The Indian Office During the Civil War: Impotence in Indian Affairs

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Though studies of the American Indian are legion, federal Indian policy and its administration have been neglected. particularly for the period from 1861 to 1865. To be sure, Civil War Indian affairs in the West pale in significance when compared to the clash of Blue and Gray on the Potomac, but in the history of Indian relations these years are crucial for a number of reasons. First, they are the culmination of explosive events in the 1840s and 1850s-the Mexican cession of 1848, the discovery of gold in California, the Kansas-Nebraska Act of 1854—that sent thousands of enterprising Americans hurtling across the plains and that wrecked the policy of assembling Indian tribes in large areas west of the Mississippi. In 1856 the commissioner of Indian Affairs recommended the designation of suitable tracts of land on which the red men could safely be colonized and taught the white man's way of life, lest they be "blotted out of existence." Second, how successfully the Department of Interior's Office of Indian Affairs carried out the new reservation policy reveals much about its specific strengths and weaknesses in the nineteenth century. Finally, a study of this period should illustrate to what degree the trauma of civil

^{1.} U.S., Department of the Interior, Office of Indian Affairs, Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1856, S. Exec. Doc. 5, 34th Cong., 3d sess., 1856 (Serial 875), p. 574 (hereafter cited as S. Exec. Doc. 5)

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war was responsible for disrupting Indian affairs beyond the Mississippi—a matter usually overlooked.

Since its establishment within the War Department in 1824, the Office of Indian Affairs had been authorized to direct and manage Indian relations. In 1849 the Indian Office was transferred to the newly created Department of the Interior. Here, it was believed, the Indian Office (in conjunction with the General Land Office) could more efficiently extinguish Indian title to land west of the Mississippi, which was the major goal of government policy during most of the nineteenth century. The most important functionary of the Indian Office was the commissioner of Indian Affairs. To his busy Washington office came all official communications from the field. After consulting the records of the proper subdivision of the central office, the commissioner dispatched instructions to superintendents and agents throughout the country.3 In the field the chief representatives of the Indian Office were the superintendents. Like the commissioner, the superintendent of Indian Affairs directed the work of subordinates-the agents and their staffs-and apprised his superiors by means of periodic financial reports and detailed descriptions of affairs within his district (usually a territory but sometimes a larger area). Scattered across the vast frontier, agents were ultimately responsible for implementing decisions made in Washington. Each was immediately responsible for one or more tribes. During the 1850s when treaties established Indian reservations with definite boundaries in the trans-Mississippi West, the agent was charged with protecting these sanctuaries from unlicensed traders and other intruders and with instructing the tribesmen in agricultural techniques.4

In 1861 Congress found the understaffed Office of Indian Affairs unequal to the task of efficiently administering the

William Errol Unrau, "The Role of the Indian Agent in the Settlement of the South-Central Plains, 1861-1868" (Ph.D. diss., University of Colorado, 1963), p. 25.
Alban W. Hoopes, Indian Affairs and Their Administration, With Special

^{3.} Alban W. Hoopes, Indian Affairs and Their Administration, With Special Reference to the Far West, 1849-1860 (Philadelphia: University of Pennsylvania Press, 1932), p. 18.

^{4.} Kenneth W. Munden and Henry Putney Beers, *Guide to Federal Archives Relating to the Civil War* (Washington, D.C.: National Archives and Records Services, General Services Administration, 1962), pp. 545-46.



Distribution of Indian annuity goods at a Dakota Territory reservation

reservation policy. The dynamic frontier, particularly after the Mexican War, had taxed its resources to the limit, and beyond. With the addition of new tribes and territories, the prodigious responsibilities of the commissioner of Indian Affairs and his staff doubled between 1852 and 1856. Fifty-two treaties negotiated during the three years following March 1853 extended the province of the department over an additional four to six thousand square miles. Yet Congress, preoccupied with the slavery question, neglected the new needs of the Indian service. On the eve of Fort Sumter a few semiautonomous field officials at each of the more than fifty agencies and subagencies were expected to restrict their charges to a reservation, disburse annuity payments, educate the Indian children, instruct adults in farming techniques, and care for the sick. Given ideal conditions the task of civilizing and assimilating the red men would take many generations. Yet Indian Office personnel rarely worked in a vacuum; the necessity of grappling with harmful external influences precluded this.

5. S. Exec. Doc. 5, pp. 571-72.

Three such influences existed during the Civil War years. Confederate and Northern military operations disturbed federal Indian relations in Kansas, the Indian country west of Arkansas, and the Southwest. The preoccupation of Congress and the president with the conflict resulted in decreased and frequently delayed Indian Office appropriations, the postponement of needed reforms, and the withdrawal of federal troops from the frontier. Thirdly, and more disruptive to the reservation policy than either the direct or collateral effects of the North-South struggle, was the steady pressure of frontiersmen against Indian territories throughout the trans-Mississippi West.

advancing frontier created dual administrative problems. When white intruders violated reservation boundaries. the resident agent was duty-bound to expel them. Sometimes this was possible; more often, as in the case of the miners who invaded the Nez Perces Reservation in the Pacific Northwest. the whites could not be dislodged. If large numbers of pioneers pushed into regions set aside for nomadic tribes, such as eastern Colorado, the Indian Office tried to gather the tribesmen on small reservations remote from the advancing white Americans. In either case, whether the Indian Office sought to keep whites off a reservation or to collect Indians on one, it faced a myriad difficulties and became entangled in frustrating relationships-not only with the red man but also with the United States Army and the rugged men on the cutting edge of the frontier. If, in 1861, the Indian Office's most serious administrative problems originated in the field, then it was incumbent on the Indian agents and superintendents to solve them. Should the means be lacking on the local level to meet these challenges, then the Indian service could not successfully carry out the reservation policy, and the stage was set for a tragedy in the West as well as the East.

In Minnesota on the eve of the Civil War the Santee Sioux occupied a strip of land along the south bank of the Minnesota River. The most troublesome white intruders were the whiskey peddlers who for their own profit fomented discontent among

^{6.} The Santees were an eastern division of the Sioux, comprising the Mdewakantons, Wahpetons, Wahpekutes, and Sissetons.

tnese natives. Episcopal Bishop Henry B. Whipple, deeply concerned about the problem, had advised President James Buchanan in April 1860, "Although every treaty pledges to them protection against its sale and use, and the Government desires to fulfill this pledge, thus far all efforts have proved ineffectual." Whiskey dealers used Indian accomplices to maintain an uninterrupted flow of alcohol onto the Great Sioux Reservation. In a letter to Commissioner of Indian Affairs William P. Dole in July 1861, Superintendent Clark W. Thompson explained that a trader might establish a store on the



Sioux village on the Upper Missouri River painted by A. Sully

edge of the reserve and employ a Sioux clerk. Because the merchant did not personally introduce spirituous liquors onto the reserve, he escaped prosecution under the amended Trade and Intercourse Act of 1834. 8 Furthermore, Whipple had

^{7.} Henry B. Whipple, Lights and Shadows of a Long Episcopate: Being Reminiscences and Recollections of the Right Reverend Henry Benjamin Whipple, Bishop of Minnesota (New York: Macmillan Co., 1902), pp. 51-52.

^{8.} Thompson to Dole, 3 July 1861, Records of the Bureau of Indian Affairs, Letters Received, Northern Superintendency, Record Group 75, National Archives, Washington, D.C.

written, should a bold hawker sell liquor on Sioux lands, it was difficult to apprehend him because the agent had no police to assist his enforcement of federal statutes and the army did not always cooperate. If an arrest were made, the trial took place in a nearby town. This was tantamount to acquittal; frontier jurymen rarely displayed concern for the red man's welfare. 9

The violation of Indian lands was the most challenging problem in the Pacific Northwest as well. The Indian Office waged a constant battle against the nefarious whiskey trade on the Yakımas, Nez Perces, Warm Springs, Umatillas, and numerous other reservations in Oregon and in Washington and Idaho territories. So serious was the problem at the Umatillas Agency that law-abiding whites in the vicinity lived in constant fear of attack from drunken natives. ¹⁰ Prostitution, another sign of the white man's presence, degraded tribesmen and subverted the work of the Indian Office. Statements of agency physicians testify to the ravages of venereal disease among their patients. ¹¹ Superintendent William W. Miller of Washington Territory felt compelled to issue a circular to all subordinates in August 1861, ordering them to prohibit "open prostitution and concubinage" between Indians and whites in their districts. ¹²

Of greater concern than whiskey or prostitution was the actual movement of whites onto Indian lands, particularly after mineral discoveries in the Nez Perces country in February 1860. The miners could not be held back, even with available military forces. Therefore, Superintendent Edward R. Geary met in emergency council with the powerful Nez Perces in April 1861. Those Indians desirous of peace agreed to permit mining on that

^{9.} Whipple, Lights and Shadows, pp. 51-52.

^{10.} Agent William H. Barnhart to Superintendent Calvin H. Hale, 13 June 1862, enclosed in Hale to Superintendent William H. Rector, 30 June 1862, BIA, Oregon Superintendency, Doc. 118, Record Group 75.

^{11.} Dr. William Warren to Agent James B. Condon, 20 Aug. 1862, enclosed in Doc. 58 in Appendix to U.S., Department of the Interior, Office of Indian Affairs, Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1862, H. Exec. Doc. 1, 37th Cong., 3d sess., 1862 (Serial 1157), pp. 430-31 (hereafter cited as H. Exec. Doc. 1, 1862); Dr. James R. Bayley to Agent Benjamin Simpson, 31 July 1863, Doc. 7 in Appendix to H. Exec. Doc. 1, 38th Cong., 1st sess., 1863 (Serial 1182), p. 187 (hereafter cited as H. Exec. Doc. 1, 1863); Dr. Nathaniel Hudson to Condon, 1 Aug. 1863, Doc. 26 in Appendix to H. Exec. Doc. 1, 1863, p. 205.

Circular of William W. Miller, 12 Aug. 1861, quoted in Olympia Washington Standard, 21 Sept. 1861.

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portion of their reservation north of the Snake and Clearwater rivers, the South Fork of the Clearwater, and the trail from this waterway across the Bitterroot Mountains. In return the United States promised to station sufficient troops on the reserve to protect the Indians' rights. 13

Less than two years elapsed before the Indian sanctuary in the south was violated. Additional strikes in 1861 and 1862 inundated this portion of the reserve with approximately fifteen thousand miners. 14 White squatters on agricultural and grazing lands provoked the Nez Perces, though the Indians gave tacit approval to the occupation of Lewiston and other mining towns. 15 When reports of white plundering, fraud, and licentiousness reached Charles Hutchins at the Nez Perces Agency on Lapwai Creek, the agent requested that Major Jacob Rinearson's cavalry detachment, stationed nearby, remove all trespassers found on Indian land. Rinearson refused to carry out this and similar requests, claiming that he had no instructions to perform such duties and that his force and equipment were too meager. Hutchins' protests induced General Benjamin Alvord, commander of the District of Oregon, to issue the following instructions. Rinearson was to dislodge any whites settled on agricultural lands contrary to the wishes of the Indians and their agent. Houses, fences, and other illegal improvements were to be removed as well. He would be justified, upon the request of the Indian Office, in destroying saloons on reservation land that sold intoxicants to the Nez Perces. 16 To further reinforce the

13. Articles of Agreement with the Nez Perce Nation, 10 Apr. 1861, enclosed in Geary to Dole, 23 Apr. 1861, BIA, Oregon Superintendency, Record Group 75.

14. Superintendent Bion F. Kendall, 12 Nov. 1861, BIA, Washington Superintendency, Record Group 75; Charles Florus Coan, "The Federal Indian Policy in the Pacific Northwest, 1849-79" (Ph.D. diss., University of California, Berkeley, 1920), pp. 366-69; William S. Greever, The Bonanza West: The Story of the Western Mining Rushes, 1848-1900 (Norman: University of Oklahoma Press, 1963), pp.

15. Agent John W. Anderson to Hale, 20 Aug. 1862, enclosed in Hale to Dole, 4 Sept. 1862, BIA, Washington Superintendency, Record Group 75; General Benjamin Alvord to Major Jacob S. Rinearson, 7 Sept. 1862, in R.N. Scott et al., eds., The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, 70 vols. in 128, Series no. 1, vol. 50, pt. 2 (Washington, D. C., 1880-1901), pp. 103-4.

16. Hutchins to Dole, 20 Mar. 1862, BIA, Washington Superintendency, Record Group 75; Hutchins to Hale, 2 Sept. 1862, BIA, Washington Superintendency,

Record Group 75; Scott, The War of the Rebellion, pp. 103-4.

military's position Alvord visited the Nez Perces Reservation in October 1862, personally assuring the chiefs of the government's desire to protect their people. He also established a fort two and one-half miles upstream from the agency and assigned a company of infantry and a company of cavalry to the post.¹⁷

John W. Anderson, Hutchins' replacement at Lapwai, requested early in December that Rinearson send a detachment of troops to Slate Creek where whiskey dealers allegedly threatened the peace between whites and Nez Perces. When Anderson briefed Superintendent Calvin H. Hale about the incident three weeks later, Rinearson had not yet removed the hucksters. Major Andrew W. Bowman succeeded Rinearson at Fort Lapwai in March 1863, with orders to use every reasonable effort to safeguard the Indians' rights, ¹⁸ but because of the burgeoning mining communities, even he could not provide the protection pledged to the Nez Perces in April 1861.

If Alvord's small force was unable to defend the interests of the Nez Perces and the miners could not be restricted from the Indian country, the only recourse was a further reduction of the reservation. Nez Perces chiefs understandably opposed such an agreement; the United States had not implemented the 1861 covenant. Nevertheless, in the spring of 1863 a treaty obtained from one tribal faction relinquished about nine-tenths of the Nez Perces lands, or ninety thousand square miles, in return for \$300,000 and numerous reservation improvements. ¹⁹ The inability of the Indian Office to stem or even direct the tide of white expansion was never illustrated more vividly.

When frontier pressures drove other tribes from their lands, the Indian Office was again incapable of protecting or effectively ministering to its charges. An uprising in western

^{17.} Alvord to Hale, 4 Nov. 1862, BIA, Washington Superintendency, Record Group 75.

^{18.} Anderson to Rinearson, 10 Dec. 1862, Records of the Department of War, United States Army Commands, Fort Lapwai, Idaho, Record Group 98, National Archives; Anderson to Hale, 2 Jan. 1863, enclosed in Hale to Dole, 29 Jan. 1863, BIA, Washington Superintendency, Record Group 75; Scott, The War of the Rebellion, p. 344.

Hale to Dole, 29 June 1863, BIA, Washington Superintendency, Record Group 75.



Crow Creek Agency

Minnesota in August 1862 resulted in the forfeiture of Sioux and Winnebago lands within the state; by act of Congress seven months later, the tribesmen were relocated on "a tract of unoccupied land outside the limits of any state." The stark and dismal reservation at Crow Creek in Dakota Territory, where more than three thousand Indians journeyed in May and June 1863, contrasted sharply with the green prairies of western Minnesota. A serious drought gripped the region, and the only arable soil on the reserve was a thin strip of bottom land along the Missouri River. ²¹

Conditions at Crow Creek portended failure for the relocation of the red men. Nevertheless, they had to be fed and Superintendent Thompson ordered that all land near the river be prepared for planting. A promising corn crop thrived in July 1863, ²² but as summer drew on, lack of moisture and the intense heat withered and curled the young plants into dull brown stalks. ²³ Hunting for food was impossible since few Indians possessed the necessary guns or horses. That fall they had to be fed on flour and meat hauled overland from Minnesota. The foul-smelling stew concocted by Indian Office officials from sections of slaughtered cattle, including heads and entrails, was inadequate to feed all the refuges. ²⁴ By early January 1864 government officials realized the Indians would starve unless some left the reservation. The agents therefore distributed a few rifles. Hunters were sent in search of

^{20.} U.S., Statutes at Large, 12, p. 819.

^{21.} Rev. Samuel D. Hinman to Whipple, 8 June 1863, Whipple Papers, Minnesota Historical Society, St. Paul. Minn.

^{22.} Thompson to Dole, 1 July 1863, Doc. 158 in Appendix to H. Exec. Doc. 1, 1863, p. 437ff.

^{23.} U.S., Congress, Senate, Testimony of the Rev. John P. Williamson, Report of the Joint Special Committee on the Condition of the Indian Tribes, S. Rept. 156, 39th Cong., 2d sess., 1865 (Serial 1279), pp. 413-15 (hereafter cited as S. Rept. 156).

^{24.} Testimony of Dr. S. C. Haynes, 2 Sept 1865, S. Rept. 156, pp. 401-2.

buffalo.²⁵ In mid-July 1864 clouds of grasshoppers destroyed all hope for another year of sustaining the Indians by agriculture. This left the destitute red men no choice but to return to their monotonous diet of flour and meat. Winter snows and winds might have triggered another tragedy at Crow Creek in 1864-65; but by then, disease and migration had so decimated their numbers that those who remained received enough food and clothing to sustain life. 26 Most of the Winnebagos migrated to the Omahas' land in Nebraska Territory, where their subsistence placed an additional burden on the local agent. In 1865 these refugees purchased a portion of the Omaha Reservation after refusing all proposals that they return to Dakota. 27 The dissatisfied Sioux at Crow Creek accepted a new tract near the mouth of the Niobrara River in 1866.

Relocating the Sioux and Winnebagos at Crow Creek and elsewhere severely taxed the resources of the Indian Office. Problems of communication and subsistence resulted from the poor location of the Dakota reservation. The inflated price of goods and services throughout the West meant that congressional appropriations would be insufficient; therefore, goods had to be hauled overland from Minnesota rather than purchased at Sioux City or Saint Louis and shipped upstream. The response of the Indian Office in the face of these difficulties must be termed inadequate. In fact, the experiment at Crow Creek was a flat failure. Field officials could neither sustain the displaced Indians nor force them to remain on the bleak Dakota plains.

In Kansas the Indian Office's response was equally inadequate. Subjected to strong pressures from Confederate neighbors and cast adrift by the withdrawal of

26. J.P. Williamson to the Rev. Stephen R. Riggs, 26 July 1864, Riggs Papers, Minnesota Historical Society; S. Rept. 156, pp. 413-15; Testimony of Edward R. Pond, S. Rept. 156, pp. 408-9.

27. Agent St. Andre D. Balcombe to Dole, 22 Mar. 1865, BIA, Winnebago Agency, Record Group 75; Superintendent Edward B. Taylor to Commissioner Dennis N. Cooley, 23 Aug. 1865, Doc. 153 in Appendix to H. Exec. Doc. 1, 39th Cong., 1st sess., 1865 (Serial 1248), pp. 593-94.

^{25.} J.P. Williamson to the Rev. Thomas Smith Williamson, 24 Dec. 1863, T.S. Williamson Family Papers, Minnesota Historical Society; J.P. Williamson to Editor, 4 Apr. 1864, Missionary Herald of the American Board 60 (July 1864), pp. 203-4.

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federal troops from the Indian country west of Arkansas, the Civilized Tribes allied with the South. The decision was not unanimous, however; aggressive minorities cast their lot for the Union and fled north to Kansas with the rebels nipping at their heels. In November 1861 Chief Opothle Yaholo led the first hegira up the valley of the Verdigris to Fall Creek, sixty miles west of Humboldt.²⁸ So unexpected was the arrival of the loyal Creeks and Seminoles that the Indian Office lacked sufficient supplies for the red men. They perished at an alarming rate; two hundred and forty Creeks died of exposure and starvation during the first sixty days in Kansas, while doctors amputated more than one hundred frozen limbs.²⁹

Various financial difficulties plagued Superintendent William G. Coffin and his agents while caring for the refugees, even though Congress voted to give them the unspent annuities of the hostile southern tribes. In estimating expenses neither the agents nor the superintendent knew precisely how many refugees would require food; the number continually changed. Indians drifted in and out of the Verdigris camp, while the death rate continued to be high among those who remained. Nor did the Indian Office know how long it would have to support the refugees; that would depend on the course of the war. For two years the uncertainty continued, each rumor of the Indians' imminent return more positive than the last, more disruptive to fiscal planning. To care for the thousands of refugees Superintendent Coffin gathered them at locations convenient for the distribution of supplies: at the Sacs and Foxes and Ottawas agencies, at Neosho Falls, and at Belmont.30 Two thousand Cherokees who fled north in October 1862, after an abortive Union invasion of their homeland, compounded Coffin's problems. Destitute of food, clothing, and shelter, they camped twelve miles south of Fort Scott. 31

Tragedy again threatened the Southern Superintendency as

^{28.} Annie Heloise Abel, *The American Indian as Participant in the Civil War* (Cleveland: Arthur H. Clark Co., 1919), pp. 79-80.

^{29.} Leavenworth Daily Times, 15 Mar. 1862; H. Exec. Doc. 1, 1862, p. 181.

^{30.} Census enclosed in Coffin to Dole, 9 Apr. 1863, BIA, Southern Superintendency, Record Group 75.

^{31.} General James Blunt to Secretary of the Interior Caleb B. Smith, 21 Nov. 1862, Army of the Frontier, Record Group 98; H. Exec. Doc. 1, 1862, p. 182.

the icy hand of winter gripped the Kansas plains late in 1863. Though circumstances permitted the return of the Cherokees to their homes, the Indian Office had to sustain the remaining refugees for another cold season and was ill-prepared to do so. Agent Isaac Coleman reported from the Sacs and Foxes reserve that most of the Choctaws and Chickasaws were barefoot. The Creeks lived nearby in condemned army tents, scarcely adequate against the numbing wintry blasts. 32 Inadequate diet. clothing, and shelter inevitably brought on disease and death. Each day a number of Indians succumbed; two to four hundred lay sick at the Verdigris camp by late March 1862.33 Frostbite, measles, mumps, diphtheria, and pneumonia, contracted during the cold and rainy winter months, took their toll.³⁴ By October 1862, 10 percent of the red men who had reached Kansas were dead.35 Though their health improved somewhat during their second year as refugees, an inferior diet and inadequate shelter caused much sickness. Another tragedy was precipitated by the severe winter of 1863-64.36 Smallpox raged at the Neosho Reservation and elsewhere, forcing the Seminoles to burn the few articles of clothing they possessed.³⁷

During the Civil War armies ranged back and forth across southern Kansas, Missouri, and Arkansas, incapable of establishing dominion over the disputed region. Likewise uncertain was the fate of several thousand destitute Indian refugees whom the Indian Office attempted to succor on the bleak Kansas plains until Union troops cleared their homeland of rebels. Months stretched into years. Freezing bodies huddled

 Dr. William Kile to Dole, 1 Apr. 1862, BIA, Southern Superintendency, Record Group 75.

34. Dr. A. V. Coffin to W. G. Coffin, 5 July 1862, enclosed in Coffin to Dole, 28 Aug. 1862, BIA, Southern Superintendency, Record Group 75.

35. Coffin to Dole, 5 Oct. 1862, Doc. 24 in Appendix to H. Exec. Doc. 1, 1862,

36. Dr. A.V. Coffin to W. G. Coffin, 25 Aug. 1864, Doc., 143 in Appendix to H. Exec. Doc. 1, 38th Cong., 3d sess., 1864 (Serial 1220), pp. 451-52 (hereafter cited as H. Exec. Doc. 1, 1864).

37. Agent George Snow to Dole, 8 Aug. 1864, BIA, Seminole Agency, Record Group 75.

^{32.} Coleman to Coffin, 30 Oct. 1863, enclosed in Coffin to Dole, 24 Nov. 1863, BIA, Southern Superintendency, Record Group 75; Agent George A. Cutler to Coffin, 1 Nov. 1863, enclosed in Coffin to Dole, 24 Nov. 1863, BIA, Southern Superintendency, Record Group 75.

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in threadbare tents bore grim testimony to the war on the border and to the inadequacy of the Indian service.

The Indian Office's second major administrative problem, to concentrate the nomadic tribes on the reservations, was not met by forceful or sufficient means, as demonstrated by events in the Southwest and in Colorado. With the acquisition of Mexico's northern provinces in 1848, the victorious Americans fell heir to the native peoples of the region. The Apaches and Navajos professed peaceful intentions toward the United States, yet hostilities continued in the Southwest throughout the 1850s due to white encroachment, the Indians' traditional hostility to Europeans, their warlike cultures, and their predatory economies. The federal government spent an average of three million dollars a year prior to the Civil War to control these treacherous stepchildren, but to little avail. ³⁸

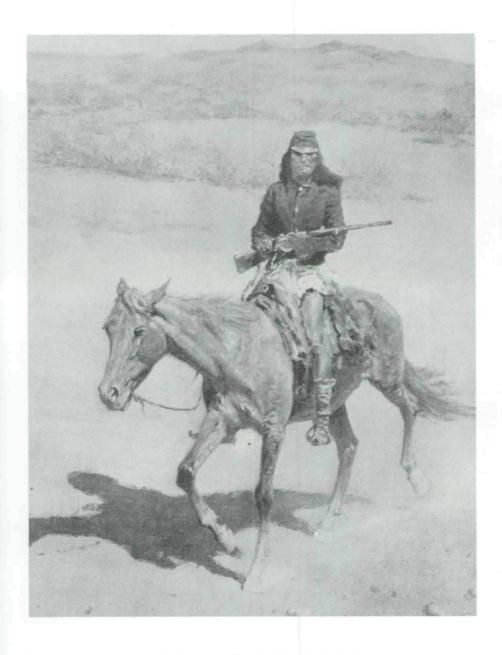
The intensification of Indian hostilities during the Confederate invasion of New Mexico in 1861-1862 convinced northern field officials that the reservation system was the only satisfactory solution to the Indian problem. With the territory's white population continually expanding, the Navajos and Apaches could not be permitted to wander about perpetrating depredations. Neither could they be ruthlessly exterminated. There was really no alternative but to gather them on reserves. To implement the system required formal negotiations with the tribes; yet, because most of the Indians considered themselves superior to the whites, they regarded peace overtures as signs of weakness, motivated by fear. The red men used treaties, when they signed them, simply to gain time to build up their forces or to placate the whites.³⁹ In either case, the covenant was no more than a ruse. By 1862 the Navajos had broken six treaties with the United States before the Senate could act upon any of them.40 Consequently the depredations continued, while the Indian Office stood by helplessly.

In January 1862 Superintendent James L. Collins responded in the columns of the Santa Fe Weekly Gazette to certain critics

^{38.} Warren A. Beck, New Mexico: A History of Four Centuries (Norman: University of Oklahoma Press, 1962), pp. 177ff.

^{39.} Superintendent James L. Collins to Dole, 10 Oct. 1862, Doc. 50 in Appendix to H. Exec. Doc. 1, 1862, p. 385.

^{40.} Superintendent Michael Steck to Dole, 19 Sept. 1863, Doc. 41 in Appendix to H. Exec. Doc. 1, 1863, pp. 225-26.



An Apache scout painted by Frederic Remington

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of the Indian service who accused him and his subordinates of failing to apprehend Indian raiders. Though the duty of the Indian Office was to procure the arrest and trial of all red men accused of crime, Collins conceded, it was impossible to investigate all such reports of misconduct. Five agents and one subagent, each located in a different part of the territory and invariably far from the scene of a crime, policed all New Mexico. By the time an agent learned of an incident, the perpetrator had already escaped. Officials were unauthorized to raise a posse of citizens to pursue the offenders. Besides they rarely knew which tribes committed a particular attack, much less the individual warriors involved. The entire system seemed designed to embarrass the Indian service. 41

By the close of 1862 the Indian Office's inability to obtain a lasting peace with the wild tribes, the seriousness of Indian aggressions, as well as mounting public displeasure, persuaded officials of the New Mexico Superintendency to turn over the fiercely independent and untrustworthy natives to the military. "It will hardly be safe to trust them until they have been punished for past offenses," wrote Agent Lorenzo Labadie of the Mescalero Apaches. 42 Superintendent Collins, in his annual report for that year, deemed it unnecessary to make recommendations about the Indian Office's future management of the tribes so long as they remained hostile. 43 The dilemma of the Indian Office in the Southwest illustrated a fundamental administrative problem: the ineffectiveness of field personnel when the execution of governmental policy required force. Not until the spring of 1864 and the conclusion of Kit Carson's campaign against the Navajos and Mescalero Apaches was the Office of Indian Affairs ready to begin its real work among the defeated tribes.

Field problems in Colorado resembled those in the Southwest. The discovery of gold on the South Platte in 1858 ignited a gold rush and wrecked the seven-year-old Fort Laramie

^{41.} Santa Fe Weekly Gazette, 18 Jan, 1862.

^{42.} Labadie to Collins, 25 Sept. 1862, Doc. 53 in Appendix to H. Exec. Doc. 1, 1862, p. 392.

^{43.} Collins to Dole, 10 Oct 1862, Doc. 50 in Appendix to H. Exec. Doc. 1, 1862, p. 385.

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A Cheyenne village

agreement that had assigned eastern Colorado jointly to the Cheyenne and Arapahoe Indians, Government officials, cognizant of the new forces at work in Colorado, sought a further reduction of the Indians' domain. By the terms of the Treaty of Fort Wise in February 1861, ten chiefs and delegates "representing the confederated tribes of Arapaho and Chevenne Indians of the Upper Arkansas river" agreed to accept a greatly diminished triangular reserve between the Big Sandy and the Arkansas rivers. There, 100 miles southeast of Denver, they would settle, and with the help of the government, become self-supporting farmers. 44 The majority of the Cheyennes and Arapahoes denounced those responsible for the cession and refused to accept the tract of land for farming and ranching. They preferred instead to follow the nomadic ways of their ancestors. 45 The Indian Office was assigned the task of preserving the tenuous peace in Colorado by winning Indian support for this unpopular treaty.

The northern bands of Cheyennes and Arapahoes were most

^{44.} Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, 2 vols., 2d ed. (Washington, D.C.: Government Printing Office, 1904), 12:807-10.

^{45.} Raymond G. Carey, "The Puzzle of Sand Creek," Colorado Magazine 41 (Fall 1964), pp. 282-83.

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recalcitrant. In June 1863 Governor John Evans, a Lincoln appointee and *exofficio* superintendent of Indian Affairs for Colorado, met with some Arapaho representatives of the Upper Platte bands who agreed to treat with him. Thus encouraged, Evans planned a general council of all the Cheyenne and Arapaho chiefs in September on the Arikaree Fork of the Republican River. ⁴⁶ That month, when his treaty commission arrived at the council grounds, neither the southern nor the northern bands appeared. ⁴⁷ Other overtures that year were likewise unsuccessful.

These abortive parleys illustrated the impracticality of treating with the Cheyennes and Arapahoes. Perhaps less nomadic and self-sufficient people would have recognized the white menace by the close of 1863 and realized that their ultimate welfare required an immediate separation from Coloradans and settlement on a protected reservation. Certainly the Cheyennes and Arapahoes, particularly the northern bands, did not grasp these realities. Governor Evans, as *exofficio* superintendent, had only the treaty process with which to exert leverage on them, since the North-South struggle had drawn off many of Colorado's troops. Meanwhile, until the Indians submitted to reservation life, they would continue to clash with whites and be the target of military reprisals.

Governor Evans was also troubled by the reluctance of the more friendly southern bands of Cheyennes and Arapahoes to remain on the reservation. Their nomadic nature was partly to blame, yet the government hardly encouraged them to settle down. The fulfillment of the treaty provisions of 1861; which had promised the Indians money, a blacksmith, a grist mill, an irrigation ditch, and instruction in farming techniques; was hopelessly delayed. The roving treaty bands therefore had little incentive to gather on the Arkansas except at annuity

^{46.} Evans to Dole, 24 June and 13 July 1863, BIA, Colorado Superintendency, Record Group 75.

^{47.} Edgar C. McMechen, Life of Governor Evans, Second Territorial Governor of Colorado (Denver: Wahlgreen Publishing Co., 1924), pp. 117-19.

^{48.} Agent Samuel G. Colley to Dole, 7 July 1862, BIA, Upper Arkansas Agency, Record Group 75; Colley to Evans, 30 Sept. 1862, BIA, Colorado Superintendency, Record Group 75; Helen Hunt Jackson, A Century of Dishonor. A Sketch of the United States Government's Dealings with Some of the Indian Tribes (New York, Harper and Bros., 1881), pp. 86-87.

time. Instead they followed the buffalo herds, loitered outside army posts begging for handouts, or, when disease or starvation made them desperate, robbed emigrant trains on the Santa Fe road. 49

With the treaty bands and North Platte bands mingled, military and Indian Office officials had difficulty detecting those guilty of depredations. 50 To separate the friendly tribes from the others, Governor Evans requested permission in December 1863 to select additional reservation sites on which the peaceful bands would willingly congregate. 51 Throughout summer of 1864 this strategy dominated Evans' negotiations. In extending his policy to northern Colorado, Washington permitted settlement of the Arapahoes on the Cache La Poudra River. Headmen were directed to avoid the hostile Chevennes and to move without delay to the refuge, where the government would feed and protect them. A later report from the area indicated that the 170 Arapahoes camped by the river wanted peace. 52 In mid-June Evans instructed Agent Samuel G. Colley to collect the friendly Southern Cheyennes and Arapahoes at Fort Lyon (formerly Fort Wise). but reports from the south were not encouraging. Colley warned that the young Cheyenne dog soldiers wanted to fight and that their chiefs were afraid to challenge them. Dispatches from Colonel John Chivington, Colorado District commander, accused the Cheyennes and Arapahoes of killings in the vicinity of Fort Larned, Kansas. With this evidence Agent Colley concluded that the governor's scheme had failed in the south. The savages were undependable, he wrote. "I have done

^{49.} Denver Colorado Republican and Rocky Mountain Herald, 13 Feb. 1862; Colley to Governor William Gilpin, 2 Apr. 1862, BIA, Colorado Superintendency, Record Group 75; Evans to Dole, 24 June 1862, BIA, Colorado Superintendency, Record Group 75; Evans to Colonel John Chivington, 21 Sept. 1863, BIA, Colorado Superintendency, Record Group 75.

^{50.} Evans to Dole, 14 Oct. 1863, Doc. 50 in Appendix to H. Exec. Doc. 1, 1863, p. 239.

^{51.} Evans to Dole, 20 Dec. 1863, BIA, Cotorado Superintendency, Record Group 75.

^{52.} Evans to Roman Nose, 17 June 1864, enclosed in Evans to Dole, 30 June 1864, BIA, Colorado Superintendency, Record Group 75; Agent Simeon Whitely to Evans, 30 Aug. 1864, enclosed in Evans to Dole, 15 Oct. 1864, H. Exec. Doc. 1, 1864, pp. 380-81.

everything in my power to keep peace. I now think a little powder and lead is the best food for them." ⁵³ Early in August, well-planned, coordinated Indian raids so threatened the Colorado populace that Evans, too, became unsympathetic toward his charges. He regarded the Cheyennes and Arapahoes simply as a military problem with whom the Indian Office had

no role to play.

What made the Office of Indian Affairs so impotent during the Civil War years, unable either to round up the nomadic tribes or to adequately care for those under its protection? On the one hand the war effort preoccupied Washington. Congress enacted some significant legislation to facilitate administration. such as an amendment to the Non-Intercourse Act of 1834 to thwart hucksters who operated grog shops on the borders of Indian reserves, 54 yet it was not until March 1865 that the legislative branch, in response to the public outcry following the Sand Creek incident, passed a resolution for a joint special committee to inquire into the condition of the Indian tribes. Even then two years elapsed before the commission filed its report. President Lincoln exerted minimal influence on Indian affairs, usually deferring questions of policy and administration to appropriate congressional committees or to the Office of Indian Affairs. The commissioner dispatched to the field words of advice, censure, and caution, and occasionally additional funds. Otherwise, the beleagered superintendents and agents were on their own.

The power of public opinion on the frontier likewise contributed to Indian service failures. In Minnesota public coercion caused the expulsion of not only the hostile Sioux but also the innocent Winnebagos as well, thereby destroying government programs on both reservations. Politically ambitious John Evans surrendered to public pressure to give the Colorado tribes a good whipping, even though as *exofficio*

^{53.} Evans to Colley, 16 June 1864, enclosed in Evans to Dole, 30 June 1864, BIA, Colorado Superintendency, Record Group 75; Colley to Evans, 26 July 1864, enclosed in Evans to Dole, 9 Aug. 1864, BIA, Colorado Superintendency, Record Group 75.

^{54.} U.S., Statutes at Large, 12, p. 339.

^{55.} Ibid., pp. 572-73.

superintendent of Indian Affairs, he represented the forces of reconciliation and peace. Had he been less vulnerable to public persuasion, the tragedy at Sand Creek might have been avoided. In the Pacific Northwest, as well as in Minnesota, frontier juries acquitted whites who engaged in illicit whiskey trade with white men. Popular dissatisfaction with the government's handling of the New Mexico tribes forced the removal of James L. Collins, a competent superintendent of Indian Affairs.

Personnel problems also contributed to the impotence of Indian administration. Lincoln followed the custom of appointing men who had been nominated for Indian Office positions by frontier congressional delegations. Too frequently the position was a reward for party service, without regard for the candidate's qualifications. Bishop Whipple wrote that such persons were often "without any fitness, [and] sometimes a disgrace to a Christian nation; whiskey sellers, bar-room loungers, debauchees, selected to guide a heathen people." The presence of these types invited fraud, such as the conspiracy between traders and government employees at the Leech Lake Chippewa Agency in Minnesota.

The absurd treaty system was one of the few means by which the Indian service could affect the course of Indian affairs, yet the warlike Apaches and Navajos would not be bound by a treaty. Nor could such an agreement by itself protect Indian lands. More often, as at Fort Wise in 1861 and Lapwai in 1863, the government simply used the treaty to legalize white encroachments. To obtain the approval of reluctant headmen to such agreements, federal negotiators often had to promise more than Washington would ever deliver. Even when Indian Office intentions were honorable, the Senate pigeonholed or refused ratification of many such covenants-for reasons not always clear. By the time the president proclaimed a ratified treaty, layers of bureaucracy still delayed the fulfillment of government obligations, while cash annuities provided for by treaty drew scoundrels to reservations like bears to honey.

Local officers needed military power to carry out the reservation policy in the West; thus they turned to the army.

^{56.} U.S., Congress, Senate, Whipple to President Abraham Lincoln, 6 Mar. 1862, S. Misc. Doc. 77, 37th Cong., 2d sess., 1862 (Serial 1124), p. 2.

Due to the army's reduced strength in the West during the war years, particularly in the Pacific Northwest and Colorado, this recourse was frequently unrewarding. Also, interservice rivalries and disagreements over the administration of Indian policy in Minnesota, Kansas, and the Southwest, precluded sincere cooperation between the Indian Office and the War Department, General John Pope sought to arouse the people of Minnesota against the Indian service because of a disagreement over policy; 57 Colonel William Phillips charged Southern Superintendency field employees with stealing Indian cattle and other fraudulent practices; 58 General James H. Carleton and Superintendent Michael Steck haggled for over a year about the propriety of colonizing the Navajos at the Bosque Redondo in eastern New Mexico. To the impotent agent and superintendent it seemed quite clear that despite their bureau's official attachment to the Interior Department, Indian affairs were still very much a military matter.

Rather than a finale, events like the spring treaty council with the Nez Perces in 1863 and the massacre at Sand Creek signaled the beginning of new Indian troubles in the Far West. After America's Civil War, her railroads cut across the plains, uniting with steel bands her eastern and western provinces and destroying forever the hunting grounds of the nomadic tribes. Rolling tides of white adventurers probed the Indians' land for wealth. Emigrant farmers squatted on tillable reservation soil. Custer, Crook, Carson, and Miles hounded the more stubborn bands back and forth across dwindling ranges of open country. Administrative reforms enacted in the postwar years strengthened the Indian Office somewhat; the treaty process was abandoned, the appointment system for office personnel improved, and boards of inspectors were created to oversee performance in the field. Nevertheless, civil administration of Indian policy remained weak and this weakness was to be a dominant theme in the grim tale of the red man's last stand.

^{57.} Pope to General Henry H. Sibley, 30 June 1864, Sibley Papers, Minnesota Historical Society.

^{58.} Phillips to Secretary of the Interior John P. Usher, 17 Jan. 1865, Department of the Interior, Office of the Secretary of the Interior, Indian Division, Miscellaneous, Record Group 48, National Archives.

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