

*As Long As
The Grass Shall
Grow and Rivers
Flow
Clifford E.
Traflet
(1900)*

Under the terms of the act, government officials were to hold allotments in trust for twenty-five years until Indians adjusted to private ownership of the land, and during this time, governments could not tax Indian allotments. Final allotment rolls were made and lands divided by special allotting agents, reservation agents, and allotting commissions, including the infamous Jerome and Dawes commissions headed by David H. Jerome and Henry Dawes, which coerced most of the tribes into allotting and surrendering the remainder of their lands. Although these commissions and allotting agents argued that they were working in the best interests of Native Americans, tribal leaders protested the destruction of tribal lands, knowing that this was a continuation of the white campaign to destroy tribal governments, native sovereignty, land claims, and treaty rights. Tribal leaders were confused about the particulars of the law, but many understood the gravity of the General Allotment Act.

After federal officials determined the number of Indians to receive allotments, location of the land, and the amount on a particular reservation, surveyors divided the land. Indians could select their allotments, or agents could assign them. Often Indians selected allotments on lands that had held villages or had spiritual meaning to them, not necessarily the most productive farm lands. In the Pacific Northwest, Nez Percés living in Idaho had traditionally lived in villages along rivers, and they selected allotments along these magnificent streams rather than the rolling hills above the rivers. When Indians did not select allotments on the hills, the government sold them to white farmers and ranchers. These are some of the most productive farmlands in Idaho, and nearly all the property is owned today by whites. The government paid for all excess lands on reservations not taken up by allotments, offering prices from 50¢ to \$1.50 per acre, which was not given to individuals but rather to the Office of Indian Affairs to be used for education and civilization. In this way the government defrauded Native Americans of much of their remaining estates.

Senator Henry M. Teller warned reformers that within forty years, the General Allotment Act would destroy the Indian land base and allow whites to take millions more acres out of the hands of Indians. Senator Teller asserted that "the real aim of this bill is to get at the Indian lands and open them to settlement." He maintained that if this had been "done in the name of greed, it would be bad enough; but to do it in the name of humanity and under the cloak of an ardent desire to promote the Indian's welfare by making him like ourselves . . . is infinitely worse." Teller was correct, and Indians lost most of their remaining lands. In 1500, Native Americans living within the borders of what became the United States owned approximately three billion acres, but by 1887, whites had reduced their land base to 150,000,000 acres. By the time the United States repealed the General Allotment Act, Native Americans controlled a mere forty-eight million acres.

*Senator
Henry M. Teller
1880*

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IN THE
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 (1961)

opportunists of the first magnitude, have made such a fuss about the necessity of keeping one's commitments. History may well record that while the United States was squandering some one hundred billion dollars in Vietnam while justifying this bloody orgy as commitment-keeping, it was also busy breaking the oldest Indian treaty, that between the United States and the Seneca tribe of the Iroquois Nation, the Pickering Treaty of 1794.

PICKERING TREATY

After the Revolution it appeared necessary to the colonies, now states in the new confederation, that in order to have peace on the frontier a treaty would have to be signed with the Iroquois of New York. George Washington sent a delegation to Iroquois country headed by Timothy Pickering. In return for peace and friendship the United States promised to respect the lands and boundaries which the Iroquois had set for themselves and never to disturb the Indians in the use of their land. The United States also affirmed its promise that it would never claim the Indian lands.

KIZZUA DAM, P. 74

In the early 1960's, however, a dam was built which flooded the major part of the Seneca reservation. Although the tribe hired their own engineer and offered an alternative site on which the dam would have been less expensive to construct and more efficient, the government went ahead and broke the treaty, taking the land they had decided on for the dam.

It has been alleged by people who had reason to know that this dam was part of the price of keeping Pennsylvania in line for John F. Kennedy at the 1960 Democratic convention.

Article III of the Pickering Treaty read:

Now the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneca nation; and the United States will never claim the same, nor disturb the Seneca nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

2 * LAWS AND TREATIES

AFTER LYNDON B. JOHNSON had been elected he came before the American people with his message on Vietnam. The import of the message was that America had to keep her commitments in southeast Asia or the world would lose faith in the promises of our country.

Some years back Richard Nixon warned the American people that Russia was bad because she had not kept any treaty or agreement signed with her. You can trust the Communists, the saying went, to be Communists.

Indian people laugh themselves sick when they hear these statements. America has yet to keep one Indian treaty or agreement despite the fact that the United States government signed over four hundred such treaties and agreements with Indian tribes. It would take Russia another century to make and break as many treaties as the United States has already violated.

Since it is doubtful that any nation will ever exceed the record of the United States for perfidy, it is significant that statesmen such as Johnson and Nixon, both professional politicians and



Vine Deloria, Jr. & David E. Wilkins (1987)
74 TRIBES, TREATIES, AND TRIBULATIONS
Univ. of Texas Press Austin

complicated by the introduction of its self-imposed responsibility to civilize the Indians can be seen in the Committee of Indian Affairs' report that accompanied the 1834 acts of regulating trade and organizing the Department of Indian Affairs:

The committee are aware of the intrinsic difficulties of the subject — of providing a system of laws and of administration, simple and economical, and, at the same time, efficient and liberal — that shall be suited to the various conditions and relations of those for whose benefit it is intended; and that shall, with a due regard to the rights of our own citizens, meet the just expectations of the country in the fulfillment of its proper and assumed obligations to the Indian tribes. . . . The Indians, for whose protection these laws are proposed, consist of numerous tribes, scattered over an immense extent of country, of different languages, and partaking of all the forms of society in the progression from the savage to an approximation to the civilized. With the eminent tribes we have treaties, imposing duties of a mixed character, recognizing them in some sort as dependent tribes, and yet obligating ourselves to protect them, even against domestic strife, and necessarily retaining the power to do so. With other tribes we have general treaties of amity; and with a considerable number we have no treaties whatever.⁵⁰

In looking at the larger picture of Indian affairs, Congress could not determine a consistent policy regarding Indians because the condition of Indian tribes varied so significantly. The two acts passed in 1834⁵¹ are both well within the scope of the commerce clause because the first act creates a more universal set of rules for conducting trade with the tribes while the second establishes an institutional framework within which treaty services can be properly delivered. Yet this report and these acts project an image of confusion over the scope of congressional responsibility. We see no determination to cease treaty making but instead find in the congressional intent and legislation a genuine puzzlement over how to deal with the broad spectrum of Indian conditions.

Subsequent events in American history demonstrate that as Indian trade declined in importance, the task of the institutional bureaucracy increased. Because the department of Indian affairs was supported primarily by gratuitous expenditures, as time passed there would be an increasing cry for

a reduction of the cost of funding Indian services and programs, leading eventually to a final termination of the responsibilities of the national government toward tribes. This conflict can be seen as early as the 1830s' removal treaties, when provisions were made for tribal members to reject tribal membership, take allotments, and remain in the South as private citizens. By 1854 the full weight of the government was being placed on the idea of allotting Indian lands and bringing individual Indian families into the small town/family farm way of life.⁵² Thereafter, if the debates in Congress are any measure, almost all policy decisions were driven by the budget. In 1868 Indian Commissioner Nathaniel G. Taylor estimated that it would cost \$1 million for each Indian killed by the army, that it would take \$6 billion to kill all the Indians, and that in the process 7.5 million whites would be killed.⁵³ Thus the Peace Commission was formed.

Beginning with the Reagan administration and continuing through the Clinton years, we have seen a reenactment of this basic dilemma. The government, in seeking to end or at least dramatically reduce Indian dependence on federal largesse, has stressed the unbridled development of reservations' natural resources — in effect, the reinstatement of Indian trade. And the contemporary recognition of Indian tribes as sovereigns under the banner of Indian self-determination may well be regarded as a step toward restoring the original balance between commercial relations and gratuitous expenditures encouraging the civilization of the Indians. But restoring this balance requires a concomitant move to recognize, respect, and protect the self-governing aspects of tribal life and, particularly, to provide a mechanism whereby tribes can reject (or at least insist that the government reject) the overtures of the United States. This kind of protection, as we have seen from our discussion of the treaty-making power, has not been restored.

After 1834 it was merely a matter of time before the Congress usurped the self-governing powers of Indian tribes and substituted a large and cumbersome administrative agency to direct the lives of Indians. Gratuitous expenditures to encourage civilization soon became coercive measures to force assimilation. Indians were given no relief from this pressure, and by the 1880s almost everything that happened on Indian reservations was under the control of the federal government. Then two Supreme Court decisions and a federal statute created havoc in the placid waters of the commerce clause.

In 1883 the Supreme Court heard the case of *Ex parte Crow Dog*,⁵⁴ in



Borah, Leslie B. Simpson, and Sherburn F. Cook had completed long and excruciatingly detailed analyses—focusing on anthropological evidence and known agricultural techniques, region by region—of pre-Columbian hemispheric demography which led them to project a hemispheric total of some 100 million at the point of first contact.¹⁴ They were joined by Henry F. Dobyns who, working independently and employing somewhat different techniques, arrived at a "tentative" hemispheric estimate of ninety to 112 million, with about 12.5 million people living north of the Rio Grande in the year 1500.¹⁵

Hence, by 1970, more considered and methodologically refined efforts were producing population estimates consistently running ten to fourteen times the maximum numbers projected by Kroeber and still accepted as "sound" by the academic establishment. The new work was largely discounted or ignored in the latter circles, probably for reasons best elaborated by historian Wilbur R. Jacobs in his influential essay, "The Tip of an Iceberg: Precolumbian Indian Demography and Some Implications for Revisionism."¹⁶ Meanwhile, the work of Borah, Cook, Dobyns, and—somewhat belatedly—Carl O. Sauer,¹⁷ began to have an increasing effect on those sectors of American scholarship not sharing the interests and therefore not committed to maintaining the mythologies of the U.S. socio-political-economic status quo.

Under such mounting pressure, even the Smithsonian Institution, that citadel of orthodox anthropological "truth," was forced to engage in an exercise in intellectual containment, acknowledging for the first time that the Mooney/Kroeber estimates might require some degree of "responsible revision." The task was left largely to the institution's head physical anthropologist, Douglas Ubelaker, who produced a region-by-region itemization, concluding that the precontact native population of North America had been precisely 2,171,125. Ubelaker deduced, through means which are not altogether clear, that 1,850,011 of these individuals lived within the area now comprising the forty-eight coterminous states of the United States. Another 73,326 "aboriginals" were assigned to Alaska, while Canada was allotted 237,798 and Greenland 10,000.¹⁸

In 1983, Dobyns, who had by then completed more detailed studies of North America, published his watershed book, *Their Numbers Become Thinned*, in which he concluded that the northwest Pacific coastal region supported as many as 1,205,000 native people in precontact times, the Great Lakes region some 3,800,000, and the Great Basin, Plateau, California, and Plains regions combined to support another 2,772,000.¹⁹

The southeastern portion of the continent was also thickly populated, with the highest densities on or near the coast. The shores of the Gulf of Mexico from the Attakapa people east through the Apalachee (in east Texas) may have supported as many as 4.6 persons per square kilometer for a total of about 1,100,000 individuals. The Timucuan chiefdoms, the Calusa, and smaller groups inhabiting peninsular Florida numbered perhaps 697,000 persons, with an average density of 5.72 persons per square kilometer. The Atlantic coastal plain from Florida to Massachusetts afforded a favorable habitat to about

M. THORNTON → CALIF →

2,211,000 Native Americans. Records of early historic population density rose to as many as 13.77 people per square kilometer in southern New England. The Virginia-Maryland tidewater region was still another area of dense Native American settlement. Population densities might appear as high elsewhere in North America were the documentary record equally detailed for earlier Colonial years.²⁰

Dobyns also advanced a population tally for "the great Mississippi River Valley, its major Missouri, Ohio, Kentucky, Tennessee, and Red River tributaries, and their affluents" of about 5,250,000, while estimating a total of 928,000 native inhabitants of the Sonora Desert region.²¹ Cumulatively, these regional calculations, along with certain mediations which served to adjust the aggregate total, caused him to extend "a continental estimate of approximately eighteen million Native Americans living north of civilized Mesoamerica in the early years of the sixteenth century," about sixteen million of them living within the area that is now the continental United States.²² While anything approaching absolute precision in such efforts is of course impossible, as Dobyns readily admitted, no more painstakingly complete assessment of precontact indigenous demography in North America has been undertaken to date.

This time the establishment response came from Russell Thornton, a somewhat confused Cherokee demographer at the University of Minnesota (now at the University of California at Berkeley) who appears to have glimpsed an opportunity to acquire "academic credibility" through adding the weight of his "native voice" to the chorus of "respectable scholars" insistently low-counting native population. Although, in his 1987 book, *American Indian Holocaust and Survival*, Thornton claims to have arrived at conclusions "remarkably close" to Ubelaker's, the best he could do with the available evidence was hold his overall estimate of precontact Native North American population down to "five million plus" within the continental U.S. area, and another "2 million plus" in Canada and Alaska, for a combined continental total of seven to nine million.²³ This arithmetic, of course, more than tripled Ubelaker's reluctant doubling of the Mooney/Kroeber estimates, and has caused Thornton himself to come under attack from paleo-conservative polemicists such as David Henige, who vehemently defend the Smithsonian's current "two million thesis" (and would likely be more comfortable with continuation of Mooney's and Kroeber's one million as a hard and fast number).²⁴

Some aspects of Thornton's critique of Dobyns—such as the latter's assumption that American Indian populations would have followed the Malthusian dictum of expanding to the limits of environmental carrying capacity—are likely correct. There is, in fact, appreciable evidence suggesting they remained a respectful distance below the level of saturation as a matter of course.²⁵ It is therefore probable that the actual precontact population fell 10 to 20 percent below Dobyns' maximal projection. Hence, it seems appropriate to follow author Kirkpatrick Sale in suggesting that a precontact North American Indian population of fifteen million is perhaps the best and most accurate "working number" available to us.²⁶ Of this total,

19th century attrition of the indigenous population of Texas appears to have been in the mid-to-upper-80th percentile, much of it through the armed action of private individuals.⁷⁵ Further, simple computation shows the "body count" for Texas alone—at least 10,000 individuals, and more probably 15,000—to be greater than the entire U.S. aggregated estimate of native deaths by "individual affair" offered by the Bureau of the Census.

In California and Oregon, things were much worse. As Mooney acknowledged in 1910, "the enormous decrease [in California's native population] from about a quarter-million to less than 20,000 is due chiefly to the cruelties and wholesale massacres perpetrated by the miners and early settlers."⁷⁶ Actually, the original indigenous population of California was probably three times Mooney's estimate and still numbered about 300,000 in 1800. Sherburn F. Cook has compiled an excruciatingly detailed chronology of the actions of self-organized white "militias" in northern California, mostly along the Mad and Eel Rivers, for the years 1855-65. The standard technique was to surround an Indian village (or "rancheria," as they are called by Californians) in the dead of night, set it ablaze and, if possible, kill everyone inside.⁷⁷

Much of the killing in California and southern Oregon Territory resulted, directly and indirectly, from the discovery of gold in 1849 and the subsequent influx of miners and settlers. Newspaper accounts document the atrocities, as do oral histories of the California Indians today. It was not uncommon for small groups or villages to be attacked by immigrants...and virtually wiped out overnight.⁷⁸

By 1864, Cook notes, "The policy was to wear the Indians down by keeping them moving, and preventing them from laying in supplies of food and ammunition." Also by preventing the women and children from resting.⁷⁹ In reality, this was the tail end of the Californians' *ad hoc* extermination campaign, the main damage having already been done. Thornton has observed that, "Primarily because of the killings—which some scholars say had been...over 700,000—[the population] decreased almost by two-thirds in a single decade: from 100,000 in 1849 to 35,000 in 1860."⁸⁰ By 1900, the combined native population of California numbered only 15,377.⁸¹ All told, perhaps 50,000 indigenous people had been systematically butchered during "individual affairs" in California during the second half of the 19th century. As Cook put it, "The record speaks for itself. No further commentary is necessary."⁸²

Nadir and Recovery

In 1890, the federal government declared the period of conquest termed "Indian Wars" to be officially over. It also determined that only 248,253 identifiable Indians remained alive within its borders, with another 122,585 residing north of the border, in Canada.⁸³ After another decade of life under what amounted to martial law conditions, things had taken a marked turn for the worse in both countries: the

census conducted in 1900 revealed only 237,196 Indians in the U.S., barely 101,000 in Canada.⁸⁴ By 1910, however, as the worst of the early reservation conditions passed in most locales, an overall population recovery became discernible: the U.S. Indian population for that year was recorded at 265,683, that of Canada at 108,261.⁸⁵ The global flu epidemic of 1918 had a significant impact upon the U.S. native population, and is largely responsible for its decline to 244,437 by 1920.⁸⁶ However, by 1930, a surge to 333,397 had occurred, and the Native North American population has grown every decade since.⁸⁷

It is impossible to ascertain the exact extent of indigenous population reduction reflected in these figures. Using Dobyns' maximal 18 million estimate of precontact Native North American people, the combined total of one-third of a million Indians alive in both the United States and Canada at the 1900 low point would indicate an overall attrition of over 99 percent. Kirkpatrick Sale's working number of 15 million produces a reduction figure in the 98th percentile. Thornton's minimum of 7 million yields a result of about 95 percent population loss between 1500 and 1900. Even the Mooney/Kroeber 1 million figure indicates a population loss of some two-thirds during the same 400 years. Surely, there can be no more monumental example of sustained genocide—certainly none involving a "race" of people as broad and complex as this—anywhere in the annals of human history.

Computing the extent of native population reduction at the hands of the United States *per se* is equally tricky. Dobyns offers little of use in this regard. Thornton asserts that only about 600,000 American Indians remained alive within the confines of the forty-eight states by 1800,⁸⁸ an estimate that would reflect an approximate two-thirds diminishment over the following century. His calculations in this regard are, however, suspect, not only on the basis of his general tendency to under-count, but because of his own earlier-quoted query as to whether a full half-million native people hadn't died as a result of the "Indian Wars" and more-or-less private campaigns of physical extermination. Following the proportional relationship (about 3:1) evident between his and Sale's precontact estimates, it is likely that somewhere between 1.5 and 1.8 million Indians still lived within the continental U.S. area at the time the "Founding Fathers" took over. The probability is thus that the U.S. destroyed 80 to 85 percent of "its" Indians during the first century of its existence.

Such dire numbers are readily borne out in the census data from states that still included substantial numbers of native people at the time of the American Revolution. In 1900, New Hampshire, for example, possessed a total Indian population of 22. Delaware could show only nine. Alabama had 177; Arkansas, 66; Connecticut, 153; Georgia, 19; Illinois, 16; Kentucky, 102; Massachusetts, 587; Ohio, 42; Rhode Island, 35; South Carolina, 121; Tennessee, 108; Texas, 470; and West Virginia, 12. There were five living Indians in New Jersey, and only three in Maryland.⁸⁹ By and large, such native people who remained had been confined to a dwindling quantity of reservation land—the total acreage dropped from about 150 million acres in 1885 to some 50 million acres in 1925—often left them because it was arid, semi-arid, or

(1867, 1893)
History of the Santee Sioux

engagement with the Indians in the Killdeer Mountains and did some desultory skirmishing in the Badlands. This expedition added to the geographical knowledge of what is now western North Dakota, and it probably also contributed to the starvation of the Indians whose supplies were destroyed, but it bore little relationship to the Sioux Uprising or its perpetrators. Most of the Indians encountered were Yanktonais and Teton, who had taken no part in the uprising and were doubtless somewhat puzzled at the gratuitous invasion of their country. From this point on, the military campaigns on the prairies lose whatever connection they had with the 1862 outbreak and merge into the long series of wars with the Sioux that ended only with the Wounded Knee massacre in 1890.⁶

Although the newspapers of Minnesota were calling for the expulsion of all Indians from the state, attention naturally centered early in 1863 about the Sioux who had been taken into custody at Camp Release. These people—the prisoners held at Mankato and the larger group at Fort Snelling—spent a miserable and anxious winter. The condemned men probably fared better than their families. Out of the 350 or more, only thirteen died during the winter, as against about 130 in the camp at Fort Snelling. Under the stimulus of Thomas S. Williamson, who preached to them every Sunday, and Robert Hopkins, one of their number and a Christian, the men in prison underwent a mass religious conversion. Early in February, Williamson and Gideon Pond, satisfied that the professions of faith were in most cases sincere, baptized 274 of the prisoners. Eventually nearly all were baptized. Along with this burst of religious enthusiasm came a desire to adopt other features of the white man's culture, notably the written word. According to Riggs, the prison became one great school that winter. The prisoners practiced writing on slates and with pen and paper until they were able to express themselves with sufficient fluency to write letters to their families. One contemporary account had it that by March they were turning out one or two hundred letters weekly, which Williamson faithfully carried to the camp below the fort.⁷ The knowledge acquired during the winter of 1862-1863 later proved valuable to the men who were released, some of whom became leaders among their people.

⁶ Folwell, *History of Minnesota*, II, 296-300. Further expeditions in 1865 and 1866 encountered no Indians.

⁷ *Ibid.*, II, 249-251; Stephen R. Riggs, *Tah-koo Wah-kan; or, the Gospel Among the Dakotas* (Boston: Congregational Publishing Society, 1869), pp. 342-354; Mankato *Weekly Record*, March 7, 1863.

The families of the condemned men, together with the rest of the captive Sioux, experienced a similar wave of religious enthusiasm and interest in learning. They too were under the influence of missionaries, to whom goes the credit for the transformation that swept over them. John P. Williamson, who had barely begun missionary work on the old reservation at the time of the uprising, joined them at their place of confinement and remained with them all winter, as did Samuel D. Hinman, the Episcopal missionary whose work on the reservation had likewise been cut short by the outbreak. Williamson held nightly prayer meetings in the garret of an old government warehouse large enough to seat five hundred. Although he proceeded more cautiously than his father, he did baptize at least 140. Hinman baptized 144, including all the chiefs of the lower Sioux, and soon had 300 under his care. These two men thus laid the foundations for the later strength of the Episcopal Church and the American Board of Commissioners for Foreign Missions among the Santees. Father Augustin Ravoux, who had ministered to the convicted prisoners before they were executed, baptized 184, but he did not remain in the camp and hence did not gain so lasting an influence for the Catholic Church as the other men did for their denominations.⁸

The number in these two concentration camps varied somewhat throughout the winter. At the end of February there were 322 prisoners at Mankato, plus about 20 cooks, laundresses, and other service personnel—all Indians—employed by the prison authorities.⁹ The other group contained 1,601 on December 2 and 1,591 on March 10, the 130 deaths having been nearly offset by additions captured by the military during the winter. At the time of the earlier census, the total included 295 upper Sioux, 133 Wahpekutes, and 112 half-breeds without tribal affiliation; the rest were Mdewakantons.¹⁰ The extreme congestion,

⁸ Folwell, *History of Minnesota*, II, 252-254; Riggs, *Tah-koo Wah-kan*, pp. 355-361.

⁹ Mankato *Weekly Record*, March 7, 1863.

¹⁰ Com. of Indian Affairs, *Annual Report*, 1863, pp. 313-316; Henry H. Sibley to Usher, March 14, 1863, NARS, RG 75. L.R. Among the Mdewakantons, the largest band was Wacouata's, with 221 members, followed by Taopi's with 214, Traveling Hail's with 193, Wabasha's with 165, Eagle Head's with 109, Good Road's with 98, and Black Dog's with 61. Taopi was chief of the "farmer Indians," a band made up of men from several of the traditional villages. Since he was originally from Kaposha, however, he may be considered the legitimate successor to the chief of that village, Little Crow. Traveling Hail was chief of the old Lake Calhoun band, and Eagle Head led an offshoot of the Shakoep band, most of whose members had taken flight with their chief as the uprising came to a close. Mankato, chief of the Good Road band, had

THE CONCENTRATION CAMPS