

## OUR DEALINGS WITH THE INDIANS.

BY J. EVARTS GREENE.

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FROM the earliest occupation of North America by Europeans a distinction may be traced between the treatment of the aboriginal inhabitants by the Spanish and French on the one hand, and the English on the other. The former, while recognizing in some measure the Indians' right of occupancy in their lands, yet generally, if not uniformly, took possession on their arrival, of such lands as they chose, without the formality of purchase, or of consent gained from the Indians. They asserted the sovereignty of their monarchs, the kings of Spain and France, respectively. They declared the Indians subjects of the foreign king, and though they were compelled sometimes in emergencies to treat with the hostile or threatening savages, it was as a king may treat with his rebels, without definitively abating any of his pretensions or conceding any of their claims to independence.

In later times, when the supremacy of the Europeans was established, and the mutual relations of the two races had become somewhat settled, the native right of occupancy was doubtless distinctly recognized as a species of tribal property, whose nature and limits were more or less clearly defined by law. The tribes, therefore, so far as they were the possessors of this common property, were regarded as somewhat in the nature of corporations with which bargains might be and were made from time to time by the crown, which reserved to itself the right to deal with them in that capacity. But they were not regarded

as in any sense independent, and the individual Indians were considered subjects of his majesty, the king of Spain or France, as the case might be, and amenable to his laws, so far as his power extended, and their condition for the time permitted.

The English colonists, on the other hand, adopted a different theory and policy. The land indeed was held to be the king's, and he granted it to favored persons or corporations at his pleasure, without regard to the rights or wishes of the Indians. But everywhere, from Massachusetts to Georgia, the actual occupation of the land was preceded by obtaining the real or apparent consent of the Indians through purchase or otherwise. The Indian right of occupancy was distinctly and practically recognized from the beginning, as a species of property which must be acquired before the absolute title to the land was complete in the white settler. The native tribes also, instead of being treated as the subjects of a foreign king, were regarded as having a political, independent existence. They sent and received envoys; they were parties to negotiations and treaties. They were commonly styled "Indian nations," and were dealt with as if that designation were truly descriptive.

Which of these theories and policies was the more just and humane in its nature and purpose cannot be doubted; which was in the long run the wiser is not perhaps so clear. The former had at least the advantage of clearness and consistency. It was capable of application throughout, without material changes, while the latter became irreconcilable with the facts as time went on, and led to confusion and various mischiefs, as we shall see.

The conditions in Spanish America were so different from those which confronted the French and English colonists, that attempts to compare results throw little light upon the comparative merits of theories and policies.

In the West Indian islands, the Spaniards found for

the most part simple and unwarlike peoples of not much toughness of physical or moral fibre, who succumbed readily to slavery, and, having no heart to resist or strength to endure its cruel severities, perished quickly and miserably.

On the continent, especially in Mexico and Peru, the Spaniards found large native populations, not hunters or nomadic herdsmen, but sedentary, possessing many of the domestic arts and settled social and political institutions. To exterminate them, to drive them out, to allow them to remain independent or semi-independent, retaining their own political institutions—any one of these courses was to the Spaniards impossible. The natives were subjugated, as the Romans subjugated the Gauls and Britons. They were made subjects of the Spanish monarchy. Social distinctions, of course, were persistent; the Spaniard or the créole of pure blood looked down with haughty contempt upon the Indian and the mongrel; but the people of the native stock accepted the institutions of their conquerors, and Mexico and Peru, a generation or two after the conquest, were as thoroughly Hispanized as Gaul in the early centuries of our era was Romanized.

The conditions confronting the French in Canada were more like those with which our forefathers had to deal in New England, yet they differed in some important respects.

The Indians whom the Frenchmen found on the banks of the St. Lawrence were not native there. They were fugitives from the ferocious and conquering Iroquois. They welcomed the French as allies and protectors from their enemies, and their relations with the new comers were formed and controlled by this condition of mutual helpfulness against the common foe.

I think the comparative freedom of Canada in later years from Indian wars and troubles may be due in part to this friendly relation with the Algonquin and allied tribes from the beginning, and also to the fact that the English, succeeding the French in this protective relation, had also a

friendship of long standing with the Iroquois, formed when the latter were the active and implacable foes of the French and Canadian Indians.

But, aside from this, the French, though less successful as colonists, and partly because they were less successful, got on better with the Indians. Their settlements were like a slender stream, spreading here and there into little pools, but affecting scarcely at all the general forest conditions of the country, and having little of menace in its aspect, while the English were like a rising tide, covering the land as it advanced, and plainly threatening to sweep away all that the Indian loved and prized, and to make the land uninhabitable for him.

Moreover, the Frenchmen, as individuals, got on better with the Indians than the Englishmen. The former understood them better and had more sympathy with their tastes and pursuits. The young Frenchmen took to the woods, and not all the orders of their despotic king and the efforts of their governors could restrain their enthusiasm for the more than half-savage life of the *coureur de bois*. They readily formed temporary or permanent connections with Indian women, and the wilderness was filled with half-breeds. Count Frontenac, the most capable and brilliant of the French governors of Canada, who was not unfamiliar with the splendid court life of France, with its rigid conventionalities, on at least one occasion joined the Indians in their war-dance, not wholly from policy or affectation, but because he found in the fierce excitement of the savage ceremony something congenial to his temper. Even Mad Anthony Wayne was not mad enough for that, nor could any Englishman or American of English stock in a position of command or authority have ventured or wished to take his part in such a function.

The English colonists bought their lands of the Indians, and I believe their descendants have generally been proud of this proof of their superiority in justice to the colonists

of other nations, as perhaps they ought to be. Those earliest bargains were probably as fair as any that have been made since between the white man and the red. The consideration given by the former was usually trifling, but so, as the Indians understood it, was the thing granted. With the continent behind them it meant little to them that the new comers should be allowed to occupy a few square miles of land. They did not appreciate the aggressive force of civilization, nor indeed did the colonists themselves, as appears from the declaration, made some years after the establishment of the Massachusetts colony, that in laying out a road to Concord they were going as far in that direction as ever would be necessary. The destiny of the white race in North America was not then a manifest destiny to either of the parties to these bargains.

But buying lands and treaty making went on through the colonial period of our history. While it seems probable that the negotiations on both sides were actuated by as much of good faith as usually goes to the making of treaties between civilized nations, all of these and even those of much later times had these two features in common: The white men showed amazing shortsightedness, or so it seems to us now, and equally amazing ignorance of or indifference to the fact that the other party was irresponsible, unauthorized, or even imaginary. They were shortsighted as appears from their successive agreements, warranted, as it seems, by their sincere belief at the time, that the advance of white settlement should not transgress certain fixed and not remote limits, but that beyond these the Indians should be forever undisturbed.

Each of these agreements in its turn it became impossible to observe. The swelling tide of white settlement touched those treaty barriers and they crumbled away. Colonial or federal authority was as helpless in the face of this invasion as Mrs. Partington with her mop before a spring tide. Hence in part the "Century of Dishonor," of

which the late Mrs. Jackson wrote so eloquently and bitterly, repeating the confession of our national disgrace, to which there have been so many other witnesses. But, after all, the dishonor lies not so much in the fact that the treaties were not kept inviolate; for that,—human nature and the tendency of events beyond the control of statesmen and rulers being what they are,—was impossible, but that they were ever made. The men who conducted these negotiations with the Indians ought to have been wise enough to know that the treaties must soon be obsolete and their observance impossible, and, knowing this, they ought to have found some other way out of the immediate difficulty than a treaty made to be broken. It seems almost incredible that the men who made the Indian treaties in the last decade of the eighteenth and the first quarter of the present century could have believed that the Indians could remain in undisturbed possession of half the state of Ohio, or a great part of Illinois, or that the whites would long be content with the Mississippi river as the western boundary of civilization, yet each of these successive solutions of the Indian problem of the moment was solemnly declared a finality within the time mentioned, and others equally futile were accepted with the same solemnity much later, when the experience of repeated failures ought, if anything could, to have taught men better. But it has been the practice of diplomatists in all ages and countries to pay for present advantage by drafts on posterity which they have no right to expect will be honored when due.

The wisest of the Indians saw clearly enough that these agreements gave no security for their future. Pontiac and Tecumseh knew that the conflict between the white and the red man was irrepressible, that the continent must belong to one or the other, and could not be shared between them.

It is strange to find a recent writer, who in general deals with his subject so ably and so fairly as Mr. Roosevelt, in

his valuable book, "The Winning of the West," ignore this view of the subject as giving a cause to the remoter tribes of Indians for joining in the resistance to the settlement of the Ohio valley.

Speaking of the attack upon the Kentucky settlers in 1777, he says: "Not only did the Shawnees, Wyandots, Mingoos and Iroquois act thus, but they were joined by bands of Ottawas, Pottawatomies and Chippeways from the lakes, who thus attacked the white settlers long ere the latter had either the will or the chance to hurt them."<sup>1</sup> And elsewhere he says of these attacks that they were totally unprovoked because made "on land where they did not themselves dwell."<sup>2</sup> And again of the Kentucky settlers: "They ousted no Indians from the lands they took. In their eyes the attack on the part of the Indians was as wanton as it was cruel, and in all probability this view was correct."<sup>3</sup>

These remoter tribes, who, Mr. Roosevelt thinks, should have been uninterested spectators of the conflict for the Ohio valley, might well, on principles pretty generally approved by our countrymen for more than seventy years, oppose by force, if necessary, the further extension of a European system on this continent. And so zealous an advocate of the extremest application of the Monroe doctrine as Mr. Roosevelt, might be expected to comprehend that the occupation of Kentucky by white men was a more formidable menace to the Pottawatomies of the lakes, or even the Dakotas of the upper Missouri, than the adjustment of the boundary between Venezuela and British Guiana can be to the United States.

The other peculiar feature of these treaties was that, while the white negotiators represented an organized and responsible government, a properly qualified and accredited party of the other part was wanting.

<sup>1</sup> Roosevelt, "Winning of the West," I., p. 325.

<sup>2</sup> *Ibid.*, I., p. 256 note. <sup>3</sup> *Ibid.*, I., pp. 357, 358.

The Indian tribes or bands were styled "nations," but they had no valid claim to that title. Even the Iroquois, the most politically inclined of any of the native inhabitants of the northern and eastern parts, at least, of North America, had no ruler, no acknowledged authority, no representative system, no real political entity. They had leaders, of course, who advised and persuaded if they could, but no man felt obliged to do or refrain from doing anything because the leaders had promised for him. The chief might feel bound by his word, but the warriors, for whose conduct he had pledged himself, did not think themselves bound. They might be persuaded to keep the chief's treaty, but if so they yielded to his influence, or were controlled by the same motives which induced him to make it, not by the conviction that it was their duty, and that their own good faith was involved in keeping it.

The Indian nation, nominally a party to the treaty, was in fact non-existent or imaginary. Moreover, most of these treaties were made by negotiators on each side ignorant of the others' language, and on one side, though naturally shrewd and with native talent for diplomacy, unskilled in forms and phrases, and both parties dependent upon interpreters perhaps incapable, sometimes dishonest, and having strong motives to deceive one or both of the contracting parties.

These latter facts are not suggested as excuses for the breach of any treaty. If the government, royal, colonial or federal, chose to treat under these conditions, well known, as they must have been, honesty and honor required it to keep its promises in spirit and substance at least, if not in the letter, so long as their observance was possible.

The British crown claimed by right of discovery not only the sovereignty of the country, which afterwards became the territory of the United States, but also the absolute



title to the land, subject only to the Indians' right of occupancy, which latter right, it was held, could only be alienated to the crown or with its consent. To these rights the United States succeeded. But the United States has recognized only tribal possession or occupancy, and this conforms to the Indian notions of right in land, notions quite in accord with the latest theories of land reformers among our own people. The individual Indian had no rights and no means of enforcing them if he had them. He was not a citizen and could not become one under our naturalization laws. He could have no standing in the courts, as plaintiff or defendant. He was sometimes styled "a ward of the nation," but there was no tribunal by which his rights as such could be defined and maintained. He was subject to constraint and coercion by the Secretary of the Interior and his subordinates.

The tribes could make treaties, or have treaties made for them. These were negotiated by the President and approved by the Senate, with the same forms and effect as treaties with Great Britain or France. They were therefore, for that purpose, at least, recognized as independent nations. Treaty-making under that name, however, was abandoned in 1871, and since that time negotiations with the Indians have resulted in "conventions" or "agreements," legally so styled, though differing from treaties only in the forms of conclusion and ratification.

But this independent nationality, so fully conceded in some of the early treaties after our revolution that intruders on Indian lands were declared to be beyond the protection of the United States, and liable to be dealt with as the Indians might please, was found by the United States unsatisfactory in some respects, as having inconvenient consequences if followed to its logical results, and we find the courts denying to the Indian tribes the status of foreign nations, and defining them as "dependent domestic na-

tions,"<sup>1</sup> or, from another point of view, and for another purpose, as "national wards."

The purport of these treaties was usually the cession of land and the promise to live peaceably within their new boundaries, on the part of the Indians, and on the other part gifts of goods and sometimes of money, in compensation for the land in the earlier treaties, or in those made later by the United States, besides present gifts, promises of money, annuities, rations, farming stock and implements, schools, and instruction in farming and other arts, with protection against citizens of the United States and enemies of either party.

The United States, as the stronger party, of course took care to hold all that was given by the Indians, but disputes concerning boundaries and conditions have been frequent, and complaints of unprovoked attacks upon peaceful settlers on the ceded lands were not uncommon. From what has before been said of the want of a responsible party on the Indian side of the agreement, it is clear such results could scarcely be avoided. The chiefs could plead in excuse that they could not control their young men, and the aggressive band could say that they had not signed away their land or authorized anybody to sign for them. Such disputes and the unwarranted intrusion of lawless white men cause war on the border, and prepare the way for new treaties and new cessions of territory.

Though a few of the chiefs have always been wise enough to see that money payments were injurious rather than beneficial to the Indians, the mass of the tribes were eager for such payments. But one tribe at least, it seems, a hundred years ago was not. When in 1793, a council was held with the Delawares for the purpose of settling the eastern boundary of the land conceded to them, they insisted upon the Ohio river as their boundary, claiming that the land west of it was theirs by former treaties. A considera-

<sup>1</sup> *United States v. Ragsdale*, 5 Peters, 1.

ble sum of money and annuities for fifty years were offered for their consent to fix the boundary further westward, and to this proposition they are said to have made the following answer:—

Money is to us of no value, and to most of us unknown; and, as no consideration whatever can induce us to sell the lands on which we get sustenance for our women and children, we hope we may be allowed to point out a mode by which your settlers may be easily removed and peace thereby obtained. We know that the settlers are poor, or they would never have ventured to live in a country which has been in continual trouble ever since they crossed the Ohio. Divide, therefore, this large sum of money which you have offered us among these people. Give to each also a portion of what you say you would give to us annually, over and above the very large sum of money, and we are persuaded they would most readily accept of it in lieu of the lands you sold them. If you add also the great sum you must expend in raising and paying armies with a view to force us to yield you our country, you will certainly have more than sufficient for the purpose of repaying these settlers for all their labor and improvements.

To whom should be given the credit for the language in which this proposition is expressed I do not know. To the Indians the terms might seem reasonable, but to any white man the futility of buying lands without getting them, of practically hiring men to trespass upon Indian lands and foment troubles with the Indians, especially when no increase of territory or other national advantage could be gained by it, is apparent.

Money payments to Indians have always, I suppose, done much more harm than good. Captain Pratt, principal of the Carlisle Indian School, described at the Mohonk Conference last October, the distribution of fifty thousand dollars to the Cheyennes and Arapahoes in the Indian Territory in the autumn of 1894. He said: "Gamblers and the vilest men to be found in that vile region were

there in multitudes. . . . The Indians were brought together from one hundred miles away, and were kept there a week. They abandoned their farms and brought their ponies, dogs and tepees, received and squandered their money, and got nothing but harm from it. It is so always. Giving them money in this way enriches the neighboring white man and destroys the Indian."

Other forms of payment, annuities, rations, clothing and so forth, are more permanently, if less rapidly, demoralizing. Education, in the form of schooling or instruction in agriculture or the mechanic arts, is of course beneficial, and so, no doubt, is the supply in reasonable quantity of stock and implements, if precaution is taken that these are properly used. But of these good things the Indians have, until quite recent years, received but little from the government. Appropriations have doubtless been made by Congress substantially in compliance with the stipulations of treaties; stock and implements have been purchased, and teachers, farmers, carpenters and blacksmiths employed. The legislation was good in the main, but the administration until lately was as bad as it could well be.

An Indian agent, with a salary of fifteen hundred dollars, could retire at the end of four years with a fortune of fifty or a hundred thousand dollars. The teachers, farmers, carpenters, were selected by politicians without conscience from among their needy followers, without knowledge of the arts they were expected to teach and to practise, and with no sense of duty to the government which employed them or to the Indians for whose benefit and from whose money they were paid. They were teachers in a sense, for they taught by example the vices of civilization. One of them, after cynically confessing that, if he wished, he could be of no use in the capacity in which he was nominally employed, was asked what were his qualifications for appointment. "Well," he said, "I suppose I was a statesman out of a job."

This was the situation in general twenty-five years ago or more. It has improved very much since, especially within the last ten years. President Grant's plan of requesting the great religious bodies of the country to select Indian agents provided better security than before for suitable appointments to these important offices. The establishment of the board of Indian commissioners gave useful supervision of the purchase and distribution of Indian supplies, and the growth of Indian Rights Associations, with their vigilant agents penetrating everywhere, scrutinizing the Indian administration and exposing its shortcomings fearlessly, and the comparative accessibility of the Indian reservations in these times, are all wholesome influences, tending to the correction of abuses and the encouragement of honest and intelligent work. The recent extension of the civil service rules to the Indian service has, of course, been most helpful, so that, I suppose, this service is now fairly honest and efficient. On the whole, however, the government, so far as it has kept faith with the Indians by doing what it has promised in its treaties and agreements, has not done much to elevate, but much to degrade them. If less ferocious, because their opportunities for ferocity are restricted, they are certainly less energetic. They have less individual independence and apparently less capacity or wish for it. They have acquired vices and diseases which in their aboriginal condition were unknown to them, and they do not seem to have gained new virtues or sounder sanitary conditions.

The greatest obstacle to their advancement has been, in my opinion, the policy of the government, according, doubtless, with their own inclination, to keep them together, to maintain their tribal relations, to herd them on reservations, to merge the personal and property rights of the individual in those of his tribe. Thus the tribal Indian has no personal status before the law. The tribe is something,

though it has not always been easy to say what; the Indian is nothing.

Treaties were made with the tribes, as we have seen, with the same formalities and to the same legal effect as with a European power. It seems a logical inference that the tribes were independent foreign nations. But the Supreme Court says: "No"; they are not independent or foreign. They may be defined, says the court, as "dependent domestic nations," and "in a state of pupilage."<sup>1</sup> Another court of high authority says an Indian tribe is "neither a state nor a nation."<sup>2</sup>

The individual tribal Indian is nobody, so far as the courts can tell. He is not a citizen. The fourteenth amendment declares that "all person born or naturalized within the United States and subject to the jurisdiction thereof are citizens of the United States and of the several States." But it is held that this definition does not include Indians, because they are not, within the meaning of the amendment, "subject to the jurisdiction thereof." They are not foreign citizens or subjects, as the same court decides. Being, therefore, neither citizens nor aliens, they are nobody and cannot sue or be sued.<sup>3</sup>

So rigidly is this disability maintained that when, about twenty years ago, a number of Indians, for no crime, but simply for refusing to leave their homes at the arbitrary command of the Secretary of the Interior, were confined for days without food or fire in the severest winter weather, and were at length fired upon, some of them killed and others wounded, they could obtain no relief nor even have their case inquired into under the writ of *habeas corpus*, because, as tribal Indians, they had no rights in the courts.

Another illustration, quite as striking, is given by the case of the Apache scouts who served under General Crook

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<sup>1</sup> United States v. Ragsdale, 5 Peters, 1.

<sup>2</sup> Bashe v. Washington, 19 Indiana, 53.

<sup>3</sup> Karrahoo v. Adams, 1 Dillon, 344.

in the campaign against Geronimo as regularly enlisted men, were honorably discharged, and visited Washington, invited by the Secretary of the Interior. There, because they wished to return to their home in Arizona, though the Secretary and the General commanding the army had other plans for them, they were put into the charge of a military officer as prisoners of war. The writ of *habeas corpus* was invoked in vain, and I believe they are still held as prisoners together with the hostile Indians whom they helped to capture.

The lands-in-severalty act, so far as it has been carried into effect, has improved the status of the Indian. It has put an end to the tribal community, giving to each individual his own lands and making him a citizen of the United States and of the State in which he lives. The lands not allotted are sold, and so the Indians are no longer isolated in place or in their political relations, but are scattered more or less among their white neighbors, having equal citizenship with them. This is a step and a long step, some think it too long for a single stride, in the right direction. It brings those who take it, within the protection of the law, gives them the right of suffrage, the right of free education in the common schools, and all those advantages which States and communities provide for their people.

For his own protection against improvidence and fraud, the Indian is made incapable for twenty-five years, of alienating his land or of leasing it, except by permission of the Secretary of the Interior under certain conditions, and his land is not taxable. This last restriction, meant for the Indian's protection, operates to his injury, for it makes him an object of jealousy and dislike as a privileged person, and tends to prevent the supply of local needs, such as schools and roads, in districts where there are many Indians, so fully as in others where all the property can be taxed to pay for them.

This land-in-severalty policy is not new. It was tried

forty years ago with the Delawares, Shawnees and Wyandots of Kansas. Its results then and there were unsatisfactory. It promises to succeed better now under more favorable conditions.

The condition of the Indians in this country is not what it ought to be after they have been in contact for two or three centuries with a civilized and Christian people. Our failure in dealing with them is due not so much to intentional oppression or wrong, or to indifference to their welfare, as to our shortsightedness and the conflicting theories early adopted regarding their status and their relation to the white people, which make our policy concerning them and our actual dealing with them inconsistent, confused and unstable. While they were regarded at one time and for one purpose as independent foreign nations, at another as dependent domestic nations, at another as wards or pupils, no rational policy or treatment could be adopted and steadily pursued.

Thus, disregarding the theory of pupilage, we have many times done with them what they wished, though we knew it would be injurious, rather than what we believed would be for their permanent advantage. At other times, ignoring our theory of their independence, we have compelled them by threats or induced them by deceit to consent to terms which they would never knowingly and without coercion have accepted. And now we hold ourselves obliged by treaties to keep many tribes in a condition of pauperism and consequent vice, from which they have neither the power nor the wish to emerge while we keep our promises to them.

For the Indian race, "the Indian" in the abstract, I see no hope. I can find no reason to believe that we or our posterity will ever see a thoroughly civilized, happy and prosperous Indian community. I do not know that we should wish to see such a community, and therefore we need not mourn that, as I believe, it is impossible. I have



no sympathy with the eloquent sentimentality of Charles Sprague's oration, with which many of us were doubtless familiar in our youth, beginning: "Not many generations ago where you now sit, surrounded by all that delights and embellishes civilized life, the rank thistle nodded in the wind and the wild fox dug his hole unscared." The late Senator Conkling is said to have declared this oration the most eloquent in the English language. I willingly concede it a high, though not the highest, place as a specimen of eloquence, but to my mind, the eloquence is wasted and the sentiment misdirected. "The Indian," as a race, a nation, a tribe, a distinct element among our people, may disappear without leaving cause for regret. The two hundred and seventy-five thousand, more or less, individual Indians are proper subjects for philanthropic interest, and there is hope that they, if wisely guided, may become self-respecting and self-helping men and women.

I have no doubt that this result might be attained within the space of one generation. The many examples of white children captured by Indians, who were at maturity as savage, fierce and cruel as the Indians themselves,<sup>1</sup> and of Indian children reared in civilization who became respectable persons, contented, prosperous and useful members of civilized communities, prove that in those parts of character and conduct in which white men differ from Indians environment is a more powerful influence than heredity. Dr. Eastman, a Sioux of pure blood, educated in New England, looks what he is, an accomplished gentleman, whose personal character and professional attainments have won the respect of all who know him. Other instances in abundance prove that nothing in his case was exceptional except the opportunity. Any Indian child, allowing, of course, for natural differences of capacity and disposition, would show a like result under like conditions.

It is not an undertaking so great as to strain the

<sup>1</sup> Roosevelt. "Winning of the West," II., p. 8.

resources of our government to take the thirty thousand or thereabout Indian children of school age and scatter them among the schools of the United States, thus freeing them from the tribal relations and influences, and, having provided for their education, let them shift for themselves as laborers, craftsmen or in other walks of life according to their tastes and opportunities. The experiment of the Indian school at Carlisle, Pennsylvania, under the charge of Captain Pratt, whose humanity and sense of justice and honor are unquestionable, but not more so than his practical wisdom and the success which has rewarded his efforts within the scope of his authority and opportunity,— is conclusive evidence that this policy is practicable. Any one who has seen a group of Apache children as they arrived at Carlisle, with all the characteristics of the savage, not only in their dress and manner, but visibly stamped upon their features in hard lines of craft, ferocity, suspicion and sullen obduracy, and has also seen a year later the same children neatly dressed, with their frank intelligent faces, not noticeably unlike in expression those of wholesome and happy boys and girls of our own race, must be convinced that education under suitable conditions is the true solution of the Indian problem, and that if all the Indian children could be placed under the same influences as the few hundreds at Carlisle, that problem would disappear within ten years.

At present it is a serious and difficult problem. I do not say that we are making no progress toward its solution. Within a few years notable progress has been made in certain directions, but the efforts of statesmen and philanthropists are hampered by the obligations of treaties and agreements, whose operation is now recognized as ruinous to the Indians and injurious to ourselves. Let any unbiased person carefully inform himself of the condition of the five so called civilized tribes or nations in the Indian Territory as it was sixty years ago, and their present con-

dition as revealed by the report of the commission of which Mr. Dawes is chairman, and he cannot fail to see that, instead of advancing, they have fallen into a horrible quagmire of vice, crime and political debauchery and corruption, in which they are sinking deeper every year. This is true also in a measure, but not, I believe, without some exceptions, of other Indians who retain their tribal condition.

The obligations of treaties and agreements literally construed forbid our effectual interference for their rescue. Now, what shall be done? *Fiat justitia, ruat cælum*, of course. But is it justice to let agreements, however fairly and solemnly made, with beneficent purpose, but under misconception of the real interests of both parties, and without prevision of their future relations and conditions, become the means of perpetuating a state of things ruinous to one party and disastrous and disgraceful to the other?

Two methods of meeting this difficulty occur to me: First, buy up and extinguish all treaty rights by new agreements for cash or other immediate payments at a fair valuation. The result would certainly be disastrous to the Indians for a time. The payments would not benefit the Indians or remain in their hands, but would be distributed among the gamblers and ruffians of the frontier country reinforced by thousands of others, whom the scent of the prey would entice from all parts of the nation. Many more Indians would die of disease, debauchery and violence in one year than under present conditions. But afterward the government, relieved of all formal obligations, and of the confusing and paralyzing influence of conflicting theories as to Indians' rights and relations, would be free to deal with the whole question as justice and humanity might require, guided by such wisdom as experience has taught.

That is one way. Another, and probably a better way, is this: Let our government adopt in its future dealings with the Indians, having made formal, public declaration

thereof, a policy substantially as follows: All that in any form, expressly or by implication, we have undertaken to expend or to do for the Indians shall be expended and done with scrupulous fidelity. The national honor demands this, and we do not wish to be relieved of the least part of any burden we have assumed. But these national obligations on their behalf we declare to be the property of the Indians as wards, and to be employed by us as their guardians for their benefit, not necessarily in the precise methods and for the specific purposes originally contemplated, but in such manner and for such purposes as, guided by the wisest counsel we can command, we believe will best promote the real and permanent interest of the beneficiaries.

Under this policy, annuities, rations and other demoralizing and pauperizing subsidies would be discontinued, and the money thus saved would be spent for schools, for educating Indian children in schools and academies among civilized people, for roads, irrigation works and other public improvements in the Indian country, in which the Indians could have employment and thus earn their living.

It is a delicate and perhaps a dangerous undertaking thus to reject the letter, while respecting the spirit of our obligations, to discriminate among our promises, choosing which we will keep and which ought not to be kept. But the responsibility for the welfare of this dependent and subject, and doubtless much wronged people is upon us; we cannot shirk it. If we must confess that we have not honor and integrity enough at the command of our national government honestly to administer such a trust, "a century of dishonor" is but a trifling blot on our national character compared with the permanent infamy involved in the confession.

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