give to honor one another. . . . They survive in cities and on reservations. They survive as nations. . . ." ¹³ The Omahas are survivors. They have weathered decades of exploitation by land-hungry whites. They have endured the well-intentioned but often misguided efforts of reformers. Their children reluctantly surrendered their Indian names and Omaha language to ethnocentric missionaries, and they survived the unfair laws designed to separate them from their lands. Many tribal members today remain on that tiny portion of their ancestral lands that became home to their forefathers in 1854. Through all of their trials, the people have retained their rich tribal culture and their distinct identity as the Omaha Nation. Today, tribal members struggle to maintain their Indian ways

in a predominantly non-Indian society. In 1984, tribal historian Dennis Hastings addressed his people's challenge to survive in a bi-cultural world as he cautioned, "We have to take the good from our own Omaha ways and the good from non-Indian ways and try to go forward now."¹⁴ Hopefully, with the Venerable Man once more among them, the Omaha people will go forward into a brighter future.

NOTES

¹Robin Ridington, "A Sacred Object as Text: Reclaiming the Sacred Pole of the Omaha Tribe," American Indian Quarterly 17 (Winter 1993): 94. This quote is taken from Dr. Ridington's remarks to the Omaha people at the August 1989 powwow celebrating the Sacred Pole's return to the Omaha Reservation.

²Alice C. Fletcher and Francis La Flesche, The Omaha Tribe, Twenty-Seventh Annual Report of the Bureau of American Ethnology (Washington, D. C.: Government Printing Office, 1911), 248-49.

³Margaret Mead, The Changing Culture of an Indian Tribe (New York: Columbia University Press, 1932), 29. Mead, The Changing Culture of an Indian Tribe (New York: Capricorn Books, 1966), xi.

⁴Mead, Changing Culture of an Indian Tribe, 1966, xvi.

⁵Robin Ridington, "Omaha Survival: A Vanishing Indian Tribe that Would Not Vanish," American Indian Quarterly 11 (Winter 1987): 46.

⁶Roger Welsch, "Omaha Song Today," in Dorothy Sara Lee and Maria La Vigna, eds., Omaha Indian Music: Historic Recordings from the Fletcher/La Flesche Collection (Washington, D. C.: American Folklife Center of the Library of Congress in Cooperation with the Omaha Tribal Council, 1985), 5.

⁷Ridington, "A Vanishing Indian Tribe," 47.

⁸Cary Alice Wolf, cited in Ridington, "A Sacred Object as Text," 88.

⁹Ridington, "A Sacred Object as Text," 84-85.

¹⁰Julie Anderson, "Two Tribes Distribute Casino Cash," Omaha World-Herald, December 23, 1994, 18.

¹¹Michael Kelly, "Hope, Problems Combine in Reservation Life," Omaha World-Herald, November 24, 1994, 12.

¹²Cited in Kelly, "Hope, Problems Combine in Reservation Life," 13.

¹³Ridington, "A Sacred Object as Text," 86.

¹⁴Dennis Hastings, in Lee and La Vigna, Omaha Indian Music, 3. These words were part of Hastings' remarks in 1984 at the Library of Congress when he discussed the return of the cylinder recordings of Omaha music made by ethnographers Alice Fletcher and Francis La Flesche between 1880 and 1910.

APPENDIX

APPENDIX I

July 20, 1815. *A treaty of peace and friendship, made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, Commissioners Plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part; and the Chiefs and Warriors of the Mahas, on the part and behalf of said Tribe or Nation, of the other part.*

7 Stat., 120.
Ratified Dec. 26, 1815.

THE parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things, and in every respect, on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

Injuries, etc., forgiven.

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other, shall be mutually forgiven and forgot.

Perpetual peace and friendship, etc.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the tribe or nation of the Mahas, and all friendly relations that existed between them before the war, shall be, and the same are hereby, renewed.

Protection of United States acknowledged.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby acknowledge themselves and their tribe or nation to be under the protection of the United States, and of no other nation, power, or sovereign, whatsoever.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors of the aforesaid tribe or nation, have hereunto subscribed their names and affixed their seals, this twentieth day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

William Clark,	[L. s.]	Waanowrabai, or the blackbird's	
Ninian Edwards,	[L. s.]	grandson, his x mark,	[L. s.]
Auguste Chouteau,	[L. s.]	Osogagee, or the point maker, his x	
Oupaatanga, or the big elk, his x		mark,	[L. s.]
mark,	[L. s.]	Toireechee, or the cow's rib, his x	
Washcamanie, or the hard walker,		mark,	[L. s.]
his x mark,	[L. s.]	Manshaquita, or the little soldier,	
Kaaheegua, or the old chief, his x		his x mark,	[L. s.]
mark,	[L. s.]	Pissinguai, or he who has no gall,	
		his x mark,	[L. s.]

Done at Portage des Sioux, in presence of—

R. Wash, secretary to the commission,	Thos. Forsyth, Indian agent,
John Miller, colonel Third Infantry,	J. W. Johnson, Indian agent,
R. Paul, C. T. of the C.	Louis Decouagne,
Edw. Hall, lieutenant late Twenty-eighth	Louis Dorion,
Infantry,	John A. Cameron,
John B. Clark, adjutant Third Infantry,	Jacques Mette.
Manuel Lisa, agent,	

PORTAGE DES SIOUX TREATY - 1815

Charles J. Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, vol. 2
(Washington, D. C.: Government Printing Office, 1904), 115

APPENDIX II

TREATY WITH THE MAHAS.

Articles of a convention made on the twenty-third day of September, one thousand eight hundred and twenty, at Camp Council Bluff, on the Missouri river, between Henry Atkinson, brigadier general of United States army, and Benjamin O'Fallon, Indian agent for the tribes on the Missouri, being specially authorized thereto by the Secretary of War, and the undersigned chiefs and headmen of the Maha nation of Indians, duly authorized and empowered by said nation.

ARTICLE 1. The undersigned chiefs and headmen of the Maha nation of Indians, for themselves, and in behalf of their nation, cede and relinquish to the United States all right, title, interest, and claim which they have, or ever had, to a tract of fifteen miles square of the country around Council Bluff, to be bounded by due east, west, north, and south lines, and so located that the flag-staff in the area of the new cantonment on Council Bluff shall be the centre of the aforesaid tract of fifteen miles square.

ART. 2. The said Henry Atkinson, brigadier general of United States army, and Benjamin O'Fallon, Indian agent for the tribes on the Missouri, on the part of the United States, hereby stipulate and agree that, in consideration of the relinquishment of title by the Maha nation, as stated in the preceding article, the United States will pay to the Maha nation thirty smooth-bored guns, one nest of brass kettles, sixty-three point Mackinaw blankets, two hundred and twenty-five yards of strouding, two hundred pounds of powder, four hundred pounds of lead, in balls, one thousand flints, forty-eight dozen belt knives, and two hundred and fifty pounds of tobacco, in or before the month of June next, at this place, provided this convention is duly ratified by the Government of the United States.

ART. 3. The United States grant to the Maha nation the privilege of hunting on such parts of the aforesaid ceded tract as may not be used for military purposes, trading establishments, farming, and range for stock.

Done at the place and on the day and year first above written.

H. ATKINSON, *Brig. Gen. U. S. Army.*

B. O'FALLON, *U. S. Indian Agent.*

[Signed, also, by the chiefs and headmen of the Maha Indians.]

We certify that the foregoing agreement has been faithfully interpreted to the chiefs and headmen who have subscribed to the within articles.

JOHN DOUGHERTY, *U. S. Indian Agent and Interpreter.*
MICHAEL BARDA, *Interpreter.*

TREATY WITH THE MAHAS - 1820

APPENDIX III

TREATY WITH THE MAKAH TRIBE, 1825.

Oct. 6, 1825.
7 Stat., 282.
Proclamation, Feb.
6, 1826.

FOR the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship between the United States and their citizens, and the Maha tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States' Army, and Major Benjamin O'Fallon, Indian Agent, with full powers and authority, specially appointed and commissioned for that purpose, of the one part, and the undersigned Chiefs, Head-men and Warriors, of the said Maha tribe of Indians, on behalf of their tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties—to wit:

ARTICLE 1.

Supremacy of
United States ac-
knowledged.

It is admitted by the Maha tribe of Indians, that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ARTICLE 2.

United States re-
ceive them under
their protection.

The United States agree to receive the Maha tribe of Indians into their friendship, and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ARTICLE 3.

Places for trade to
be designated by the
President.

All trade and intercourse with the Maha tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents: and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ARTICLE 4.

Regulation of trade.

That the Maha tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Maha tribe bind themselves to extend protection to the persons and

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the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Maha tribe further agree, that if any foreigner, or other person not legally authorized by the United States, shall come into their district of country, for the purposes of trade or other views, they will apprehend such person or persons, and deliver him or them to some United States' superintendent or agent of Indian Affairs, or to the Commandant of the nearest military post, to be dealt with according to law.—And they further agree to give safe conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

ARTICLE 5.

That the friendship which is now established between the United States and the Maha tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaints shall be made by the party injured, to the superintendent or agent of Indian affairs, or other person appointed by the President; and it shall be the duty of said Chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And, in like manner, if any robbery, violence, or murder, shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and if found guilty shall be punished in like manner as if the injury had been done to a white man. And it is agreed, that the Chiefs of said Maha tribe shall, to the utmost of their power, exert themselves to recover horses or other property, which may be stolen or taken from any citizen or citizens of the United States, by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe, a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Maha tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

Course to be pursued in order to prevent injuries by individuals, etc.

Chiefs to exert themselves to recover stolen property.

Proviso.

ARTICLE 6.

And the Chiefs and Warriors, as aforesaid, promise and engage, that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at fort Atkinson, Council Bluffs, this 6th day of October, A. D. 1825, and of the independence of the United States the fiftieth.

In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, head men, and warriors of the Maha tribe, have hereunto set their hands, and affixed their seals.

No guns, etc., to be furnished by them to those hostile to United States.

H. Atkinson, brigadier-general U. S. Army,	[L. s.]	Ta-noh-ga, the buffalo bull, his x mark,	[L. s.]
Benj. O'Fallon, U. S. agent Indian affairs,	[L. s.]	Esh-sta-ra-ba, ———, his x mark,	[L. s.]
Opá-ton-ga, the big elk, his x mark,	[L. s.]	Ta-reet-tee, the side of a buffalo, his x mark,	[L. s.]
Oho-shin-ga, the man that cooks little in a small kettle, his x mark,	[L. s.]	Sa-da-ma-ne, he that arrives, his x mark,	[L. s.]
Wash-ca-ma-nee, the fast walker, his x mark,	[L. s.]	Mo-pe-ma-nee, the walking cloud, his x mark,	[L. s.]
Shon-gis-cah, the white horse, his x mark,	[L. s.]	Moméé-shée, he who lays on the arrows from the number that pierce him, his x mark,	[L. s.]
We-du-gue-noh, the deliberator, his x mark,	[L. s.]	Ma-sha-ke-ta, the soldier, his x mark,	[L. s.]
Wa-shing-ga-sabba, the black bird, his x mark,	[L. s.]	Te-sha-va-gran, the door of the lodge, his x mark,	[L. s.]

In the presence of—

A. L. Langham, secretary to the commis- sion,		George C. Hutter, lieutenant Sixth In- fantry,	
A. R. Wooley, lieutenant-colonel U. S. Army,		M. W. Batman, lieutenant Sixth Infantry,	
J. Gantt, captain Sixth Infantry,		G. H. Kennerly, U. S. S. Indian agent,	
John Gale, surgeon U. S. Army,		Michael Burdeau, his x mark, interpreter,	
		William Rodgers.	

APPENDIX IV

TREATY WITH THE SAUK AND FOXES, ETC., 1830.

Articles of a treaty made and concluded by William Clark Superintendent of Indian Affairs and Willoughby Morgan, Col. of the United States 1st Regt. Infantry, Commissioners on behalf of the United States on the one part, and the undersigned Deputations of the Confederated Tribes of the Sacs and Foxes; the Medawah-Kanton, Wah-pacoota, Wahpeton and Sisseton Bands or Tribes of Sioux; the Omahas, Inways, Ottoes and Missourias on the other part.

July 15, 1830.

7 Stat., 328.
Proclamation, Feb. 24, 1831.

THE said Tribes being anxious to remove all causes which may hereafter create any unfriendly feeling between them, and being also anxious to provide other sources for supplying their wants besides those of hunting, which they are sensible must soon entirely fail them; agree with the United States on the following Articles.

ARTICLE I. The said Tribes cede and relinquish to the United States forever all their right and title to the lands lying within the following boundaries, to wit: Beginning at the upper fork of the Demoine River, and passing the sources of the Little Sioux, and Floyds Rivers, to the fork of the first creek which falls into the Big Sioux or Calumet on the east side; thence, down said creek, and Calumet River to the Missouri River; thence down said Missouri River to the Missouri State line, above the Kansas; thence along said line to the north west corner of the said State, thence to the high lands between the waters falling into the Missouri and Desmoines, passing to said high lands along the dividing ridge between the forks of the Grand River; thence along said high lands or ridge separating the waters of the Missouri from those of the Demoine, to a point opposite the source of Boyer River, and thence in a direct line to the upper fork of the Demoine, the place of beginning. But it is understood that the lands ceded and relinquished by this Treaty, are to be assigned and allotted under the direction of the President of the United States, to the Tribes now living thereon, or to such other Tribes as the President may locate thereon for hunting, and other purposes.

Cession of lands.

Purposes to which
the lands are to be
applied.

ARTICLE II. The confederated Tribes of the Sacs and Foxes, cede and relinquish to the United States forever, a tract of Country twenty miles in width, from the Mississippi to the Demoine; situate south, and adjoining the line between the said confederated Tribes of Sacs and Foxes, and the Sioux; as established by the second article of the Treaty of Prairie du Chien of the nineteenth of August one thousand eight hundred and twenty-five.

Cession by the Sacs
and Foxes.

ARTICLE III. The Medawah-Kanton, Wah-pa-coota, Wahpeton and Sisseton Bands of the Sioux cede and relinquish to the United States forever, a Tract of Country twenty miles in width, from the Mississippi to the Demoine River, situate north, and adjoining the line mentioned in the preceding article.

Cession by the Me-
dawah-Kanton, etc.

PRAIRIE DU CHIEN TREATY - 1830

Charles J. Kappler, *Indian Affairs, Laws and Treaties*, vol. 2
(Washington, D. C.: Government Printing Office, 1904), 305.

ARTICLE IV. In consideration of the cessions and relinquishments made in the first, second, and third articles of this Treaty, the United States agree to pay to the Sacs, three thousand dollars,—and to the Foxes three thousand dollars; To the Sioux of the Mississippi two thousand dollars;—To the Yancton and Santie Bands of Sioux three thousand dollars;—To the Omahas, two thousand five hundred dollars;—To the Ioways two thousand five hundred dollars;—To the Ottoes and Missouri River five hundred dollars, and to the Sacs of the Missouri River five hundred dollars; to be paid annually for ten successive years at such place, or places on the Mississippi or Missouri, as may be most convenient to said Tribes, either in money, merchandise, or domestic animals, at their option; and when said annuities or any portion of them shall be paid in merchandise, the same is to be delivered to them at the first cost of the goods at St. Louis free of transportation. And the United States further agree to make to the said Tribes and Bands, the following allowances for the period of ten years, and as long thereafter as the President of the United States may think necessary and proper, in addition to the sums herein before stipulated to be paid them; that is to say; To the Bands of the Sioux mentioned in the third article, one Blacksmith at the expense of the United States, and the necessary tools; also instruments for agricultural purposes, and iron and steel to the amount of seven hundred dollars;—To the Yancton and Santie Bands of Sioux, one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of four hundred dollars; To the Omahas one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars;—To the Ioways an assistant Blacksmith at the expense of the United States, also instruments for agricultural purposes to the amount of six hundred dollars; To the Ottoes and Missouri River one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars; and to the Sacs of the Missouri River, one Blacksmith at the expense of the United States and the necessary tools; also instruments for agricultural purposes to the amount of two hundred dollars.

ARTICLE V. And the United States further agree to set apart three thousand dollars annually for ten successive years, to be applied in the discretion of the President of the United States, to the education of the children of the said Tribes and Bands, parties hereto.

ARTICLE VI. The Yanckton and Santie Bands of the Sioux not being fully represented, it is agreed, that if they shall sign this Treaty, they shall be considered as parties thereto, and bound by all its stipulations.

ARTICLE VII. It is agreed between the parties hereto, that the lines shall be run, and marked as soon as the President of the United States may deem it expedient.

ART. VIII. The United States agree to distribute between the several Tribes, parties hereto, five thousand, one hundred and thirty-two dollars worth of merchandise, the receipt whereof, the said Tribes hereby acknowledge; which, together with the amounts agreed to be paid, and the allowances in the fourth and fifth articles of this Treaty, shall be considered as a full compensation for the cession and relinquishments herein made.

ARTICLE IX. The Sioux Bands in Council having earnestly solicited that they might have permission to bestow upon the half breeds of their Nation, the tract of land within the following limits, to wit: Beginning at a place called the barn, below and near the village of the Red Wing Chief, and running back fifteen miles; thence in a parallel line with Lake Pepin and the Mississippi, about thirty-two miles to a point opposite Beef or O-Boeuf River; thence fifteen miles to the Grand Encampment opposite the River aforesaid; The United States agree to suffer said half Breeds to occupy said tract of country; they holding by the same title, and in the same manner that other Indian Titles are held.

Consideration.

Annuities.

Further allowances.

Annuity for education.

Yanckton and Santie bands.

Lines to be run.

Earnest.

Reservation for Sioux half-breeds.

ARTICLE X. The Omahas, Ioways and Ottoes, for themselves, and in behalf of the Yanckton and Santie Bands of Sioux, having earnestly requested that they might be permitted to make some provision for their half-breeds, and particularly that they might bestow upon them the tract of country within the following limits, to wit; Beginning at the mouth of the Little Ne-mohaw River, and running up the main channel of said River to a point which will be ten miles from its mouth in a direct line; from thence in a direct line, to strike the Grand Ne-mohaw ten miles above its mouth, in a direct line (the distance between the two Ne-mohaws being about twenty miles)—thence down said River to its mouth; thence up, and with the Meanders of the Missouri River to the point of beginning, it is agreed that the half-breeds of said Tribes and Bands may be suffered to occupy said tract of land; holding it in the same manner, and by the same title that other Indian titles are held; but the President of the United States may hereafter assign to any of the said half-breeds, to be held by him or them in fee simple, any portion of said tract not exceeding a section, of six hundred and forty acres to each individual. And this provision shall extend to the cession made by the Sioux in the preceding Article.

Reservation for other half-breeds.

ARTICLE XI. The reservation of land mentioned in the preceding Article having belonged to the Ottoes, and having been exclusively ceded by them; it is agreed that the Omahas, the Ioways and the Yanckton and Santie Bands of Sioux shall pay out of their annuities to the said Ottoe Tribe, for the period of ten years, Three hundred Dollars annually; of which sum the Omahas shall pay one hundred Dollars, the Ioways one hundred Dollars, and the Yanckton and Santie Bands one hundred dollars.

Annuity to Ottoes from Omahas, etc.

ARTICLE XII. It is agreed that nothing contained in the foregoing Articles shall be so construed as to affect any claim, or right in common, which has heretofore been held by any Tribes, parties to this Treaty, to any lands not embraced in the cession herein made; but that the same shall be occupied and held by them as heretofore.

Saving of rights of the tribes.

ARTICLE XIII. This Treaty, or any part thereof, shall take effect, and be obligatory upon the Contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

Treaty binding when ratified.

Done, and signed, and sealed at Prairie du Chien, in the Territory of Michigan, this fifteenth day of July, in the year of our Lord one thousand eight hundred and thirty, and of the independence of the United States, the fifty-fifth.

Wm. Clark, superintendent Indian affairs,	[L. s.]	Sioux of the Mississippi, Medawakan-ton band:
Willoughby Morgan, colonel First Infantry U. S. Army, commissioners.	[L. s.]	Wabishaw, or red leaf, his x mark, [L. s.]
Sacs:		Tchataqua Manie, or little crow, his x mark, [L. s.]
Mash-que-tai-paw, or red head, his x mark, [L. s.]		Waumunde-tunkar, the great calumet eagle, his x mark, [L. s.]
Sheco-Calawko, or turtle shell, his x mark [L. s.]		Taco-coqui-pishnee, he that fears nothing, his x mark, [L. s.]
Kee-o-cuck, the watchful fox, his x mark, [L. s.]		Wah-coo-ta, that shoots arrows, his x mark, [L. s.]
Poi-o-tahit, one that has no heart, his x mark, [L. s.]		Pay-taw-whar, the fire owner, his x mark, [L. s.]
Os-hays-kee, ridge, his x mark, [L. s.]		Kaugh-Mohr, the floating log, his x mark, [L. s.]
She-shee-quanince, little gourd, his x mark [L. s.]		Etarz-e-pah, the bow, his x mark, [L. s.]
O-saw-wish-canoë, yellow bird, his x mark, [L. s.]		Teeah-roota, one that fires at the yellow, his x mark, [L. s.]
I-onin, his x mark, [L. s.]		Toh-kiah-taw-kaw, he who bites the enemy, his x mark, [L. s.]
Am-oway, his x mark, [L. s.]		Nasiumpah, or the early riser, his x mark, [L. s.]
Niniwow-qua-saut, he that fears mankind, his x mark, [L. s.]		Am-pa-ta-tah-wah, his day, his x mark, [L. s.]
Chaukee Manitou, the little spirit, his x mark, [L. s.]		Wah-kee-ah-tunkar, big thunder, his x mark, [L. s.]
Moso-inn, the scalp, his x mark, [L. s.]		Tauchaw-cadoota, the red road, his x mark, [L. s.]
Wapaw-chicannuck, fish of the white marsh, his x mark, [L. s.]		
Mesico, jic, his x mark, [L. s.]		

- Foxes:**
- Wapalaw, the prince, his x mark, [L. s.]
 Taweemin, strawberry, his x mark, [L. s.]
 Pasha-sakay, son of Piemanschie,
 his x mark, [L. s.]
 Keewausette, he who climbs every-
 where, his x mark, [L. s.]
 Naw-mee, his x mark, [L. s.]
 Appenioce, or the grand child, his
 x mark, [L. s.]
 Waytee-mins, his x mark, [L. s.]
 Nawayaw-cosi, his x mark, [L. s.]
 Manquo-pwam, the bear's hip,
 (Morgan,) his x mark, [L. s.]
 Kaw-Kaw-Kee, the crow, his x
 mark, [L. s.]
 Mawcawtaj-ee-quoiquenake, black
 neck, his x mark, [L. s.]
 Watu-pawnonsh, his x mark, [L. s.]
 Meshaw-nuaw-pectay, the large
 teeth, his x mark, [L. s.]
 Cawkee-Kamack, always fish, his
 x mark, [L. s.]
 Mussaw-wawquott, his x mark, [L. s.]
- Wah-pah-coota band:**
- Wiarh-hoh-ha, french crow, his x
 mark, [L. s.]
 Shans-konar, moving shadow, his
 x mark, [L. s.]
 Ah-pe-hatar, the grey mane, his x
 mark, [L. s.]
 Wahmedecaw-cahn-bohr, one that
 prays for the land, his x mark, [L. s.]
 Wah-con-de-kah-har, the one that
 makes the lightning, his x
 mark, [L. s.]
 Mazo-manie, or the iron that walks,
 his x mark, [L. s.]
 Mah-kah-ke-a-munch, one that
 flies on the land, his x mark, [L. s.]
 Mauzau-haut-amundee, the walk-
 ing bell, his x mark, [L. s.]
 Kah-hih, the Menominie, his x
 mark, [L. s.]
- Sussiton band:**
- Ete-tahken-bah, the sleeping eyes,
 his x mark, [L. s.]
 Ho-toh-monie, groans when he
 walks, his x mark, [L. s.]
- Omahahs:**
- Opau-tauga, or the big elk, his x
 mark, [L. s.]
 Chonques-kaw, the white horse,
 his x mark, [L. s.]
 Tessan, the white crow, his x mark, [L. s.]
 Ishtan-mauzay, iron-eye, chief's
 son, his x mark, [L. s.]
 Waw-shin-ga-sau-bais, black bird,
 his x mark, [L. s.]
 Waugh-pay-shan, the one who
 scalps but a small part from
 the crown of the head, his x
 mark, [L. s.]
 Au-gum-an, the chief, his x mark, [L. s.]
 Age-en-gaw, the wing, his x mark, [L. s.]
 Non-bau-nanie, the one that walks
 double, his x mark, [L. s.]
 Way-cosh-ton, the frequent feast
 giver, his x mark, [L. s.]
 Eh-que-naus-hus-kay, the second,
 his x mark, [L. s.]
 Iosey, (the son of Kawsay,) his x
 mark, [L. s.]
- Tchaws-kesky, the elder, his x
 mark, [L. s.]
 Mauzau-hautau, the grey iron, his
 x mark, [L. s.]
 Wazee-o-monie, the walking pine,
 his x mark, [L. s.]
 Tachaw-cooash-tay, the good road,
 his x mark, [L. s.]
 Kie-ank-kaw, the mountain, his x
 mark, [L. s.]
 Mah-peau-mansaw, iron cloud, his
 x mark, [L. s.]
 E-taych-o-caw, half face, his x
 mark, [L. s.]
 Anoug-geenje, one that stands on
 both sides, his x mark, [L. s.]
 Hough-appaw, the eagle head, his
 x mark, [L. s.]
 Hooka-mooza, the iron limb, his x
 mark, [L. s.]
 Hoatch-ah-cadoota, the red voice,
 his x mark, [L. s.]
 Wat-chu-da, the dancer, [L. s.]
- Pah-a-manie, one who walks on the
 snow, his x mark, [L. s.]**
- Pie-kan-ha-igne, the little star, his
 x mark, [L. s.]**
- Niayoo Manie, walking rain, his x
 mark, [L. s.]**
- Nautah-hoo, burnt-wood, his x
 mark, [L. s.]**
- Pai-tansa, the white crane, his x
 mark, [L. s.]**
- Ottoes:**
- I-atan, or Shaumanie-Cassan, or
 prairie wolf, his x mark, [L. s.]**
- Mehah-hun-jee, second daughter,
 his x mark, [L. s.]**
- Wawronesan, the encircler, his
 x mark, [L. s.]**
- Kansa-tauga, the big Kansas, his x
 mark, [L. s.]**
- Noe-kee-sa-kay, strikes two, his x
 mark, [L. s.]**
- Tchai-au-grai, the shield, his x
 mark, [L. s.]**
- Mantoigne, the little bow, his x
 mark, [L. s.]**
- Thee-rai-tchai-nee-grai, wolf-tail
 at the heel, his x mark, [L. s.]**
- Oh-haw-kee-wano, that runs on the
 hills, his x mark, [L. s.]**
- Rai-grai-a, speckled turtle, his x
 mark, [L. s.]**
- Tchai-wah-tchee-ray, going by, his
 x mark, [L. s.]**
- Krai-taunica, the hawk, his x mark, [L. s.]**
- Mauto-a Kee-pah, that meets the
 bear, his x mark, [L. s.]**
- Kai-wan-igne, little turtle, his x
 mark, [L. s.]**
- Missourias:**
- Eh-shaw-manie, or the one who
 walks laughing, his x mark, [L. s.]**
- Ohaw-tchee-ke-sakay, one who
 strikes the Little Osages, his x
 mark, [L. s.]**
- Wamshe-katou-nat, the great man,
 his x mark, [L. s.]**
- Shoug-resk-kay, the horse fly, his
 x mark, [L. s.]**

Ioways:		Tahmegrai-Soo-igne, little deer's dung, his x mark,	[L. s.]
Wassau-nie, or the medicine club, his x mark,	[L. s.]	Missouri Sacs:	
Mauhoos Kan, white cloud, his x mark,	[L. s.]	Sau-kis-quoi-pee, his x mark,	[L. s.]
Wo-hoompee, the broth, his x mark,	[L. s.]	She-she-quene, the gourd, his x mark,	[L. s.]
Tah-roh-na, a good many deer, his x mark,	[L. s.]	Nochewai-tasay, his x mark,	[L. s.]
Wa-nau-quash-coonie, without fear, his x mark,	[L. s.]	Mash-quaw-siais, his x mark,	[L. s.]
		Nawai-yak-oosee, his x mark,	[L. s.]
		Wee-tay-main, one that goes with the rest, his x mark,	[L. s.]

The assent of the Yancton and Santie Bands of Sioux, to the foregoing treaty is given. In testimony whereof, the chiefs, braves, and principal men of said bands have hereunto signed their names and acknowledge the same, at St. Louis, this 13th October, 1830.

Yancton and Santie Bands of Sioux:		Cha-pon-ka, or mosquito, his x mark,	[L. s.]
Matto-Sa-Becha, the black bear, his x mark,	[L. s.]	To-ki-mar-ne, he that walks ahead, his x mark,	[L. s.]
Pa-con-okra, his x mark,	[L. s.]	Wock-ta-ken-dee, kills and comes back, his x mark,	[L. s.]
Citta-eutapishma, he who dont eat buffalo, his x mark,	[L. s.]	Ha Sazza, his x mark,	[L. s.]
To-ki-e-ton, the stone with horns, his x mark,	[L. s.]	Chigga Wah-shu-she, little brave, his x mark,	[L. s.]
Wah-gho-num-pa, cotton wood on the neck, his x mark,	[L. s.]	Cha-tun-kia, sparrow hawk, his x mark,	[L. s.]
Zuyesaw, warrior, his x mark,	[L. s.]	Ke-un-chun-ko, swift flyer, his x mark,	[L. s.]
Tokun Ohomenee, revolving stone, his x mark,	[L. s.]	Ti-ha-uhar, he that carries his horn, his x mark,	[L. s.]
Eta-ga-nush-kica, mad face, his x mark,	[L. s.]	Sin-ta-nomper, two tails, his x mark,	[L. s.]
Womendee Dooter, red war eagle, his x mark,	[L. s.]	Wo-con Cashtaka, the whipt spirit, his x mark,	[L. s.]
Mucpea A-har-ka, cloud elk, his x mark,	[L. s.]	Ta Shena Pater, fiery blanket, his x mark,	[L. s.]
To-ka-oh, wounds the enemy, his x mark,	[L. s.]		
Pd-ta-sun eta womper, white buffalo with two faces, his x mark,	[L. s.]		

In presence of—

Jno. Ruland, secretary to the commission.	David D. Mitchell,
Jon. L. Bean, special agent,	H. L. Donsman,
Law Taliaferro, Indian agent at St. Peters,	Wynkoop Warner,
R. B. Mason, captain, First Infantry,	Geo. Davenport,
G. Loomis, captain, First Infantry,	Wm. Hempstead,
James Peterson, lieutenant and adjutant,	Benjamin Mills,
H. B. M., Thirty-third Regiment,	Wm. H. Warfield, lieutenant, Third Infantry,
N. S. Harris, lieutenant and adjutant, regiment, U. S. Infantry,	Sam. R. Throokinoor,
Henry Bainbridge, lieutenant, U. S. Army,	John Connelly,
John Gale, surgeon, U. S. Army,	Amos Farror,
J. Archer, lieutenant, U. S. Army,	Antoine Le Claire, interpreter of Sacs and Foxes,
J. Dougherty, Indian agent,	Stephen Julian, United States interpreter,
Thos. A. Davies, lieutenant, infantry,	Jacques Mette, interpreter,
Wm. S. Williamson, sub-Indian agent,	Michel Berda, his x mark, Mohow interpreter,
And. S. Hughes, sub-Indian agent,	S. Campbell, United States interpreter.
A. G. Baldwin, lieutenant, Third Infantry,	

Witnesses to the signatures of the Yancton and Santie bands of Sioux, at Fort Tecumseh, Upper Missouri, on the fourth day of September, 1830:

Wm. Gordon,
James Archdale Hamilton,
David D. Mitchell,
Wm. Saidlau,
Jacob Halsey.

Witnesses present at the signing and acknowledgment of the Yanc-
ton and Santie Deputations:

Jno. Ruland, secretary to Commissioners.	William C. Heyward, U. S. Army,
Jon. L. Bean, sub-Indian agent for Upper	D. J. Royster, U. S. Infantry,
Missouri,	Samuel Kinney, U. S. Army,
Felix F. Wain, Indian agent for Sacs and	Merewether Lewis Clark, Sixth Regiment
Foxes,	Infantry,
John F. A. Sanford, United States Indian	Jacques Mette.
agent.	

APPENDIX V

TREATY WITH THE OTO, ETC., 1836.

Articles of a convention entered into and concluded at Bellevue Upper Missouri the fifteenth day of October one thousand eight hundred and thirty-six, by and between John Dougherty U. S. agt. for Indian Affairs and Joshua Pilcher U. S. Ind. s. agt being specially authorized therefor; and the chiefs braves head men &c of the Otoes Missouries Omahaws and Yankton and Santee bands of Sioux, duly authorized by their respective tribes.

Oct. 15, 1836.
7 Stat., 524.
Proclamation, Feb.
16, 1837.

ARTICLE 1st. Whereas it has been represented that according to the stipulations of the first article of the treaty of Prairie du Chien of the fifteenth of July eighteen hundred and thirty, the country ceded is "to be assigned and allotted under the direction of the President of the United States to the tribes now living thereon or to such other tribes as the President may locate thereon for hunting and other purposes," and whereas it is further represented to us the chiefs, braves and head men of the tribes aforesaid, that it is desirable that the lands lying between the State of Missouri and the Missouri river, and south of a line running due west from the northwest corner of said State until said line strikes the Missouri river, should be attached to and become a part of said State, and the Indian title thereto be entirely extinguished; but that notwithstanding as these lands compose a part of the country embraced by the provisions of the said first article of the treaty aforesaid, the stipulations whereof will be strictly observed, until the assent of the Indians interested is given to the proposed measure. Now we the chiefs braves and principal men of the Otoes Missouries Omahaws Yankton and Santee bands of Sioux aforesaid fully understanding the subject and well satisfied from the local position of the lands in question, that they never can be made available for Indian purposes; and that an attempt to place an Indian population on them must inevitably lead to collisions with the citizens of the United States; and, further believing that the extension of the State line in the direction indicated, would have a happy effect by presenting a natural boundary between the whites and Indians; and willing moreover to give the United States a renewed evidence of our attachment and friendship; do hereby for ourselves and on behalf of our respective tribes (having full power and authority to this effect) for ever cede relinquish and quit claim to the United States all our right title and interest of whatsoever nature in and to the lands lying between the State of Missouri and the Missouri river, and south of a line running due west from the northwest corner of the State to the Missouri river, as herein before mentioned, and freely and fully exonerate the United States from any guarantee condition or limitation expressed or implied under the treaty of Prairie du Chien aforesaid or otherwise,

Treaty of July 15,
1830.

Cession of land to
the United States.

THE PLATTE PURCHASE - 1836

Charles J. Kappler, Indian Affairs, Laws and Treaties, vol. 2
(Washington, D. C.: Government Printing Office, 1904), 479.

as to the entire and absolute disposition of said lands, fully authorizing the United States to do with the same whatever shall seem expedient or necessary.

Present of \$4,500 in merchandise.

ART. 2d. As a proof of the continued friendship and liberality of the United States towards the said Otoes Missouries Omahaws and Yankton and Santee bands of Sioux, and as an evidence of the sense entertained for the good will manifested by the said tribes to the citizens and Government of the United States as evinced in the preceding cession and relinquishment; and as some compensation for the great sacrifice made by the several deputations at this particular season, by abandoning their fall hunts and traveling several hundred miles to attend this convention the undersigned John Dougherty and Joshua Pilcher agrees on behalf of the United States to pay as a present to the tribes herein before named the sum of four thousand five hundred and twenty dollars in merchandise, the receipt of which they hereby acknowledge having been distributed among them in the proportions following. To the Otoes twelve hundred and fifty dollars, to the Missouries one thousand dollars to the Omahaws twelve hundred and seventy dolls. to the Yankton and Santee bands of Sioux one thousand dollars.

Portions of each tribe.

Otoes and Missouries to be furnished with 500 bushels of corn.

ART. 3d. In consequence of the removal of the Otoes and Missouries from their former situation on the river Platte to the place selected for them, and of their having to build new habitations last spring at the time which should have been occupied in attending to their crops, it appears that they have failed to such a degree as to make it *certain* that they will lack the means of subsisting next spring, when it will be necessary for them to commence cultivating the lands now preparing for their use. It is therefore agreed that the said Otoes, and Missouries (in addition to the presents herein before mentioned) shall be furnished at the expense of the United States with five hundred bushels of corn to be delivered at their village in the month of April next. And the same causes operating upon the Omahaws, they having also abandoned their former situation, and established at the place recommended to them on the Missouri river, and finding it difficult without the aid of ploughs to cultivate land near their village where they would be secure from their enemies, it is agreed as a farther proof of the liberality of the Government and its disposition to advance such tribes in the cultivation of the soil as may manifest a disposition to rely on it for the future means of subsistence; that they shall have one hundred acres of ground broke up and put under a fence near their village, so soon as it can be done after the ratification of this convention.

Omahaws to have 100 acres of ground broke up, etc.

Obligatory when ratified.

ART. 5. This convention shall be obligatory on the tribes parties hereto, from and after the date hereof, and on the United States from and after its ratification by the Government thereof.

Done, signed, and sealed at Bellevue, Upper Missouri, this fifteenth day of October, one thousand eight hundred and thirty-six, and of the independence of the United States, the sixty-first.

Jno. Dougherty, Indian agent,	[L. s.]	Mon-nah-shu-jah, his x mark,	[L. s.]
Joshua Pilcher, United States Indian subagent,	[L. s.]	Missouries:	
Otoes:		Hah-che-ge-sug-a, his x mark,	[L. s.]
Jaton, his x mark,	[L. s.]	Black Hawk, his x mark,	[L. s.]
Big Kaw, his x mark,	[L. s.]	No Heart, his x mark,	[L. s.]
The Thief, his x mark,	[L. s.]	Wan-ge-ge-he-ru-ga-ror, his x mark,	[L. s.]
Wah-ro-ne-saw, his x mark,	[L. s.]	The Arrow Fender, his x mark,	[L. s.]
Buffalo Chief, his x mark,	[L. s.]	Wah-ne-min-er, his x mark,	[L. s.]
Shaking Handle, his x mark,	[L. s.]	Big Wing, his x mark,	[L. s.]
We-ca-ru-ton, his x mark,	[L. s.]	Omahaws:	
Wash-shon-ke-ra, his x mark,	[L. s.]	Big Elk, his x mark,	[L. s.]
Standing White Bear, his x mark,	[L. s.]	Big Eyes, his x mark,	[L. s.]
O-rah-car-pe, his x mark,	[L. s.]	Wash-kaw-mony, his x mark,	[L. s.]
Wah-nah-shah, his x mark,	[L. s.]	White Horse, his x mark,	[L. s.]
Wa-gre-ni-e, his x mark,	[L. s.]	White Caw, his x mark,	[L. s.]
		Little Chief, his x mark,	[L. s.]

A-haw-paw, his x mark,	[L. s.]	Wash-ka-shin-ga, his x mark,	[L. s.]
Walking Cloud, his x mark,	[L. s.]	Mon-to-he, his x mark,	[L. s.]
Wah-see-an-nee, his x mark,	[L. s.]	Wah-kan-teau, his x mark,	[L. s.]
No Heart, his x mark,	[L. s.]	E-ta-ze-pa, his x mark,	[L. s.]
Wah-shing-gar, his x mark,	[L. s.]	Ha-che-you-ke-kha, his x mark,	[L. s.]
Standing Elk, his x mark,	[L. s.]	Wa-men-de-ah-wa-pe, his x mark,	[L. s.]
Ke-tah-an-nah, his x mark,	[L. s.]	E-chunk-ca-ne, his x mark,	[L. s.]
Mon-chu-ha, his x mark,	[L. s.]	Chu-we-a-teau, his x mark,	[L. s.]
Pe-ze-nin-ga, his x mark,	[L. s.]	Mah-pe-a-tean, his x mark,	[L. s.]
Yankton and Santees,		Wah-mun-de-cha-ka, his x mark,	[L. s.]
Pitta-eu-ta-pishna, his x mark,	[L. s.]	Pah-ha-na-jie, his x mark,	[L. s.]

Witnesses:

J. Varnum Hamilton, sutler U. S. Dragoons and acting secretary,
 William Steele,
 John A. Ewell,
 William J. Martin,
 Martin Dorion, his x mark.

APPENDIX VI

Whereas the Government of the United States through the Hon. George B. Mangum, Commissioner of Indian Affairs, expressed a desire to purchase a part or the whole of the lands owned by the Omaha Tribe of Indians when he visited them last year, and at the time said Omahas signified their willingness to sell a portion of their country to the United States; and whereas the Government of the United States has now asked the said Omaha Tribe of Indians to send some of their Chiefs to Washington City to conclude a Treaty; and the Agent of said Agency, M. Gatewood, submitted to the Omahas said proposal; and whereas the Omahas have refused to make a Treaty through their delegates at Washington City or at any other place in the absence of all the Chiefs, Head-men, Warriors and Young Men of the Tribe; and whereas it is deemed of the utmost importance to the United States Government and to the Omaha Tribe that a Treaty be concluded with as little delay as possible for the mutual benefit

GATEWOOD TREATY - JANUARY 27, 1854

of both parties. Therefore James Mc Gatewood
 Indian Agent at the Council Bluffs Indian
 Agency on the part of the United States
 Government and the Chiefs, Headmen
 Warriors and Young Men of the Omaha
 Tribe in General Council assembled at the
 Council Bluffs Indian Agency, have made and
 agreed upon the following articles and
 conditions of a Treaty.

Article 1st

The Chiefs, Headmen, Warriors and Young Men
 in behalf of the Omaha Tribe do by these
 presents cede and relinquish forever to the
 United States all their right title and
 claim to the tract of country included
 within the following boundaries: viz/ Beginning
 in the middle of the main channel of the Missouri
 River opposite the middle of the main channel of
 the great Nebraska River, thence up the middle
 of the main channel of the Missouri River to
 a point opposite the place where the Agency
 River discharges out of the Bluffs thence from
 the said point in the middle of the main
 channel of the Missouri River to said point
 where the Agency River discharges out of
 the Bluffs thence in a direct west line to
 the western boundary of the country now owned
 by said Omaha Tribe of Indians thence south
 to the lands of the Pawnees; thence with said Pawnee
 to the waters of the South Fork of the Great

Omaha River; thence down the waters of
the said fork to the middle of the main
channel of the great Nebraska River thence
down the middle of the main channel of
said River to the place of Beginning

Article 2^d

It is agreed and stipulated that said
Omahas shall, as soon as the United
States shall make the necessary provisions
for fulfilling the stipulations of this treaty
locate the country hereby ceded to the United
States and remove to and settle upon their
lands north of the before mentioned Agency
River.

And it is further stipulated that
said Omahas relinquish to the United States
all claims that may be due them under
all former treaties except so much as remains
unpaid of the Twenty Five Thousand Dollars
agreed to be paid them for agricultural
purposes by the United States in the year
eighteen hundred and fifty one; said residue
to be paid to said Tribe, in such sums, in
such manner, and at such time as the
President of the United States shall deem
most proper

Article 3^d

In consideration of said Relinquishment
and cession of said the United States
stipulate and agree to pay to the Omaha
Tribe of Indians the sum of Forty

Thousand Dollars a year for the term of
 thirty years, one half of each payment
 to be made in the Spring and the other
 half in the fall of the year; and in
 addition shall furnish a good gun and
 black Smith and an assistant to reside
 at their new home and provide and
 maintain a good shop for the exclusive
 benefit of the Omahas. And it is further
 stipulated and agreed that the United
 States shall cause to be ploughed in good
 condition and at the right time of
 the year for planting two hundred acres
 of land. And it is further stipulated
 and agreed that the United States shall
 protect the Omahas at their new homes
 against the Sioux tribe and all other
 tribes of Indians that may be hostile to
 them until such time as protection shall
 be deemed no longer necessary by the
 President of the United States. And the
 United States shall cause a treaty to be
 made as soon as possible with the Ponca
 and Sioux tribes of Indians which treaty
 shall provide for the perpetual friendship
 peace and unity of the said tribes.

And it is agreed
 and stipulated by the Omahas that
 they will not make war upon other
 Indian tribes except in self defence
 but will submit all causes of dispute
 to the Government of the United States.

or its Agent, for decision. And it is further agreed and stipulated that by the said Omahas will not rob or take from any tribes or from the whites any property not their own and in case this provision shall be violated by any of said tribe and the fact thereof be proved before the Agent the full value of property taken or damage done shall be paid to the person or party injured by the United States out of the money stipulated to be paid by this treaty to the Omahas.

Article 4th. The Omaha Tribe of Indians acknowledge themselves justly indebted to Peter Sturges in the sum of six thousand three hundred dollars for credits extended to them at different times, which credits they have not been able to pay to Logan Fontenelle in the sum of five hundred dollars; to Lewis Sainsorsee in the sum of five hundred dollars which debts they desire shall be paid out of the first installment due under this treaty.

Article 2nd

It is further agreed stipulated and expressly understood that the United States shall pay to the said Omahas the money due them under the provisions and stipulations of this treaty in cash.

Article 5th

And it is finally agreed and stipulated by the said Omaha tribe of Indians that the following named Chiefs: viz. Logan Fontaine, Joseph Saffick, Sa-wa-gah-ho or Village Maker, Greatan-man-gis or Standing Hawk, Wa-mo-qui-ga, Ca-hi-gue-ginga or Little Chief and So-ge-man-gis or Yellow Smoke have full power in the name of the Omaha Nation in as full and ample a manner as if the whole Nation were present, to fully ratify and confirm and to slightly modify alter or amend any or all of the foregoing provisions or stipulations of this treaty.

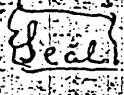
Article 6th

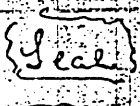
These agreements and stipulations shall be obligatory and binding when ratified by the President and Senate of the United States.


Done at the Council Bluffs Indian Agency this twenty seventh day of January in the year of our Lord one thousand eight hundred and fifty four.


In testimony whereof
James M. Gatewood Indian agent at the
Council Bluffs Indian agency and the
following named Chiefs Head men
Warriors and young men have hereunto
subscribed their names and affixed
their seals


James M. Gatewood 

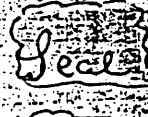
Sagan Fontenelle 

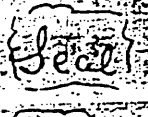
Sacagah Saffache 


Tandagehi Village Maker 

• Grouse Name in Mountain Lamb 


Wan No qui ... 

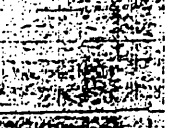
Wan i que ... 

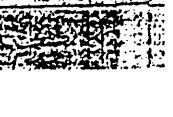
Wan a hi ... 

Te Sun ... 

Man ... 

Man ... 

Man ... 

Man ... 

Toi hoi que do ba
 do ta do ba
 Mon Mon ba ba
 Mi ba a
 Mon hi Mon que
 Moi chon trai
 Ta Ni ga trai
 Tui ho ga
 Da tu Nam que
 Ba rui Nam pis
 Hoc Ma da lon gas
 O han que ga
 Gas ca tam trai
 Chon que da bai
 Ma se qui dai
 Mon da bai que ga
 Mon chon Lea
 A ga ha Ma Pis
 O to ga hai
 Si Mi ca se
 Hoan da Ma Pis
 Ti gai bai gran
 Moi en ai que gas
 Ba hi que
 Da Ni ta ta ta ta
 Ga da ca
 Hoan Ma ai bai
 Sa tar pas

I wa o loai
 Ke e wa o loai
 Qui Man ha
 Nan ai wa oai
 Ga qui ai Ma Ni
 Wa chi ai Man ai
 I wa ri li
 Nan qui tari
 wa ri i
 I da a Mo
 O qui fra tari
 Ga dai que
 Ni tu wa ri sai
 ba i que tar
 wa ri tai wa hai
 ba hai kan ba
 Oe pa ra

Signed in presence of
 Stephen Deaton Secretary
 Isaiah H. Bennett Omaha with
 George Hefner
 and S. Bennett Judge of Mills Co. Iowa
 Joseph P. Smith
 Samuel Allis
 James L. Hildreth
 Williamston Stillman Atlas Smith
 George W. Hildreth
 Peter A. Sargent
 Mr. S. S. Hildreth
 Lewis Gannett Sec. or S. Interpreter

APPENDIX VII

Whereas the Government of the United States through the Hon. George W. Manypenny Commissioner of Indian Affairs expressed a desire to purchase a part or the whole of the land owned by the Omaha Tribe of Indians when he visited them last fall, and at the time said Omahas signified their willingness to sell a portion of their country to the United States, and whereas the Government of the United States has now asked the said Omaha Tribe of Indians to send some of their chiefs to Washington City to conclude a treaty, and the Agent Col. James M. Gatewood submitted to the Omahas said proposal; and whereas the Omahas have refused to make a treaty through their delegates at Washington City or at any other place in the absence of all the Chiefs, Head Men, Warriors and Young Men of the tribe; and whereas it is deemed of the utmost importance to the United States Government and to the Omaha tribe that a treaty be concluded with as little delay as possible for the mutual benefit of both parties: Therefore James M. Gatewood Indian Agent at the Council Bluffs Indian Agency on the part of the United States Government and the Chiefs, Head Men, Warriors and young Men of the Omaha tribe in general council assembled at the Council Bluffs Indian Agency have made and agreed upon the following articles and conditions of a treaty.

ARTICLE 1

The Chiefs, Head Men, Warriors and Young Men in behalf of the Omaha tribe do by these presents cede and relinquish forever to the United States all their right, title and claim to the tract of country included within the following boundaries: Beginning in the middle of the main channel of the Missouri River opposite the middle of the main channel of the great Nebraska River, thence up the middle of the main channel of the Missouri River to a point opposite the place where the Ayoway River disembouges out of the Bluffs thence from the said point in the middle of the main channel of the Missouri River to said point where the Ayoway River disembouges out of the Bluffs thence in a direct west line to the western boundary of the country, now owned by said Omaha tribe of Indians, thence South to the waters of Loup Fork of the great Nebraska River; thence down the waters of the Loup Fork to the middle of the main channel of the great Nebraska River thence down the middle of the main channel of said river to the place of beginning.

PREAMBLE AND ARTICLES OF THE GATEWOOD TREATY
JANUARY 27, 1854

Letters Received by the Office of Indian Affairs, Council Bluffs Agency, 1836-1857.
National Archives Microfilm Publications, Record Group 75, Microcopy 234, Reel 218.

ARTICLE 2

It is agreed and stipulated that said Omahas shall, as soon as the United States shall make the necessary provisions for fulfilling the stipulations of this treaty vacate the country hereby ceded to the United States and remove to and settle upon their lands north of the before mentioned Ayoway River.

And it is further stipulated that said Omahas relinquish to the United States all claims that may be due them under all former treaties except so much as remains unpaid of the twenty five thousand dollars agreed to be paid them for agricultural purposes by the United States in the year eighteen hundred and fifty one; said residue to be paid to said tribe, in such sums, in such manner, and at such time as the President of the United States shall deem most proper.

ARTICLE 3

In consideration of said relinquishment and cession of same the United states stipulate and agree to pay to the Omaha tribe of Indians the sum of forth thousand dollars a year for the term of thirty years, one half of each payment to be made in the spring and the other half in the fall of the year; and in adition [sic] shall furnish a good gun and black smith and an assistant to reside at their new home and provide and maintain a good shop for the exclusive benefit of the Omahas. And it is further stipulated and agreed that the United States shall cause to be ploughed in good condition and at the right time of the year for planting two hundred acres of land. And it is further stipulated and agreed that the United states shall protect the Omahas at their new homes against the Sioux tribe and all other tribes of Indians that may be hostile to them until such time as protection shall be deemed no longer necessary by the President of the United States. And the United States shall cause a treaty to be made as soon as possible , with the Ponca and Sioux tribes of Indians which treaty shall provide for the perpetual friendship, peace and amity of the said tribes.

And it is agreed and stipulated by the Omahas that they will not make war upon other Indian tribes except in self defence [sic] but will submit all causes of dispute to the government of the United States or its agent for decision. And it is further agreed and stipulated that the said Omahas will not rob or take from any tribes or from the whites any property not their own and in case this provision shall be violated by any of said tribe and the fact thereof be proven before the agent the full value of property taken or damage done shall be paid to the person or party injured by the United States out of the money stipulated to be paid by this treaty to the Omahas.

The Omaha tribe of Indians acknowledge themselves justly indebted to Peter A. Sarpy in the sum of six thousand three hundred dollars for credits extended to them at different times, which credits they have not been able to pay; to Logan Fontenelle in the sum of five hundred dollars; to Lewis Saunsoci in the sum of five hundred dollars which debts they desire shall be paid out of the first installment due under this treaty.

ARTICLE 4

It is further agreed, stipulated and expressly understood that the United States shall pay to the said Omahas the money due them under the provisions and stipulations of this treaty in cash.

ARTICLE 5

And it is finally [sic] agreed and stipulated by the said Omaha tribe of Indians that the following named Chiefs: viz Logan Fontenelle, Joseph La Flesche, Ta-wa-gah-ha or Village Maker, Gre-tan-nan-gis or Standing Hawk, Wa-no-qui-ga; Ca-hi-que-ginga or Little Chief and So-ge-nan-yis or Yellow Smoke have full power in the name of the Omaha Nation in as full and ample a manner as if the whole nation were present, to fully ratify and confirm and to slightly modify alter or amend any or all of the foregoing provisions or stipulations of this treaty.

ARTICLE 6

These agreements and stipulations shall be obligatory and binding when ratified by the President and Senate of the United States.

Done at the Council Bluffs Indian Agency this twenty seventh day of January in the year of our Lord one thousand eight hundred and fifty four.

APPENDIX VIII

TREATY WITH THE OMAHA, 1854.

Articles of agreement and convention made and concluded at the city of Washington this sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following-named chiefs of the Omaha tribe of Indians, viz: Shon-ga-ska, or Logan Fontenelle; E-stu-mah-za, or Joseph Le Flesche; Gra-tah-nah-je, or Standing Hawk; Gah-he-ga-gin-gah, or Little Chief; Ta-wah-gah-ha, or Village Maker; Wah-no-ke-ga, or Noise; So-da-nah-ze, or Yellow Smoke; they being thereto duly authorized by said tribe.

March 16, 1854.

10 Stats., 1043.
Ratified Apr. 17,
1854.
Proclaimed June 21,
1854.

ARTICLE 1. The Omaha Indians cede to the United States all their lands west of the Missouri River, and south of a line drawn due west from a point in the centre of the main channel of said Missouri River due east of where the Ayoway River disembogues out of the bluffs, to the western boundary of the Omaha country, and forever relinquish all right and title to the country south of said line: *Provided, however,* That if the country north of said due west line, which is reserved by the Omahas for their future home, should not on exploration prove to be a satisfactory and suitable location for said Indians, the President may, with the consent of said Indians, set apart and assign to them, within or outside of the ceded country, a residence suited for and acceptable to them. And for the purpose of determining at once and definitely, it is agreed that a delegation of said Indians, in company with their agent, shall, immediately after the ratification of this instrument, proceed to examine the country hereby reserved, and if it please the delegation, and the Indians in counsel express themselves satisfied, then it shall be deemed and taken for their future home; but if otherwise, on the fact being reported to the President, he is authorized to cause a new location, of suitable extent, to be made for the future home of said Indians, and which shall not be more in extent than three hundred thousand acres, and then and in that case, all of the country belonging to the said Indians north of said due west line, shall be and is hereby ceded to the United States by the said Indians, they to receive the same rate per acre for it, less the number of acres assigned in lieu of it for a home, as now paid for the land south of said line.

Cession of lands to the United States.

Reserve for the Indians.

ARTICLE 2. The Omahas agree, that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the ceded country, and remove to the lands reserved herein by them, or to the other lands provided for in lieu thereof, in the preceding article, as the case may be.

Removal of the Indians.

ARTICLE 3. The Omahas relinquish to the United States all claims, for money or other thing, under former treaties, and likewise all claim

Relinquishment of former claims.

TREATY WITH THE OMAHAS - MARCH 16, 1854

which they may have heretofore, at any time, set up, to any land on the east side of the Missouri River: *Provided*, The Omahas shall still be entitled to and receive from the Government, the unpaid balance of the twenty-five thousand dollars appropriated for their use, by the act of thirtieth of August, 1851.

Payment to the Indians.

ARTICLE 4. In consideration of and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the Omaha Indians the several sums of money following, to wit;

1st. Forty thousand dollars, per annum, for the term of three years, commencing on the first day of January, eighteen hundred and fifty-five.

2d. Thirty thousand dollars per annum, for the term of ten years, next succeeding the three years.

3d. Twenty thousand dollars per annum, for the term of fifteen years, next succeeding the ten years.

4th. Ten thousand dollars per annum, for the term of twelve years, next succeeding the fifteen years.

How made.

All which several sums of money shall be paid to the Omahas, or expended for their use and benefit, under the direction of the President of the United States, who may from time to time determine at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, arms, and ammunition; for mechanics, and tools; and for medical purposes.

Further payment.

ARTICLE 5. In order to enable the said Indians to settle their affairs and to remove and subsist themselves for one year at their new home, and which they agree to do without further expense to the United States, and also to pay the expenses of the delegation who may be appointed to make the exploration provided for in article first, and to fence and break up two hundred acres of land at their new home, they shall receive from the United States, the further sum of forty-one thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

Disposition of the lands reserved.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed,

and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land. And the residue of the land hereby reserved, or of that which may be selected in lieu thereof, after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

ARTICLE 7. Should the Omahas determine to make their permanent home north of the due west line named in the first article, the United States agree to protect them from the Sioux and all other hostile tribes, as long as the President may deem such protection necessary; and if other lands be assigned them, the same protection is guaranteed.

Protection from hostile tribes.

ARTICLE 8. The United States agree to erect for the Omahas, at their new home, a grist and saw mill, and keep the same in repair, and provide a miller for ten years; also to erect a good blacksmith shop, supply the same with tools, and keep it in repair for ten years; and provide a good blacksmith for a like period; and to employ an experienced farmer for the term of ten years, to instruct the Indians in agriculture.

Grist and sawmill.

Blacksmith.

ARTICLE 9. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities not to be taken for debts.

ARTICLE 10. The Omahas acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Omahas commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

Conduct of the Indians.

Depredations.

ARTICLE 11. The Omahas acknowledge themselves indebted to Lewis Sounsosee, (a half-breed,) for services, the sum of one thousand dollars, which debt they have not been able to pay, and the United States agree to pay the same.

Payment to Lewis Sounsosee.

ARTICLE 12. The Omahas are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Omaha who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Provision against introduction of ardent spirits.

ARTICLE 13. The board of foreign missions of the Presbyterian Church have on the lands of the Omahas a manual-labor boarding-school, for the education of the Omaha, Ottoe, and other Indian youth, which is now in successful operation, and as it will be some time before

Grant to the missions of the Presbyterian Church.

the necessary buildings can be erected on the reservation, and [it is] desirable that the school should not be suspended, it is agreed that the said board shall have four adjoining quarter sections of land, so as to include as near as may be all the improvements heretofore made by them; and the President is authorized to issue to the proper authority of said board, a patent in fee-simple for such quarter sections.

CONSTRUCTION OF
ROADS.

ARTICLE 14. The Omahas agree that all the necessary roads, highways, and railroads, which may be constructed as the country improves, and the lines of which may run through such tract as may be reserved for their permanent home, shall have a right of way through the reservation, a just compensation being paid therefor in money.

ARTICLE 15. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the undersigned chiefs, of the Omaha tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

George W. Manypenny, Commissioner.	[L. S.]
Shon-ga-ska, or Logan Fontenelle, his x mark.	[L. S.]
E-sta-mah-za, or Joseph Le Flesche, his x mark.	[L. S.]
Gra-tah-mah-je, or Standing Hawk, his x mark.	[L. S.]
Gah-he-ga-gin-gah, or Little Chief, his x mark.	[L. S.]
Tah-wah-gah-ha, or Village Maker, his x mark.	[L. S.]
Wah-no-ke-ga, or Noise, his x mark.	[L. S.]
So-da-nah-ze, or Yellow Smoke, his x mark.	[L. S.]

Executed in the presence of us:

James M. Gatewood, Indian agent.

James Goszler.

Charles Calvert.

James D. Kerr.

Henry Beard.

Alfred Chapman.

Lewis Saunsoci, interpreter.

APPENDIX IX

<p>Mar. 6, 1865, 14 Stats., 667, Ratified, Feb. 13, 1866. Proclaimed Feb. 15, 1866.</p>	<p><i>Articles of treaty made and concluded at Washington, D. C., on the sixth day of March, A. D. 1865, between the United of America, by their commissioners, Clark W. Thompson, Robert W. Furnas, and the Omaha tribe of Indians by their chiefs, E-sta-mah-za, or Joseph La Flesche, Gru-ta-muh-zhe, or Standing Hawk; Ga-he-ga-zhinga, or Little Chief; Tah-wuh-gah-ha, or Village Maker; Wah-no-ke-ga, or Noise; Sha-ila-na-ge, or Yellow Smoke; Wastch-com-ma-nu, or Hard Walker; Ind-a-ga-ho, or Fire Chief; Ta-su, or White Cow; Ma-ha-nin-ga, or No Knife.</i></p>
<p>Cession of lands to the United States.</p> <p>Boundaries.</p> <p>Proviso.</p>	<p>ARTICLE 1. The Omaha tribe of Indians do hereby cede, sell, and convey to the United States a tract of land from the north side of their present reservation, defined and bounded as follows, viz: commencing at a point on the Missouri River four miles due south from the north boundary line of said reservation, thence west ten miles, thence south four miles, thence west to the western boundary line of the reservation, thence north to the northern boundary line, thence east to the Missouri River, and thence south along the river to the place of beginning; and that the said Omaha tribe of Indians will vacate and give possession of the lands ceded by this treaty immediately after its ratification: <i>Provided</i>, That nothing herein contained shall be construed to include any of the lands upon which the said Omaha tribe of Indians have now improvements, or any land or improvements belonging to, connected with, or used for the benefit of the Missouri school now in existence upon the Omaha reservation.</p>
<p>Payments to the Omaha, and how to be expended.</p>	<p>ARTICLE 2. In consideration of the foregoing cession, the United States agree to pay to the said Omaha tribe of Indians the sum of fifty thousand dollars, to be paid upon the ratification of this treaty, and to be expended by their agent, under the direction of the Commissioner of Indian Affairs, for goods, provisions, cattle, horses, construction of buildings, farming implements, breaking up lands, and other improvements on their reservation.</p>
<p>Articles of former treaty to be extended.</p> <p>Damages.</p>	<p>ARTICLE 3. In further consideration of the foregoing cession, the United States agree to extend the provisions of article 8 of the treaty between the Omaha tribe of Indians and the United States, made on the 16th day of March, A. D. 1854, for a term of ten years from and after the ratification of this treaty; and the United States further agree to pay to the said Omaha tribe of Indians, upon the ratification of this treaty, the sum of seven thousand dollars as damages in consequence of the occupancy of a portion of the Omaha reservation not hereby ceded, and use and destruction of timber by the Winnebago tribe of Indians while temporarily residing thereon.</p>
<p>Present reservation to be divided among members of the tribe in severalty.</p>	<p>ARTICLE 4. The Omaha Indians being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the members of the tribe, including their half or mixed blood relatives now residing with them, to be cultivated and improved for their own individual use and benefit, it is hereby agreed and stipulated that the remaining portion</p>

TREATY WITH THE OMAHAS - MARCH 6, 1865

Charles J. Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, vol. 2
(Washington, D. C.: Government Printing Office, 1904), 872.

of their present reservation shall be set apart for said purposes; and that out of the same there shall be assigned to each head of a family not exceeding one hundred and sixty acres, and to each male person, eighteen years of age and upwards, without family, not exceeding forty acres of land—to include in every case, as far as practicable, a reasonable proportion of timber; six hundred and forty acres of said lands, embracing and surrounding the present agency improvements, shall also be set apart and appropriated to the occupancy and use of the agency for said Indians. The lands to be so assigned, including those for the use of the agency, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary. The whole of the lands, assigned or unassigned, in severalty, shall constitute and be known as the Omaha reservation, within and over which all laws passed or which may be passed by Congress, regulating trade and intercourse with the Indian tribes shall have full force and effect, and no white person, except such as shall be in the employ of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of Indian affairs or the agent for the tribe. Said division and assignment of lands to the Omahas in severalty shall be made under the direction of the Secretary of the Interior, and when approved by him, shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of individuals to whom they have been assigned respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants; and said tracts shall not be alienated in fee, leased, or otherwise disposed of except to the United States or to other members of the tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior, and they shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress.

Omaha Reservation.

Whites not to go or reside thereon unless, etc.

Certificates to be issued for tracts assigned.

Not to be alienated or leased, etc.

Omaha may repurchase this land if the location of the Winnebago affect their peace.

ARTICLE 5. It being understood that the object of the Government in purchasing the land herein described is for the purpose of locating the Winnebago tribe thereon, now, therefore, should their location there prove detrimental to the peace, quiet, and harmony of the whites as well as of the two tribes of Indians, then the Omahas shall have the privilege of repurchasing the land herein ceded upon the same terms they now sell.

In testimony whereof, the said Clark W. Thompson and Robert W. Furnas, Commissioners as aforesaid, and the said chiefs and delegates of the Omaha tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Clark W. Thompson,
R. W. Furnas,
Commissioners.

- E-sta-mah-zha, or Joseph La Flesche, his x mark. [SEAL.]
- Gra-ta-mah-zhe, or Standing Hawk, his x mark. [SEAL.]
- Ga-he-ga-zhin-ga, or Little Chief, his x mark. [SEAL.]
- Tah-wah-ga-ha, or Village Maker, his x mark. [SEAL.]
- Wah-no-ke-ga, or Noise, his x mark. [SEAL.]
- Sha-da-na-ge, or Yellow Smoke, his x mark. [SEAL.]
- Wastch-com-ma-nu, or Hard Walker, his x mark. [SEAL.]
- Pad-a-ga-he, or Fire Chief, his x mark. [SEAL.]
- Ta-su, or White Cow, his x mark. [SEAL.]
- Ma-ha-nin-ga, or No Knife, his x mark. [SEAL.]

In presence of—
H. Chase, United States interpreter.
Lewis Saunsoci, interpreter.
St. A. D. Balcombe, United States Indian agent.
Geo. N. Propper.
J. N. H. Patrick.

APPENDIX X

FORTY-SEVENTH CONGRESS. SESS. I. CH. 434. 1882.

CHAP. 434.—An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes. August 7, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent of the Omaha tribe of Indians, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, all that portion of their reservation in the State of Nebraska lying west of the right of way granted by said Indians to the Sioux City and Nebraska Railroad Company under the agreement of April nineteenth, eighteen hundred and eighty, approved by the Acting Secretary of the Interior, July twenty-seventh eighteen hundred and eighty. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Omaha tribe of Indians, and the other two shall be appointed by the Secretary of the Interior.

SEC. 2. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and he hereby is authorized to issue proclamation to the effect that unallotted lands are open for settlement under such rules and regulations as he may prescribe. That at any time within one year after the date of such proclamation, each bona fide settler, occupying any portion of said lands, and having made valuable improvements thereon, or the heirs-at law of such settler, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase, for cash, through the United States public land-office at Neligh, Nebraska, the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, according to the survey and appraised value of said lands as provided for in section one of this act; *Provided*, That the Secretary of the Interior may dispose of the same upon the following terms as to payments, that is to say, one-third of the price of said land to become due and payable one year from the date of entry, one-third in two years, and one-third in three years, from said date, with interest at the rate of five per centum per annum; but in case of default in either of said payments the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased and any payment or payments he might have made: *And provided further*, That whenever any person shall under the provisions of this act settle upon a tract containing a fractional excess over one hundred and sixty acres, if the excess is less than forty acres, is contiguous, and results from inability in survey to make township and section lines conform to the boundary lines of the reservation, his purchase shall not be rejected on account of such excess, but shall be allowed as in other cases: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case for less than two dollars and fifty cents per acre; *And provided further*, That all land in township twenty-four, range seven east, remaining unallotted on the first day of June, eighteen hundred and eighty-five, shall be appraised and sold as other lands under the provisions of this act.

Sale of portion of reservation of Omaha Indians in Nebraska.
Survey and sale with consent of Indians, etc.

To be appraised in tracts of 40 acres by commissioners, etc.

Unallotted lands opened up for settlement by proclamation, etc.

Rights of settlers, etc., to purchase.

Proviso.
Terms of payment.

Forfeiture in case of default, etc.

Proviso.
Purchase not to be rejected on account of fractional excess, etc.

Land to be sold at appraised value, etc.

OMAHA ALLOTMENT ACT - AUGUST 7, 1882.

SEC. 3. That the proceeds of such sale, after paying all expenses incident to and necessary for carrying out the provisions of this act, including such clerk hire as the Secretary of the Interior may deem necessary, shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

SEC. 4. That when purchasers of said lands shall have complied with the provisions of this act as to payment, improvement, and so forth, proof thereof shall be received by the local land-office at Neligh, Nebraska, and patents shall be issued as in the case of public lands offered for settlement under the homestead and preemption acts: *Provided*,

Indian rights in severalty under existing treaties preserved.

That any right in severalty acquired by any Indian under existing treaties shall not be affected by this act.

Allotment in severalty, etc., distribution.

SEC. 5. That with the consent of said Indians as aforesaid the Secretary of the Interior be, and he is hereby, authorized, either through the agent of said tribe or such other person as he may designate, to allot the lands lying east of the right of way granted to the Sioux City and Nebraska Railroad Company, under the agreement of April nineteenth, eighteen hundred and eighty, approved by the Acting Secretary of the Interior July twenty-seventh, eighteen hundred and eighty, in severalty to the Indians of said tribe in quantity 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 of age, one-eighth of a section; and to each other person under eighteen years of age, one sixteenth of a section; which allotments shall be deemed and held to be in lieu of the allotments or assignments provided for in the fourth article of the treaty with the Omahas, concluded March sixth, eighteen hundred and sixty-five, and for which, for the most part, certificates in the names of individual Indians to whom tracts have been assigned, have been issued by the Commissioner of Indian Affairs, as in said article provided: *Provided*, That any Indian to whom a tract of land has been assigned and certificate issued, or who was entitled to receive the same, under the provisions of said fourth article, and who has made valuable improvements thereon, and any Indian who being entitled to an assignment and certificate under said article, has settled and made valuable improvements upon a tract assigned to any Indian who has never occupied or improved such tract, shall have a preference right to select the tract upon which his improvements are situated, for allotment under the provisions of this section: *Provided further*, That all allotments made under the provisions of this section shall be selected by the Indians, heads of families selecting for their minor children, and the agent shall select for each orphan child; after which the certificates issued by the Commissioner of Indian Affairs as aforesaid shall be deemed and held to be null and void.

14 Stat., 668.

Proviso.

Proviso.

Patents for allotted lands to issue upon approval, etc.; lands to be held by United States in trust for twenty-five years, etc.

SEC. 6. That upon the approval of the allotments provided for in the preceding section 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 Indians to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Nebraska, 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 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 said State shall apply thereto after patents therefor have been executed and delivered.

Proviso.

Indians subject to laws, civil and criminal, of State of Nebraska, when.

SEC. 7. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of said tribe of Indians shall have the benefit of and be subject to the laws, both civil and criminal, of the State of Nebraska; and said State shall not pass or enforce any law denying any Indian of said tribe the equal protection of the law.

SEC. 8. That the residue of lands lying east of the said right of way of the Sioux City and Nebraska Railroad, after all allotments have been made, as in the fifth section of this act provided, shall be patented to the said Omaha tribe of Indians, which patent shall be of the legal effect and declare that the United States does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of the said Omaha tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Omaha tribe of Indians, in fee discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That from the residue of lands thus patented to the tribe in common, allotments shall be made and patented to each Omaha child who may be born prior to the expiration of the time during which it is provided that said lands shall be held in trust by the United States, in quantity and upon the same conditions, restrictions, and limitations as are provided in section six of this act, touching patents to allottees therein mentioned. But such conditions, restrictions, and limitations shall not extend beyond the expiration of the time expressed in the patent herein authorized to be issued to the tribe in common: *And provided further*, That these patents, when issued, shall override the patent authorized to be issued to the tribe as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in the patent issued to the tribe: *Provided*, That said Indians or any part of them may, if they shall so elect, select the land which shall be allotted to them in severalty in any part of said reservation either east or west of said right of way mentioned in the first section of this act.

Proviso.
Allotment of land made to each Omaha child born during and prior to expiration of time of trust, etc.

Provisos.

SEC. 9. That the commissioners to be appointed by the Secretary of the Interior under the provisions of this act shall receive compensation for their services at the rate of five dollars for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual traveling and other necessary expenses.

Commissioners to receive compensation, etc.

SEC. 10. That in addition to the purchase, each purchaser of said Omaha Indian lands shall pay two dollars, the same to be retained by the receiver and register of the land office at Neligh, Nebraska, as their fees for services rendered.

Fees to register and receiver.

Approved, August 7, 1882.

APPENDIX XI

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.

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 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 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.

Provisos. Allotment pro rata if lands insufficient.

Allotment by treaty or act not reduced.

Additional allotment of lands fit for grazing only.

Selection of allotments.

Improvements.

Proviso. On failure to select in four years, Secretary of the Interior may direct selection.

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.

THE DAWES ACT - FEBRUARY 8, 1887

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. 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.

Patent to issue only to person taking as homestead. 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.

Purchase money to be held in trust for Indians. 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.

Religious organizations. Secretary of the Interior to prescribe rules for use of waters for irrigation.

Indians selecting lands to be preferred for police, etc.

Citizenship to be accorded to allottees and Indians adopting civilized life.

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.

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