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The Causes of the Nez Perce War and the Prolonged Exile of the Captive Indians: An Analysis

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AN ABSTRACT OF THE THESIS OF Carole Jean Smolinski for the
Master of Arts in History presented August 1, 1969.

Title: The Causes of the Nez Perce War and the Prolonged
Exile of the Captive Indians: An Analysis

APPROVED BY MEMBERS OF THE THESIS COMMITTEE:

Jesse L. Gilmbre, Chairman

Gordon B. Dodds

Charles M. White

This is a study of the obvious and intimated causes of the Nez Perce War of 1877 in Idaho Territory and a collection of reasons explaining why the terms of surrender agreed upon by Chief Joseph and Colonel Nelson A. Miles were not honored by the United States government. There is a relationship between the events preceeding and following the war as they determined the history of the Nez Perce nation throughout the second half of the nineteenth century. National, state and territorial interests, cultural and religious differences, racial prejudices and white greed for

Indian lands all contributed either directly or indirectly in determining those events, and, despite the Indians entreaties for fair treatment, molded the Nez Perce nation into the model desired by the white majority of the United States.

Research for this study included an examination of the reports of the Secretary of War, the Secretary of Interior, and the Board of Indian Commissioners from the years 1877 to 1893. The Congressional Record and the Senate Miscellaneous Documents from that period were also examined. An excellent source for local attitudes was the Lewiston Teller from the years 1875 to 1892. Copies of the newspaper are on file in the Lewiston, Idaho city library. Additional information was obtained from the newspaper files of the Lewiston Morning Tribune, on file in that newspaper's office, and the Spokesman Review, filed at the Spokane, Washington city library. The director of the Nez Perce National Park was kind enough to loan me his microfilm copies of the New Northwest newspaper of Deer Lodge, Montana from the year 1878, in which appear articles of interviews with the Nez Perces in exile in Canada. The Nez Perce National Park historian kindly loaned me his microfilm copies of letters and reports from agents of the Lapwai, Lemhi and Fort Hall reservations and related correspondence from the years 1862 to 1880. The latter source is also on microfilm at the University of Idaho. Original sources, monographs and general works were researched in Multnomah County and the Oregon Historical Society libraries of Portland, Oregon.

THE CAUSES OF THE NEZ PERCE WAR AND THE
PROLONGED EXILE OF THE CAPTIVE INDIANS:
AN ANALYSIS

by
CAROLE JEAN SMOLINSKI

A thesis submitted in partial fulfillment
of the requirements for the degree of

MASTER OF ARTS
in
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1969

TO THE OFFICE OF GRADUATE STUDIES:

The members of the Committee approve the thesis of
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(May 13, 1970)

August 4, 1969

PREFACE

Because the correct spelling of the Nez Perce language during the 1800's is in question, all of the Nez Perce names used in this treatise have been taken from Yellow Wolf: His Own Story (Caldwell, Idaho: The Caxton Printers, 1948) by Lucullus V. McWhorter as they appear in the text and in the Glossary of Nez Perce Words.

Throughout this treatise the Indians will be introduced wherever it is possible by both their English and Nez Perce names. They will thereafter be referred to by their English names unless there is none available.

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INTRODUCTION

"If you will come out and give up your arms, I will spare your lives and send you back to the reservation."¹ These terms of conditional surrender were proposed by Colonel Nelson A. Miles as his forces blocked the non-treaty Nez Perces' retreat to Canada.

Heinmot Tooyalakekt, or Joseph, chief of the Wallowa band of the Nez Perces and spokesman for the entrapped Indians, had two alternatives.² He could attempt to forestall the colonel's host while awaiting the anticipated arrival of Sitting Bull and his warriors, or he could surrender. The Nez Perce were tired, wounded, hungry, heartbroken and bitterly discouraged. Joseph did not want his charges, mostly women and children, to be subjected to continued warfare and death. Therefore on October 5, 1877, at Bear Paw, Montana Territory, Joseph surrendered, accepting in Miles's terms.

It will never be known exactly what was finally

¹Cyrus Townsend Brady, Northwest Fight and Fighters (New York: The McClure Co., 1907), p. 70, quoting from a reproduction of "Chief Joseph's Own Story" by Chief Joseph as it appeared in the North American Review (April, 1879).

²Heinmot Tooyalakekt, which translates means Thunder Traveling to Lortier Heights, will be hereafter referred to as Joseph, the name under which he became famous.

concluded between him and Miles. Most witnesses of that surrender, both Indians and whites, were of the opinion that the hostile Nez Perces would go back to the reservation on the Clearwater River in Idaho. It was October when the surrender took place and winter had come to the Rockies. In the spring when the thaws had cleared the mountain passes, Joseph and his people would once again cross the mountains. This time they would be going home; they would be going in peace.

Winter passed into spring; the seasonal change did not see the return of the Nez Perces to Idaho. They were to be kept in exile until the year 1885. Once again the words of a government spokesman, given under a pledge of truth, proved to be nothing to the Nez Perces but meaningless utterances.

As early as 1855 the agreements made between the Nez Perce nation or individuals of that nation and the white men were meaningless. Irrespective of whether the white man represented his own interests or the interests of the United States government, those agreements which he made were intended only to bind the Indian. The surrender agreed to by Miles and Joseph was no exception. The parties and their peculiar interests which had been responsible for provoking the Indians into igniting the Nez Perce War were also responsible for disposing of the captive Indians as they saw fit. None felt honor bound to respect Miles's pledge.

This treatise is not intended to be a chronicle of the history of the Nez Perce Indians of Idaho and eastern Oregon during the years immediately prior to and following the Nez Perce War of 1877. It is not a presumptuous attempt to narrate that portion of Nez Perce history from either the Indians' or local white residents' way of thinking. Rather it is a collection of divergent yet interrelated explanations as to why a segment of that Northwest Indian nation was prompted into initiating a war which the majority of those people neither wanted nor intended to ignite; and why, at the war's conclusion, the defeated and captured Indians were forced to endure seven difficult years in exile away from their ancestral homelands.

CHAPTER I

THE BEGINNING OF DISCONTENT

The Nez Perce Indian tribes of Idaho and eastern Oregon had been steadfast friends and allies of the white man from the arrival in 1805 of Lewis and Clark to the eve of the Nez Perce War in 1877. In spite of continued white encroachment on Indian lands, in spite of constant failure on the part of the United States government to live up to treaty obligations, in spite of the white man's refusal to accept the ancient Indian culture as it existed, the Nez Perce had used rational appeal for just treatment over and over again in preference to resorting to violent resistance. However, rational action cannot continue forever when it is one-sided, and eventually a few Nez Perces reacted irrationally. Although the consequential overt hostilities began on June 14, 1877, a subtle division within the Nez Perce nation which grew to indirectly contribute to those hostilities was in embryo as early as forty-one years prior to the war.

The differences began with the arrival in 1836 of Henry Spalding, missionary to the Nez Perces. As a result of his teaching, some of the members of the tribe chose to become Christians and to follow the white man's way of life, while others chose to remain true to the ways of their ancestors.

Frequently one group failed to tolerate the other's point of view. That intolerance lead to a polarization of the tribe which was magnified by the events of 1842.

In that year Dr. Elijah White, Indian agent for the Northwest Indians, realized the necessity of enacting a means to control the Indians within the area of his jurisdiction. Increased white settlement in the land of the Willamette Valley had caused more and more whites to pass through the Indian lands east of the Cascades especially in the Cayuse's country, through which the main immigration highway ran. Consequently the Cayuse became increasingly more menacing to the safe travel of the settlers. The other tribes threatened to do likewise. White anticipated that unless all of the Indians could be compelled to act under a uniform code of laws, they could not effectively be controlled by either government agents or the missionaries working among them. He therefore instituted a set of written laws within each of the Indian nations. To enforce those laws, and to establish a spokesman for each of the tribes, he introduced the head chief system of government for the Indians. All of the various bands constituting each of the Indian nations involved in White's program were to become subservient to the one head chief representing their nation. Among the Nez Perces, as with other tribes, that system was recognized over the years to follow by only the Christian Indians, (the head chief was quite obviously a

Christian) the missionaries, and the government agents. Those Indians who did not approve that system simply ignored the head chief and his assumed power.

The Nez Perce nation was and had always been a federated group of independent bands which, according to tradition, acted independently of one another. Their only tangible ties were a similar language and culture, the occupation of adjoining lands, the annual gatherings in the camas fields or on the hunting grounds, and periodic intermarriage between bands. Even within each individual band the chief had no absolute authority; he could only express his opinion, the weight of that opinion lay in the strength of his personality. It was the individual's prerogative to heed his chief's counsel; and it later became clear that it was the individual's choice also to heed treaty stipulations. Dr. White failed to appreciate the traditional Nez Perce system of government by thinking that his plan would automatically transform an institution of an ageless period into one of his choosing. Governor Stevens made that same mistake thirteen years later.

I. THE TREATY OF 1855

In June, 1855,^b Governor Isaac Stevens of Washington Territory held a council with some of the important Indian tribes located east of the Cascade Mountains. Meeting with Stevens at the council grounds at Walla Walla were the tribes of the Nez Perces, the Cayuses, the Walla Wallas, the

Yakimas and the Umatillas. In the face of the Indian restlessness and isolated hostilities which had steadily increased since the Whitman massacre of 1847, it was deemed essential by Stevens that each of those tribes be placed on appointed reservations. Not only would Stevens's hoped for immigration to Washington Territory continue to be hampered by increased Indian hostilities without the agreement of the tribal chiefs, but also his plans to survey for a suitable railroad route to the Pacific would be thwarted if they refused to sign. Stevens needed a right of way free from Indian interference.

The governor's plan was to place the tribes on three different reservations.¹ The Cayuses and the Walla Wallas were to settle on one, the Yakimas on another and the Nez Perces on a third. When the proposed areas for the reservations were divulged, it was clear that the Nez Perce Indians would not be denied any of the lands they had previously occupied. The reservation would embrace the Lapwai, the Imnaha, the Wallowa and the Grand Ronde country--a vast expanse of land hereunto enjoyed exclusively by the Nez Perces. Possibly that factor was the most significant reason contributing to the success of Stevens's plan; for when the Nez Perce agreed to the terms of the treaty, the other tribes followed suit. The size and power of the Nez

¹The terms of the Nez Perce Treaty of 1855 appear in Appendix A, pages 166-168.

Perce tribe tempered the others and propelled them into signing. Reluctantly the more apprehensive tribes agreed to do as Governor Stevens demanded of them.

However what appeared on the surface to be a concerted action by the entire Nez Perce nation was in reality not the case. The significant outcome of the treaty of 1855 as it concerned the Nez Percés was not that the Indians suffered any loss of land, as was true with the other tribes attending the council; but was that the mistaken concept of a head chief system of government was more deeply implanted in the minds of the whites by being irrevocably inserted into the written policies of the United States government. Deward E. Walker in Conflict and Schism in Nez Perce Acculturation perceived that, "From the point of view of the Nez Percés themselves, the most prominent effect of the 1855 treaty was the reinforcement of the head chief system."² It should be appended to his statement that in the minds of the Christian faction was the head chief system reinforced. Governor Stevens needed to find a method of counteracting the impasse created when Looking Glass threatened to reject the treaty.³

²Deward E. Walker, Jr., Conflict and Schism in Nez Perce Acculturation: A Study of Religion and Politics (Pullman, Wash.: Washington State University Press, 1968), p. 4.

³Looking Glass had just returned from a hunting expedition to the buffalo country, consequently he arrived after the council had been in progress for some time. Little significant opposition was raised against Nez Perce acceptance of the treaty until Looking Glass brought with his arrival a violent refusal to sell his land. Other chiefs appeared to be swayed by his influence.

The head chief could legally overrule that rejection. Consequently Stevens provided, from the Indians' point of view, a "chief freshly manufactured for the occasion."⁴ Head chief Lawyer (Hallalhotsoot) of the Lapwai area was a Christianized Indian who followed the "civilized" pursuits of the white man, but to those Indians opposing such pursuits he continued to be known as a "tobacco cutter (a sort of under secretary) for the chiefs Looking Glass, [Appushwahitē] Eagle From the Light, Joseph, [Wellamotkin] and Red Owl, [Koolkool Snehe]."⁵

When asked by Stevens to express his ideas on the treaty, Lawyer replied that "from the time of Lewis and Clarke, we have known you as brothers."⁶ Lawyer wanted to continue that brotherhood; he approved the treaty, urging only that the whites act towards them in good faith. Colonel Kip, witness and chronicler of the events of the council, stated that following Lawyer's comments, Stevens concluded, "Now we have the hearts of the Nez Percés through their chief."⁷ In Stevens's mind the endorsement of Lawyer was all

⁴New Northwest (Deer Lodge, Montana), June 7, 1878. Duncan McDonald, halfblood Nez Perce, interviewed Indian survivors of the war in Canada. His interviews were published in a series of articles in the New Northwest.

⁵Ibid. Both Joseph and Looking Glass referred to here are the fathers of the famous war chiefs.

⁶Lawrence Kip, "The Council at Walla Walla," Sources of the History of Oregon, F.C. Young, ed., Vol. I, Part 2 (Eugene, Oregon: Star Job Office, 1897), p. 19.

⁷Ibid.

he needed to affirm Nez Perce acceptance.

Although the other chiefs were angered by the manner in which Lawyer's authority was unquestionably recognized, they all eventually signed their names after Lawyer's.⁸ How Looking Glass was persuaded to agree to sign is unknown. Kip could not find an answer but supposed "savage nature in the wilderness is the same as civilized nature was in England in Walpole's day, and 'every man has his price'."⁹ It is more probable that Looking Glass recognized, since the Nez Perces would lose no land, it was futile to object to the treaty only on the basis of principle. The Indians were well aware of the white man's ruthless obsession to secure Indian land, for many tales had reached their ears from tribes both near and far. They may also have felt that by signing the treaty they had at least a legal means of opposing the eventual white encroachment into their country they all could easily foresee.

Thus the council of 1855 was successfully concluded. However the developing gap between the two factions of the

⁸Years later Joseph commented on the action taken by his father at that council. "My father, who represented his band, refused to have anything to do with the council because he wished to be a free man.... My father left the council." (Brady, p. 52.) Joseph's father did sign the treaty; his "X" appears second down from Lawyer's name. It is most likely that either Joseph had confused his father's accounts of the treaty of 1855 with that of 1863, or he altered the story to reinforce his claim to Wallowa.

⁹Kip, p. 24.

Nez Perce nation was rapidly approaching the day when it could never again be bridged. That day came with the signing of the treaty of 1863.

II. THE TREATY OF 1863

From 1855 until 1860 the Nez Percés continued to be little affected by the coming of the white man, despite the newly instituted reservation system for Indian control. Nez Perce land was still significantly enough isolated from the well-worn immigration routes that white attention remained for a time diverted to other lands further west. The diseases and depredations of the white man which contaminated the more western tribes bordering the immigration routes had not pervaded the Nez Perce country as yet. The Indians maintained peaceful relations with the whites, refusing to join their brothers of the other nations who were desperately trying to seek revenge.

That external peace, however, did not mend the internal wound tainting the Nez Perce nation. The tribes in opposition to the 1855 agreement were given ominous proof that the words of the "Bostons" were not straight. Governor Stevens had promised that as soon as the treaty was ratified by Congress the Indians would receive annuities and provisions. The Indians soon learned that Congress can be painfully slow to act in the passing of a bill. The treaty was not ratified until four years after its acceptance by

the Indians, but still those "civilized" members of the tribe who depended so strongly on the agreed to provisions and payment received nothing. It was not until 1861 that annuities were delivered.

The tribal members who hoped to increase their material gains through treaty annuities became deeply frustrated by the delay. Even more frustrating to them was that they found themselves ever more bound to defend the confusing policies of the United States government in the face of increasingly hostile jeers and criticism by the "non-civilized" Indians who had not placed themselves in dependence of the white man's goods. The admonishing attitude the latter assumed curtailed any significant communication and understanding among the people regarding tribal policies. Be that as it may, those early differences were not serious enough to lead to a final dramatic split within the Nez Perce nation; they were only added to the growing list of disagreements among the people. Only the white man could successfully create two nations of one, and he did.

In the compulsive search for gold which obsessed the prospector and fortune hunter of the western territories during that decade, his eyes turned to the forbidden lands of the Nez Perce reservation. When gold was found in abundance the eventual disintegration of the Nez Perces as an independent peoples was actuated.

In August, 1860, Wilbur F. Basset of the Captain E.D.

Pierce prospecting party found "colors" in his pan. He hit pay dirt in the waters of Canal Gulch, near the present site of Pierce, Idaho. Gold was found, not in the mountains bordering the reservation, but on the reservation itself. Henceforth, no Indian resistance would effectively halt the prospectors, who impelled by the magic of the word gold rushed into Nez Perce country when they first heard of the discovery.

The "Period of Trespass" had begun.¹⁰ Surprisingly, however, the Nez Perces of the Lapwai and lower Clearwater River area where the discovery had been made actually encouraged the arrival of more prospectors. The miners needed the Indians' services--provisions, horses and ferry boats--and the Indians in return would get the money and supplies denied them by the government. Had these white miners come with their families, plows and axes, they would have been resisted; for as the Nez Perces well knew, those whites would be permanent faces in Indian land. The miners, on the other hand, merely searched the hills for gold, stayed temporarily and moved on to richer fields. The land of the Indians did not appear to be threatened by their presence.

Sadly, the people encouraging prospecting in their lands could not foresee the permanent settlers which followed on the heels of the prospectors when a strike was made.

¹⁰Lewiston Morning Tribune (Lewiston, Idaho), October 19, 1958, Section 2, p. 1.

Supply camps became towns as the tents gave way to permanent buildings, which would not move when the prospectors took up their stakes. Towns such as Lewiston, Idaho, rapidly sprang up and grew, inspiring farmers to settle the areas which were once frequented by the trappers and later the miners.

The Indians of the "civilized" bands had opened their lands to the whites, and the white encroachment into their area was inevitable. That encroachment, however, would not be confined to the land of the Indians who had mistakenly encouraged the arrival of their adversaries. Rapidly the settlers turned their eyes and attentions to all of the land of the Nez Perce reservation. It had become imperative that the government take steps to prevent open hostilities inherent between the two races. The Indian agent to the Nez Perces, impotent without a stronger legal leg to stand on, could not protect the Indians' rights as long as the white settlers increased their demands for the enactment of a reduced reservation. The treaty of 1863 was essential.

Once again the Nez Perces were called in council. The reservation had to be changed, and with the proposed alteration came a drastic cut in its size. The new reservation would completely exclude the Wallowa country and vast regions besides. As a consequence of that treaty and the manner in which it was adopted, the final and permanent barrier between the tribal factions was erected. The new reservation clearly favored the "civilized" Nez Perces; upon their lands

were located the agency and missionary buildings as well as the military fort at Lapwai. If a reduction in the reservation were essential, as it was deemed to be, that area would logically remain within the new boundaries. Understandably, however, the chiefs of the bands whose lands were excluded could under no circumstances be persuaded to accept such a preposterous proposition. Their objections fell on deaf ears; they retaliated by completely refusing to have anything more to do with the council or the treaty. Presuming that their refusal to sign the treaty would mean a refusal to agree to its terms, they assumed no objection if some of the tribe decided to sign, as long as their signature did not automatically include the entire Nez Perce nation.

It was in that attitude that the tribal differences in dealing with the whites again appeared. It must be remembered that in the eyes of the United States government and in the eyes of the Indian agent and his Nez Perce dependents, the head chief spoke for the entire nation. Should he sign the treaty, that signature would automatically overrule the objections of the lesser chiefs.

Head chief Lawyer signed. In Joseph's words, Lawyer "took the lead in the council and sold nearly all of the Nez Percés' country ... In this treaty Lawyer acted without authority from our band."¹¹ Clearly, Lawyer's signature

¹¹Brady, p. 53. See Appendix B for the treaty terms.

Figure 2. The Nez Perce reservation of 1863 and the location of the non-treaty bands.

invalidated any Nez Perce claim to the land lying outside of the proposed reservation borders. That invalidation was the final and most important cause for the schism within the Nez Perce nation. Had the boundaries of the 1863 treaty instead excluded the lands of its signatories, Lawyer undoubtedly would not have signed, nor would any of the other chiefs who followed his precedent. That, of course, was not the case. Nevertheless, the Nez Perce head men who refused to recognize the treaty were powerful and influential men, and the policy they supported effectively blocked white attempts to enact the treaty for a time.

Chief Joseph, chief of the bands on the upper Snake River, particularly the Inantoinnut at the mouth of the Grand Ronde, became to the white men the most famous critic of the treaty of 1863; after his death his son, Joseph, acquired his father's fame.¹² There are a variety of reasons why those chiefs were singled out. The great loss of land they suffered was significant as was their strong desire to continue to live in the custom of the past. Most significant, however, was the fact that the elder Joseph, in spite of his

¹²Edward S. Curtis, The North American Indian (Norwood, Mass.: 1911), VIII, 13. That Nez Perce band passed the late fall, winter and early spring in the river valleys of the Snake and Grand Ronde, where the climate was mild and the canyon walls provided natural fences to keep their livestock within easy access. They moved to the Wallowa country in the spring and early summer where it was cooler and where the stock could feed on the abundant grasslands. Consequently they are most frequently referred to as the Wallowa band of the Nez Perce Indians.

preference to maintain native customs, had remained true to the principles of the Christian religion which he learned from Henry Spalding; and he taught his son to do likewise.¹³ A paradox existed in the minds of the whites, for in their insistence to equate Christianity with civilization they refused to recognize that an Indian could be Christian without renouncing his native customs. Consequently, believing that the Wallowa chiefs had repudiated their Christian faith by reverting to "savage" ways, the whites reacted by attacking them most explicitly. Those two chiefs, however, were undeserving of the criticism, for many of the other non-treaty chiefs were as intent and perhaps more vocal in letting their feelings be known.

White Bird (Peopeo Hihhih), the chief of the Lamtama band along the Salmon River, in an area which today bears his name, and the "most influential man among the Salmon River bands;"¹⁴ together with Looking Glass and his son, Looking Glass (Ippakness Wayhaykin) on the Middle Fork of the Clearwater River near Kooskia, were famed for their

¹³Joseph's father-in-law informed General O.O. Howard that Old Joseph and his band were in Lapwai at the time of Spalding and that he sent his children to school. Howard calculated that Young Joseph would have been seven years old when his father returned with his band to Imnaha. (Oliver Otis Howard, Nez Perce Joseph: An Account of his Ancestors, his Lands, his Confederates, his Enemies, his Murders, his Work, his Pursuit and Capture [Boston: Lee and Shepard, 1881], p. 9.)

¹⁴Curtis, p. 13.

opposition to the treaty. Toohoolhoolzote, chief of the Pikunanmu on the Snake River north of the mouth of the Imnaha, was of necessity in opposition to any policy of the Christians; he was an influential medicine man or tiwat of the Nez Perces. West of Lewiston in the Palouse River area the bands were under the chieftainship of Husishusis Kute, who, although suffering little white encroachment, opposed the principle of the treaty. Joseph's brother, Ollokut, an influential personality in his own worth among the Nez Perces, was in agreement with his father and brother. Each band represented by the above men would lose all or most of their native land and be forced to move onto the reservation if they signed the treaty.

Those chiefs each recognized that they must repudiate the 1863 agreement by action as well as words. They flatly refused to accept any of the payment or provisions which Lawyer agreed the tribe would receive for the Indian lands he sold. They even rejected all "gifts" offered by any government agent or representative; for should they accept anything from the United States government, that acceptance could be construed as a legal sale of their land as an endorsement of the treaty. In no instance would they agree to separate themselves from their cherished land. That desire to hold tenaciously their rightful property is manifested in the dying words of the elder Chief Joseph.

My son, my body is returning to my mother's earth, and my spirit is going very soon to see the Great Spirit Chief. When I am gone, think of your country. You are the chief of these people. They look to you to guide them. Always remember that your father never sold his country. You must stop your ears whenever you are asked to sign a treaty selling your home. A few years more, and white men will be all around you. They have their eyes on this land. My son, never forget my dying words. This country holds your father's body. Never sell the bones of your father and mother.¹⁵

In spite of the treaty the off-reservation bands continued living on their native lands for a few years, but eventually the words of Joseph's father were proven to be true. The land opened to white settlement by the treaty of 1855 was rapidly filled by the homesteaders, becoming too overcrowded, to the settlers' way of thinking, to permit the continuance of productive farming. As Joseph predicted, the whites had their eyes on Indian land; not just the land of the Wallawas but all of the land destined to be opened soon with the ratification of the second Nez Perce treaty. That ratification was carried out in 1867, and the appetites of the whites would not be satisfied until all of the newly opened land was homesteaded. Recognizing that to prevent white occupation by force would bring their eventual destruction, the non-treaty chiefs attempted to utilize other methods to contain white **encroachment**. Joseph reported the method adopted by his father. "In order to have all people

¹⁵Brady, p. 4-5.

understand how much land we owned, my father planted poles around it;"¹⁶ but poles and boundary lines prove in the end result to be meaningless to a white man when used to protect Indian property. "We continued to live on this land in peace until eight years ago, [1879] when whites began to come inside the bounds my father had set."¹⁷

Finally it became clear that the non-treaty Nez Perces could no longer enjoy their freedom. White pressure was too great; it pushed the government into enacting a policy for the removal of those Indians in any manner that would be expedient and feasible.

III. REMOVAL OF THE INDIANS

Indian agent John Monteith, stationed at the Lapwai agency, had long desired to subdue the resistance of the non-treaties. For one reason, as a government representative he particularly had been the recipient of the intensive pressure exerted by the white citizens of that area. For a second and more significant reason, the presence of those Indians seriously encumbered his attempts to "civilize" the treaty bands which were under his control on the reservation. That was especially true in the Kamiah country. Located about sixty miles from the agency, hence away from Monteith's persistent supervision, and in the neighborhood of White

¹⁶Ibid., p. 53.

¹⁷Ibid.

Bird's band, many of the Indians of that area were left relatively free to fluctuate at will between the two Indian factions. Monteith did not believe that a "civilized" Indian should enjoy that freedom of choice. It follows that he felt a real urgency in bringing the non-treaties onto the reservation, and he relentlessly sought success. Joseph attested to that persistence. "Nearly every year the agent came over from Lapwai [a distance of approximately one hundred miles] and ordered us on the reservation. We always replied that we were satisfied to live in Wallowa."¹⁸

Monteith finally received government reinforcement with the arrival of General O.O. Howard, Commander of the Department of the Columbia at Fort Vancouver. Howard, motivated by religious zeal not unlike that of Monteith, was also determined to bring those belligerent "heathens" onto the reservation. He hoped for a peaceful settlement; however, if the bands refused to comply with his orders, he was prepared to exert the necessary force to effect their removal.

After preliminary communications, the general called for a council with the non-treaty chiefs. The council was held May, 1877, at Fort Lapwai, with Howard, Monteith, the younger Joseph, White Bird, the younger Looking Glass, Husishasis Kute and Toohoolhoolzote being the principals in

¹⁸Ibid., p. 56.

attendance.¹⁹ Throughout the conference the only chief who persistently expressed his opposition in forceful terms was Toohoolhoolzote, forcing General Howard to become increasingly irritated by his insolent and abusive behavior. It was apparent that although the other chiefs outwardly appeared to be resigned to their fate, they were most decidedly in sympathy and complete agreement with their tiwat's sentiments. General Howard, as he later admitted, was concerned that a reoccurrence of the Modoc massacre of General Canby would happen during his council as long as Toohoolhoolzote were allowed to talk.²⁰ To prevent such disastrous consequences, he had the old chief imprisoned.

The other Indian headmen were deeply angered by Howard's behavior, for the general had displayed acute disrespect both to a man who had freely "shown his heart", as Howard had invited them all to do, as well as to a man who deserved the respect which should be politely granted an

¹⁹General Howard and Three Eagles disagree as to who was in attendance at the council. Howard stated that Joseph, Ollokut and "about fifty of Joseph's band of Indians" were present. (Howard, p. 15.) Three Eagles stated, "Alokut [Ollokut] was not at this council; he was at Umatilla..." (Curtis, p. 21.) Howard was frequently confused over the identity of Ollokut, as were many whites. They confused him with Joseph or other men in the tribe. That confusion became especially significant to events during and after the war.

²⁰Howard, p. 66. General Edward R.S. Canby headed a peace commission April, 1873, attempting to negotiate with the hostile Modoc Indians who refused to be moved onto a reservation. During the council Canby and his attendants were massacred by those Indians.

older person. They did nothing to avenge that injustice, however, for they realized the futility of any such action. Instead they agreed to go with Howard to choose land within the reservation upon which they and their people could re-settle.

Howard believed at the conclusion of the council that those Indian chiefs "really meant to conform to the wishes of the government and come to the reservation."²¹

General Howard was correct in his estimation of the Indians' intentions, but their decision was not due to any statements or actions made by the general. Had they not planned in advance to comply with the government's demands, chances are that they would have immediately avenged the wrong incurred upon their tiwat during the council, for their numbers far exceeded those of the military present at the time. As it was, communications had been passed back and forth among the Nez Perce lands, as well as among other important tribes of the Pacific Northwest, long before Howard's council in May. Grizzly Bear Ferocious, of the Nez Perce tribe, described the purpose of the communications.

White Bird had been going to the country of Joseph and Alokut ... discussing with them the possibility of successful war with the white people. Others had gone to Waiilatpu [the Cayuse, Umatillas, and Walla Walla] and others even to the Shoshoni, our old enemies.²²

²¹Ibid., p. 71.

²²Curtis, p. 14.

A potential Indian war that would engulf the entire Northwest country awaited the affirmation of the Nez Perces before it would become a reality. Their decision was made during a tribal gathering in council and feast, at which time Looking Glass presented the plan to be accepted or rejected by the people and their chiefs.

Brothers, you have been called to hear our plans. The question is if the Waiilatpu, the people of Moses (Sinkiuse) and ourselves shall fight with the white people.²³

Grizzly Bear reported that he and Pahutush, representatives of the younger warriors, voted no. Looking Glass stated that he did not want to fight the white men; and an older chief, Kulkulshnini, voted no also. "Nobody else spoke."²⁴ Significant to the vote is the fact that no voice is recorded to have been raised in favor of war; that, above all, the Indians did not want.

It is evident, thus, the choice for peace was not attributable to the events of the council of 1877 or to the presence of Howard's troops scattered throughout Indian country.²⁵ The Indians attended that council with a dual

²³Ibid.

²⁴Ibid.

²⁵Joseph had learned through his messengers that soldiers were approaching his camping ground on the Snake River. Because he was not aware of their purpose for being there, he assumed the worst. He wanted to conclude the business of the council as soon as possible, fearing that an impulsive act by either a brave or a soldier would end his hopes to keep peace.

purpose--first, to make an entreaty to retain their lands; second, if unsuccessful, to learn Howard's plans for their removal and resettlement. The plan Howard insisted upon proved itself to be wholly unfavorable to the Indians, for within its terms was a thirty day ultimatum. Inside of one month the Indians were to be completely within the bounds of the Nez Perce reservation. Howard thoughtlessly set a time limit without regard to the season during which they would move or to the distances they would have to travel. The Wallawas had the greatest distance to cover and would endure the most hardship by such an ultimatum; it was proper that their chief would object the most strenuously. Joseph questioned:

Why are you in such a hurry? I cannot get ready to move in thirty days. Our stock is scattered, and the Snake River is very high. Let us wait until fall, then the river will be low...²⁶

Howard could not see why one time was any better than the other. His reply was deliberately abrupt and conclusive.

If you let the time run over one day, the soldiers will be there to drive you on the reservation, and all of your cattle and horses outside of the reservation will fall in the hands of the white men.²⁷

Joseph, although deeply angered by Howard's response, obediently accepted the white man's command. The other

²⁶Brady, p. 9.

²⁷Ibid., p. 10. Howard emphatically denies having made such a statement.

chiefs did likewise as they sadly departed from the council to return for the last time to the country they had occupied in peace for so many generations. Joseph was determined that he and his people would successfully gather up as much of their livestock as they could and transfer the animals safely across the swollen waters of the Snake River. In spite of their yeoman like work, time would not permit their retrieving all of the stock; many animals were left grazing in the vast canyon floors to be rapidly incorporated into the herds of the white settlers. What losses were not suffered upon their departure were suffered when the band forded the turbulent waters of the Snake. Colts and calves, newly born, and weaker matured animals were swept to their death by the raging river. With each lost animal, the Indians became more and more embittered.

Safely across the Snake, the people:

Moved up Rocky Cañon to Tepahlewam, Split Rock, the ancient rendezvous site of the camas meadows beside Tolo Lake.... There on June 2, the people of Joseph and Toohoolhoolzote found the other non treaty bands and with twelve days remaining before they had to be within the borders of the reservation, now only a few days from where they were, they went into camp for a last gathering in freedom.²⁸

²⁸Curtis, p. 511. Toohoolhoolzote was released by Howard after the council, largely due to the pleas of White Bird and Looking Glass. His people crossed the mountains and joined Joseph's band at the mouth of Joseph Creek, traveling with them to Tolo. Many other bands had come with White Bird as they left their homes along the Salmon. The bands of Looking Glass and Red Owl did not have to move, but joined to participate in the rendezvous. Some Palouses also joined the congregation. An estimated six hundred were present at the camp, with two-thirds of them being women and children.

Therein lay the one mistake the non-treaties made in their desire to maintain peaceful relations with the "Bos-ton". Every member of each of the bands in camp was understandably harboring deep animosity toward the whites. The reasons for that animosity, of course, varied, perhaps originating one or two generations back, perhaps newly acquired during this forced removal; but in all cases that ill will was the result of legal injustice and deprivation of personal dignity they all suffered at the hands of the whites.

Most bitter of the Indians were those of the White Bird band, for white settlement in their country along the Salmon River was greater than in the lands of any of the other non-treaty bands. Given twelve days of idle time, White Bird's people could effectively, although perhaps unintentionally, aggravate latent hostilities and incite overt reaction. Had the Indians, instead of holding this final camp, moved directly onto the reservation or utilized their time more wisely during the moves, what was to follow may never have blighted the heretofore peaceable history of those people. As it was, the manifestation of such idle time was, as Joseph explained, "a great deal of war talk and a great deal of excitement."³⁰ It was inevitable that eventually someone would stop talking and start acting.

³⁰Brady, p. 61.

CHAPTER II

WAR, SURRENDER AND EXILE

Chief Joseph's apprehension about the war talk and mood of excitement enveloping the camp at Tephahlewam was shared by the white settlers on Camas Prarie. The whites' anxiety over forthcoming forcible Indian removal was intensified by the large Indian encampment. The settlers became increasingly disquieted, to the point where many of them left their homes to gather for mutual protection at Mount Idaho.¹ L.P. Brown was one of the settlers at Mount Idaho when the others began arriving. He felt the people in the Lewiston area should be notified of Indian activities and sent a letter to them on June 14, advising them of the impending events.

Mr. Overman, who resides at or near the head of Rocky Canyon, eight miles from here, came in today and brought his friends. They are very much alarmed at the actions of the Indians, who are gathered there. He says there are about sixty lodges, composed of the Salmon River Indians, Joseph and his band, with other non treaties, and that they are insolent, and have but little to say to the whites, and that all of their actions

¹Mount Idaho developed as a substation for supplies transported from Lewiston to the Salmon River miners. It was over one hundred miles from Lewiston and for years the only major settlement in what is now Idaho County. Today it approximates a ghost town, located about five miles southeast of Grangeville, Idaho.

indicate trouble for them.... Some of the others have likewise moved over this way, where there are more people.²

Apparently the whites had established contact with some of the Indians from the camp and the settlers' alarm was based on more than hearsay. It is interesting to note in the following portion of Brown's letter that despite, or possibly because of, Indian contact the settlers did not fear an attack directed at them. Instead, their concern was that an attack would be made on the army when the soldiers arrived to force the Indians on the reservation. In either event, the settlers in the area were occupying an unfortunate location and it is a curious fact that Brown did not underline the possible danger they faced.

Yesterday they had a grande parade. About a hundred were mounted and well armed and went through the maneuvers of a fight--were thus engaged for about two hours. They say, openly, that they are going to fight the soldiers when they come to put them on the reservation and I understand that they expect them to on Friday next... I do not feel any alarm, but thought it well to inform you of what was going on among them.³

Brown's concluding statement tends to negate the reality of any menacing threat to the settlers. Perhaps he assumed that the military would act discriminately enough to eliminate all cause for trepidation. However, he was guilty

²Lewiston Teller (Lewiston, Idaho), June 27, 1877,
p. 2. Letter from L.P. Brown, Mount Idaho, June 14, 1877.

³Ibid.

of the same mistaken appraisal of the Indians' hostile attitudes that the other settlers were--that the Indians' only real enemies were the soldiers, not the civilians.

I. HOSTILITIES BEGIN

Unknown to Brown and the people of Mount Idaho at the time the letter was sent to Lewiston, the war cry had been raised and would soon echo throughout Camas Prarie and the Salmon River country. While Brown was assuring the people in Lewiston that there was no cause for alarm, three young warriors from White Bird's band at Tepahlewam had left the camp and begun raiding the ranches of some of the unsuspecting settlers on the Salmon River. Eighteen miles south of Mount Idaho the war had begun.

Red Moccasin Tops (Sarpsis Ilppilp) and Swan Necklace (Wetyetmas Wahuakt) were persuaded by Wahlitits to leave the simulated war maneuvers of the camp and pursue an authentic act of war. Larry Ott was the intended victim. That Salmon River settler had killed Wahlitits's father a few years earlier. He had acted without provocation in committing the murder and had escaped legal punishment without justification. Although the boy's dying father beseeched his son not to avenge his death, the young man could not erase the injustice of the act from his mind. Its memory and a recent occurrence at Tepahlewam tormented him into renouncing the promise he made to his father, thus committing

the act which would precipitate the Nez Perce War.

Most of the Indians claimed that Wahlitits's old wound was reopened by the chastisement he received from an elderly man in the tribe. While riding in the war maneuvers, Wahlitits's horse accidentally stepped on some kouse roots placed out to dry by the wife of Yellow Grizzly Bear. He was greatly angered over the young man's irresponsible behavior. "See what you do! Playing brave you ride over my woman's hard-worked food! If you are so brave, why don't you go kill the white man that killed your father?"⁴

Another version of the story was told to Duncan McDonald during his interviews with the Nez Perce in Canada.⁵ Some of them remembered Wahlitits as a young man who, although married, fancied himself the tribal Don Juan. A girl to whom he was paying particular attention saw him in an entirely different light. Her relatives took objection to the youth's behavior and admonished him in a manner similar to that of Yellow Grizzly Bear. They told him that if he were really a man he would prove it by killing his father's murderer instead of attempting to show his manliness by soliciting female attentions.

Regardless of which story is true, it is certain that Wahlitits would have been infuriated by any slur on

⁴Alvin M. Josephy, Jr., The Nez Perce Indians and the Opening of the Northwest (New Haven: Yale University Press, 1965), p. 513.

⁵New Northwest, June 21, 1878.

his courage. That feeling, coupled with the frenzy of the war dances and the universally impetuous nature of youth, adequately contributed the ingredients necessary to commit the murders which were to follow.

Red Moccasin Tops, the grandson of one of the Cayuse murderers during the Whitman massacre, had similar sentiments. His grandfather and four others were brought to trial and hanged for the murders. Hanging was an abhorrent form of punishment to the Indians and Red Moccasin Tops felt justified in avenging his grandfather's death. Swan Necklace, the seventeen year old nephew of Wahlitits, was not told of the intended raid; he was taken along by the other two merely to hold their horses. When finally told of their intentions, he elected to continue riding with them.

The three were unable to locate Larry Ott on the 14th of June, but the fires for revenge had been stoked and could not easily be extinguished. They could not give up and return to camp. Instead they turned their attentions to other settlers of the area who over the years had established reputations among the Indians for unjustly treating the Nez Perce people. The three young braves attacked many of them and burned their homes.

The following day Swan Necklace rode back to the camp to tell the others of their punitive behavior. Reaction to the news varied in the camp, but seventeen warriors were apparently in agreement with the youths, for they willingly

rode out of camp with Swan Necklace to join the others.

Thus was initiated the second day of raids upon the Salmon River settlers. There was nothing the chiefs could do to stop their warriors, although many of the leaders were deeply saddened by this recent worsening of events. They fully realized that few whites would stay their bullets if the Indians appeared offering to council for peace. The whites were ready for war, calling for arms and ammunitions as soon as they learned of the raids, and every non-treaty Indian would henceforth be associated with the actions of those few warriors as far as the whites were concerned. None of them would be freed from white vindictiveness.

White Bird soon chose to join the hostiles, for although only a few members of his band were responsible for the raids, he knew that he and his people would most certainly be the first to be identified with the savage acts. Toohoolhoolzote and other chiefs followed White Bird's lead. In the eyes of the whites, however, those chiefs, including White Bird, were secondary to the man they all believed had instigated, organized and lead the introductory attacks.

White settlers and military officers alike were certain that Chief Joseph was merely finalizing his carefully woven plan to first deceive and later destroy all the whites occupying Nez Perce country. The notoriety he held before the war caused the whites to place him in the position of

leadership at the very onset of the conflict and that mistake lasted.

Their accusations of course were erroneous. Joseph did not instigate the Salmon River raids nor did he lead the long campaign against General Howard which resulted from those raids. On the 14th of June, Joseph and Ollokut were nowhere near the vicinity of those attacks. They had crossed the Salmon River with a party of four men and two women and were approximately forty miles downriver from where the hostilities were being committed. Completely ignorant of the strike, the men were busy butchering their cattle to secure provisions to last them until they established themselves on the reservation. At the same time Joseph's wife was in the camp bearing his child. Had he in any way intended making war on the whites it is certain he would have made advanced arrangements to have his wife on the reservation in the care of her relatives at the time of delivery. He would not have willfully exposed her and the baby to war.

Joseph and Ollokut learned of the raids only after they had recrossed the Salmon the following day. At Tepahlewam they found the others making preparations to move to the safety of Sapachesap.⁶ Both of the Wallowa leaders

⁶The Sapachesap are caverns located on the Cottonwood Creek about one mile above its junction with the South Fork of the Clearwater. The village of Looking Glass was close by.

begged the chiefs to heed their advise--to attempt to enter into talks with General Howard and hopefully prevent the war. It was an idealistic notion, however, and the other leaders knew it. They held no confidence in white man's council and refused to listen to either of the brothers. Ollokut saw the wisdom of their decision to fight and joined White Bird's band.⁷ Joseph refused to do likewise, choosing to remain behind with some of his people while the others moved on. Given that evening to carefully examine his intentions, Joseph soon realized the impropriety of forsaking his friends as well as exposing his own people to possible white vengeance. The following day he joined the rest of the non-treaties at Sapachesap to fight the white men.

However, Joseph never abandoned his desire to find a peaceful settlement of the war. In fact, the other chiefs became concerned enough over his intentions that they placed him in a command of secondary importance. They feared that if Joseph were in a position to negotiate with the whites he could possibly become a second Lawyer and sell the rights of his people for a few insignificant tokens of exchange.⁸

⁷Robert H. Ruby, "Josiah Red Wolf: New Word on Chief Joseph and Looking Glass," The Spokesman Review (Spokane, Washington), November 17, 1963, p. 2. There is some confusion as to when Ollokut decided to join the hostiles; some claim he was even on the earliest raids, but most agree with Red Wolf.

⁸F.M. Redfield, sub agent at Kamiah, refers to the chiefs' concerns over Joseph's intentions. After the war had begun, while the Indians were still in Idaho, Joseph visited the camp of General Howard and agreed to surrender.

They placed him in charge of the children and old people to prevent such an incident, and he remained in that command until the final days of the war.

Josiah Red Wolf, the grandson of Alpowa chief Timothy, was a young boy with the non-treaties during the Nez Perce campaign. He explained the position that Joseph occupied during the war as he remembered it. "We [children and old people] were taken care of by Joseph and kept away from the fights.... While he was not a war leader he provided moral and spiritual leadership during the war."⁹ As the war progressed, that leadership proved to be as valuable to the people as was the leadership of the war chiefs.

Red Wolf claimed it was White Bird who was the war leader throughout the early stages of the campaign, but when Looking Glass entered the war during the first days of July, he became their truly great leader.¹⁰ Be that as it may, Looking Glass had up to that time no intentions of heading a Nez Perce war or of having anything to do with any Nez Perce uprising. Like Joseph, he wanted peace; unlike Joseph, he felt that by simply remaining safely away from the

He returned to the Indian camp to urge the other chiefs to do likewise. "The Indians were so angry that they put a dress on him and made him carry a pack up the Lu Lu Trail." (Oregonian [Portland, Oregon], June 24, 1928.) Some Nez Percés claim the chiefs were so angry they kept Joseph under heavy guard until they were safely out of Idaho.

⁹Ruby, "Josiah Red Wolf," p. 4.

fighting he would be shielded from the war and from any implications of participating in it.

Looking Glass became concerned about the possibility of an Indian uprising while he and his people were camped with the others at Tepahlewam. During that time he observed the intensifying war fervor which came to dominate the atmosphere of the camp. Fearing that it could easily get out of hand, he first warned the other chiefs to strictly control their men and then moved his people back to their own camp, which was located safely within the refuge of the Nez Perce reservation. Both during and after the Salmon River raids he remained completely disassociated from the bands connected with the hostilities, to the extent that he even refused to grant sanctuary to a few of the Indians from those hostile bands who desired peace for themselves and their families. He turned his back on them, angrily telling them to leave his camp.¹¹

Whereas Looking Glass could prevent any hostiles from contaminating his camp, he could not prevent some of his own warriors from joining the others, who by that time had moved to a safer location in White Bird Canyon. It will be remembered that the individual's right of free decision could not be overruled by his chief and all of Looking Glass's entreaties to remain on the reservation passed unheeded.

¹¹ Josephy, p. 518.

General Howard was informed by the friendly reservation Indians, many of whom were acting as scouts for the army, that anywhere from twenty to forty warriors at White Bird Canyon had come from Looking Glass's camp to serve as reinforcements for the hostiles. The general, ignorant of Indian governmental policies, believed that the warriors were sent by Looking Glass while the chief was "waiting his favorable chance" to join Joseph.¹² Anticipating a trap, Howard dispatched Captain Whipple and his cavalry together with Captain Randall and his detachment of volunteers to arrest Looking Glass and all other Indians camped with or near him between the forks of the Clearwater. The captives were to be turned over to the volunteer organization at Mount Idaho.¹³

Captain Whipple carried out his instructions on the first of July, and if the account of the encounter which Looking Glass gave two days later is true, the course of action which the cavalry and volunteers followed became perhaps the most barbarous act of the entire Nez Perce campaign.

Two days ago my camp was attacked by soldiers. I tried to surrender in every way I could. My horses, lodges and everything I had was [sic] taken from me by the soldiers we have done so much for. Now, my people, as long as I live I

¹²Howard, p. 148.

¹³Ibid., p. 149.

will never make peace with those treacherous Americans.¹⁴

Captian Whipple, quite naturally, told a different version of the day's activities.

An opportunity was given Lookingglass [sic] to surrender, which he at first promised to accept but afterwards defiantly refused, and the result was that several Indians were killed, the camp with a large amount of supplies destroyed and seven hundred and twenty five ponies captured, and driven to Mount Idaho... About twenty citizens, under the lead of Captain Randall, accompanied me on this expedition.¹⁵

In the midst of the firing Looking Glass and many of his band managed to escape. They joined the hostile Nez Perces who by that time had crossed the Salmon at the Craig Billy Crossing and moved onto Camas Prarie. From then on Looking Glass assumed the position of leadership. Whipple's attack had provided the motivating force propelling the chief's inspirational leadership which carried the Nez Perces through one of the most extraordinary Indian wars in American history, albeit humiliating for General Howard and the United States Army. The chief served as their leader for four months, guiding them one thousand three hundred and twenty-one miles from Camas Prarie, Idaho, to Bear Paw,

¹⁴New Northwest, December 6, 1878, p. 3. Chief Peopeo Tholekt was sent by Looking Glass to greet the soldiers when they arrived and to insure them that Looking Glass did not want to go to war. He confirms Looking Glass's version of the attack. (Lucullus V. McWhorter, Hear Me, My Chiefs! [Caldwell, Idaho: The Caxton Printers, Ltd., 1952], p. 264-267.

¹⁵Howard, p. 149.

Figure 3. The Nez Perce war in Idaho, 1877.

Montana. His leadership terminated at that final scene of battle on October 5, when he was killed. Looking Glass died believing that Sitting Bull had finally arrived from Canada to help the Nez Perces defeat Colonel Miles. He never knew that the approaching rider, whom he thought was a messenger sent by Sitting Bull, was instead one of Miles's Cheyennes; for as he sprang from the pit to welcome the mounted Indian a bullet struck his forehead, and he fell dead.

Shortly before Looking Glass's ill-fated death, surrounded and besieged by Colonel Miles and aware of the approach of General Howard, the Nez Perces searched through council for the path they should follow. They could surrender, believing that Howard's Nez Perce scouts had spoken the truth when they assured their brothers that the whites would treat them fairly, or they could attempt to steal away through the white lines and escape to Canada. Their plight was serious, for by then they had all but given up hope that Sitting Bull would send help. Each chief, indeed each individual, was free to follow his own heart; neither choice would be unfavorably criticized by those pursuing the alternate course. All that the chiefs could do was point out the wisdom of their preferred alternative.

Joseph wanted peace and urged the others to surrender. Looking Glass did not agree; he argued, "I have my experiences with a man of two faces and two tongues. If you

surrender you will feel rather to be dead, than suffer the deception..."¹⁶ Joseph believed that he had to look beyond the personal consequences he might suffer.

Many of our people are out in the hills, naked and freezing. The women are suffering with cold, and the children crying with the chilly dampness of the shelter pits. For myself I do not care. It is for them I am going to surrender.¹⁷

Joseph had been in charge of those people about whom he expressed concern since the beginning of the war. He was certainly much more aware of and possibly more troubled by the suffering which they had undergone than were the other chiefs, who had been preoccupied with war plans. The anguish of his people troubled him to the extent that he saw only surrender as the way of giving them rest and possibly even saving their lives. It is for that reason that he turned himself and those wanting to follow him over to Colonel Miles. His concern for the others is very real in his speech of surrender.

Tell General Howard that I know his heart. What he told me before I have in my heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead, Tu-hul-hul-sote is dead. The old men are all dead. It is the young men who now say yes or no. He who led the young men is dead. It is cold and we have no blankets. The little children are freezing to death. My people--some of them have run away to the hills and have no blankets and no food. No one knows where they are--perhaps freezing to death. I want to have time to look for my children and see how many of them I can find.

¹⁶McWhorter, Hear Me!, p. 495.

¹⁷Ibid.

Maybe I shall find them among the dead. Hear me, my chiefs, my heart is sick and sad. From where the sun now stands I will fight no more against the white man.¹⁸

When Joseph surrendered he believed that White Bird would do likewise. White Bird, however, feared the forked tongue of the whites; he feared that all of the prisoners would be killed. In addition, "His conscience hurt him. He knew that it was the murders committed by his band that had started the war.... Along the trail it was his braves alone who had killed settlers and prospectors."¹⁹ That evening, when Joseph was busy helping his people move to the soldiers' camp and when white attentions were diverted by the Indians' activities, White Bird with fourteen men and two women from his band escaped into the night for Canada.

Thus the deaths of Looking Glass, Ollokut, Toohoolhoolzote plus other lesser chiefs and the escape of White Bird left the responsibility for leadership of the four hundred and eighteen survivors squarely on the shoulders of Joseph. By surrendering, Joseph believed he had done the

¹⁸Chester Anders Fee, Chief Joseph: A Biography of a Great Indian (New York: Wilson-Erickson Inc., 1936), p. 263. There is considerable speculation as to whom Joseph was referring when he said, "He who leads the young men is dead." He could have been referring to Ollokut, as many have suggested, or to White Bird. However it is most likely he was referring to Looking Glass, even though he had already mentioned that chief, for Looking Glass was the main war chief and would consequently be the most influential chief over the young men.

¹⁹Ibid.

right thing for those survivors. It is certain that many could have died in an attempt to escape into that hostile land without adequate clothing or provisions while the soldiers combed the country at their heels in search of what stragglers they could find. Certainly the children and old people would have been the first to suffer the consequences of such a foolhardy attempt.

Although Joseph had willfully placed his confidence and the lives of his people in the promises of Colonel Miles, even though similar promises made by whites had been consistently repudiated throughout Nez Perce history, it can never be charged that he willfully lead his people into the seven years of suffering and despair that were to follow them through exile. Indeed it was Joseph's leadership which supplied the only real pillar of strength on which they could lean; it was his determination to return to Idaho that kept their hopes alive and lessened the apathy and gloominess that customarily follows a vanquished people. Whereas Joseph's leadership up to that time was perhaps secondary to that of the war chiefs, from their surrender on he proved himself to be a truly magnanimous leader, well deserving of the fame that was subscribed to him.

II. JOURNEY TO EXILE

Joseph was given little time to look for his "children" in the surrounding hills. The day after the surrender was

negotiated he helped his people tend to the wounded and bury the dead, as did Colonel Miles with his men. On the seventh of October, two days after the surrender, they once again made preparations to move. The journey would be difficult for them all and unsparing for many of the wounded. The country was "rough and broken in character." Although care had been taken to make the wounded as comfortable as possible in the wagons, the grass and brush which was used for padding soon "became unevenly packed down and every jolt of the wagons seemed to open up fresh wounds."²⁰ The trail to Fort Keogh was dotted with the graves of Indians and soldiers who died and were buried along the way.

Difficult as the journey was, the Indians made it without resistance or solicitude. They believed they were going to remain under the command of Colonel Miles at Fort Keogh throughout the winter and in the spring they would return to Idaho. At Tongue River they would have a chance to recuperate from the affliction of war and at Idaho they would have a chance to make a fresh start.

Two weeks after the final battle the subdued Nez Perces and their military escort arrived at Fort Keogh. There they were comfortably quartered with the necessary preparations made for their winter stay. But their rest was

²⁰Mark H. Brown, The Flight of the Nez Perce (New York: G.P. Putman's Sons, 1967), p. 416, quoting Lieutenant Romeyn, "Capture of Chief Joseph," Collections of Historical Society of Montana, Vol. II, p. 292.

short-lived. It soon became clear that mere defeat was not enough of a punishment for their "insolent" behavior. Those survivors of a once noble and independent nation were to be further humbled through prolonged captivity. Joseph's, indeed all of the Nez Perces', dream to return to their homelands in the spring would not be realized.

On the first of November, General Miles received orders from his department commander, General Philip H. Sheridan, to prepare the Indians for a move to Fort Leavenworth, an army camp about eight hundred miles from Fort Keogh and over two thousand miles from their homes in Idaho.²¹ The Nez Perces obeyed the order but prepared for their second move with a heavy heart. They were experiencing once again the deceitful tactics of the "treacherous Americans" who spoke with "two tongues," the same tactics that had driven Looking Glass to join the war five months earlier.

General Miles obeyed the orders with a heavy heart also. He had come to know and respect his prisoners and sympathized with their plight. However his rank lacked the influence necessary to overrule Sheridan's orders and his only recourse was to comply. He secured a flotilla of fourteen flatboats to move the injured Indians and the children down the Yellowstone and Missouri rivers. The others who were

²¹See Chapter V for a complete discussion of military orders and decisions. Miles was promoted to general shortly after defeating the Nez Perce Indians.

strong enough to travel on horseback were to journey overland with Miles and his military escort.

Fred G. Bond was one of the boatmen hired to transport the Indians who were designated to travel by water. He has contributed an interesting and entertaining account of that voyage, which sheds considerable light on the mood and character of his twenty-one Nez Perce passengers. Bond at an early date earned the respect and confidence of "his people", as he soon came to call them, and subsequently gained much insight into their version of the Nez Perce war. As had General Miles, Bond sympathized with them and contributed significantly to the gradual shift of public opinion to their favor which was to follow.

Bond reports in one episode that as his people approached Fort Lincoln a mood of gloom and foreboding began to settle over them, the cause of which he could not readily discern. He eventually realized its source. Apparently someone had told the Nez Percés, while they were stopped at Fort Buford, that awaiting them at Fort Lincoln was a "great gun which shoots twice."²² As soon as they docked that gun would fire on them and they would all be killed. Considering the deceit they had grown to anticipate when dealing with the white men, it is not difficult to imagine how readily susceptible they were to such a tale.

²²Fred G. Bond, Flatboating on the Yellowstone, 1877 (New York, New York Public Library, 1925), p. 856.

If it was only a nightmare to them before they reached Fort Lincoln, it became a reality when the landing came in-
to sight.

A switch engine was on this landing and they seen us the Engineer gave three long blasts of his whistle and he followed up by playing Yanke Doole. I was trying to explain to my people that there was the Iron horse and just then the Iron horse let a snort and commenced backing scareing my people, and then the great gun at the fort cracked. My poor people fell on their knees for they seamed to know that was the gun that shot twice.²³

After assuring his people that they would be safe, Bond docked at Fort Lincoln. The following day General Miles and Chief Joseph arrived with their parties. The neighboring town of Bismarck had excitedly anticipated the arrival of Chief Joseph, for by that time he had acquired national fame as a military genius, a Napoleon of the red man. The band struck up "Star Spangled Banner" as "women, children and even men rushed the hollow square with all kinds of cooked food," offering it to each of the Nez Perce prisoners and even to the overland guard.²⁴ To further honor the arrival of their distinguished visitor the citizens held a great ball and supper that evening. "There were no printed tickets. The ticket was a \$10.00 gold coin, ladies [were admitted] free and [it was open] to all."²⁵

²³Ibid., as quoted from the original source.

²⁴Ibid.

²⁵Ibid.

The white man's evening of honoring the "noble savage" ended with the sunrise of the following day. Once again he dictated to where the Nez Perces were to move and once again they were compelled to obey his orders. "Send the Nez Perce prisoners all to Fort Leavenworth to be maintained at the cost of the Military authorities till the Indian Bureau is ready to receive them."²⁶

III. EXILE

The Indians were herded into the cars of the "iron horse" and transported on to their future home. Those people who from birth had been accustomed to the invigorating mountain air and refreshing climate of the Northwest were relocated in the humid climate and debilitating surroundings of the Missouri River bottom. Two miles north of Fort Leavenworth, between the river and the lagoon, their quarters were established at the worst possible location in the area of Fort Leavenworth. There they remained for eight long months during which time their health and physical resistance to disease rapidly deteriorated.

The climate of the lagoon was ideal for the generation of the Anopheles mosquito. The consequential malarial fever began to take heavy toll on the already weakened Indians

²⁶U.S., National Archives Microfilm Publications, Microfilm #234, Letters Received by the Office of Indian Affairs, 1877-1878, Roll 346, Idaho Superintendency, 1863-1880, Sherman to Sheridan, November 19, 1877.

and its effects would be felt long afterwards. Joseph believed the cause for their prolonged sickness was the river water, the only water they were allowed to drink and to cook with. "Many of our people sickened and died and we buried them in this strange land."²⁷ E.A. Hayt, Commissioner of Indian Affairs, further described their condition after his visit to them in the spring of 1878.

Leavenworth manifested itself in the prostration by sickness at one time of two hundred and sixty out of the four hundred and ten, and within a few months they have lost by death more than one-quarter of the entire number. A little care in the selection of a wholesome location near Fort Leavenworth would have saved much sickness and many lives.²⁸

Many others were also concerned over the deteriorating health of the Nez Perces at Leavenworth, but until government bureaucracy cut the necessary red tape and acted with resolution the issue stood at a standstill. At the fort the Indians were under the temporary command of the War Department, but they were scheduled to be transferred to the Department of the Interior at any time. Consequently, General John Pope, the commanding officer of the fort, hesitated in granting them more permanent, and healthier, quarters; and the Secretary of War vacillated in ordering the medical

²⁷Brady, p. 71.

²⁸U.S., Congress, House, Executive Documents of House of Representatives, 45th Cong., 3rd Sess., 1878-1879, Vol. IX, Report of Sec. of Int., Report of Commissioner of Indian Affairs, p. 464.

supplies and provisions necessary for the improvement of their health while there. It was reasoned that there was little sense in overproviding for their stay if they would be moved on to another location out of the War Department's control.

Finally the problem over the legal guardianship of the Nez Perces was resolved. On the fourteenth of July, Agent H.W. Jones of the Quapaw Indian Agency, Indian Territory, and Indian Inspector McNeill received orders to go to Fort Leavenworth and receive the Nez Perce Indians. They made arrangements to transfer the prisoners by train to Baxter Springs, Kansas, and from there by wagon to the Modoc reservation in the Indian Territory. The Nez Perces moved a third time. They arrived on the reservation the twenty-second of July, and remained with the Modocs until land for their own reservation could be secured.

Agent Jones, in the meantime, met with the chiefs of the Confederated Peoria and Miami Indians in council and made arrangements to purchase about seven thousand acres of their reserve for Joseph and his people. Jones described the land as being "admirably adapted for the purpose, being a combination of good farming and grazing land, embracing both timber and prairie and supplied with good water in abundance."²⁹ He planned on building houses "as soon as the weather and their health would admit it" and was going to

²⁹Executive Documents of House of Representatives, 1878-1879, Quapaw Agency, p. 563.

open a day school for the children as soon as possible.³⁰

Agent Jones, however, had a habit of fabricating tales to impress the commissioner and of frequently divulging ambitious plans which were in reality never enacted. Eventually the department tired of his falsifications and recalled him from the service as Indian agent.³¹ That was little consolation to Joseph and his people, though, for they remained on the reservation as long as the agent did. The Indians were still weakened and diseased with malaria and the agent's policies of all talk and no action did little to help them improve. They had, upon arrival at Quapaw, eighty-six men, one hundred and sixty-eight women and one hundred and thirty-seven children. Ninety-nine of their people had died since leaving Bear Paw less than a year ago.³² All hopes to prevent further loss of life now that they were away from Leavenworth were quickly dashed upon examination

³⁰Ibid.

³¹U.S., Congress, Senate, Joint Committee on Transferring the Indian Bureau to the War Department, Senate Miscellaneous Documents-53, 45th Cong., 3rd Sess., 1878-1879. pp. 83-86, 254. During the investigation Colonel H.H. Gregg and Adjutant-General Robert Williams submitted testimonies on the incompetence of Agent H.W. Jones, referring especially to his treatment of the Nez Perces. Based on their testimonies and further investigation, the agent was dismissed.

³²Executive Documents of House of Representatives, 1878-1879, Quapaw Agency, p. 563. Between the time the Nez Perces left Montana and the date of the census their numbers were supplemented by captured Nez Perces caught trying to go to Canada. The estimate of ninety-nine could, therefore, be too small an approximation.

of the agent's intentions and the condition of their new surroundings.

Commissioner Hayt revisited the Nez Perces on the fifteenth of October, after they had settled on the new reservation. He talked with Joseph and learned of the Indians' evaluation of their land. Joseph complained:

The land selected for him on the Quapaw reservation was not fertile, and that the water was exceedingly scarce on it; that two wells had been dug to a depth of sixty or seventy feet without reaching water...³³

Joseph's complaint certainly repudiated Jones's over optimistic appraisal of the land. Apparently Hayt agreed with the Indians, for he made arrangements to look with Joseph for a more adequate site on which the Indians could settle.

The commissioner, Joseph, and interpreter Bald-Head traveled for nearly a week over the Indian Territory searching for some land that was acceptable to Joseph. They covered about two hundred and fifty miles before a suitable location was sighted. That reserve was situated a few miles west of the Ponca agency where the Shaskaskia River empties into Salt Creek. Hayt was pleased with the land and felt that the Indians would be happy there.

Joseph was not as enthusiastic over their new location as was Hayt. Although he recognized it as being the best

³³Executive Documents of House of Representatives, 1878-1879, Commissioner of Indian Affairs, p. 464.

land that was available in the Indian Territory, he was afraid that it would be neither a healthy land for his people nor an adequate place for raising stock.³⁴ Nevertheless, he agreed that he and his people would move to that new encampment. They lived there throughout their remaining six year sojourn in the Indian Territory. However, at no time during that period did Joseph and his people regard it as a permanent and final home. None of them had given up their hopes of returning to Idaho.

Throughout their stay in the Indian Territory, Joseph used every available opportunity to point out the injustice of forcing his people to live in that country and to make a plea for their return to the Northwest. At one time, October, 1878, a Senate committee visited Joseph on the reservation. The committee members were investigating the expediency of transferring the Indian Bureau to the War Department and queried Chief Joseph to learn of his reactions to the proposed transfer. Joseph sidestepped their specific issue by offering instead a simple and straightforward solution to the Indian question in general.

All Indians and whites should be citizens of the United States, to come and go when they please, and be governed alike.... If you see a place where you can be better off by going there and raising stock, it is better to go there.... I do not think it was intended that one people should be kept and held and bound as prisoners by another portion of the

³⁴Brady, p. 72.

people. The way is as big as the land.³⁵

In April of the following year Joseph had the opportunity to travel to Washington D.C. with his friend, Yellow Bull, and their interpreter. It was during that visit that a reporter for the North American Review interviewed the chief and reported the Nez Perce story. Included in that article appeared Joseph's appraisal of his Washington visit.

I have seen the Great Father Chief; [President Hayes] the next Great Chief; [Secretary of Interior] the Commissioner Chief; [Hayt] the Law Chief; [General Butler] and many other law chiefs [congressmen] and they all say they are my friends, and that I shall have justice. I have heard talk and talk, but nothing is done. I am tired of talk that comes to nothing... I only ask of the Government to be treated as all other men are treated. If I cannot go to my own home, let me have a home in some country where my people will not die so fast. I would like to go to the Bitter Root Valley. There my people would be healthy; where they are now they are dying... Let me be a free man--free to travel, free to stop, free to work, free to trade, where I choose, free to choose my own teachers, free to follow the religion of my fathers, free to think and talk and act for myself--and I will obey every law or submit to the penalty.³⁶

Joseph continued to appeal for just treatment; consequently he gradually acquired the necessary backing of many influential whites. That, in conjunction with the steady flow of popular sentiment in many eastern circles which, upon examination of United States Indian policies,

³⁵Senate Committee on Transfer of Indian Bureau, Senate Miscellaneous Documents-53, 1878-1879, p. 79.

³⁶Brady, p. 73-74.

came to favor the American Indians, helped Joseph achieve an ultimate victory in his fight to return with his people to Idaho.

Joseph's people also helped realize that victory. Over the six years that the Nez Perces remained on the Ponca reservation they were successful in achieving the status of "civilized" Indians; a status that the agents measured by such things as the number of children they had in school, their church membership and attendance, productive use of the land, and their wearing of "civilized" apparel.

When they first arrived, Agent William Whiting stated in his annual report that "they are intelligent, but the men are very indolent; they have never been put to work and I do not think they will take to it kindly."³⁷

Within one year a considerable change was noted in Whiting's report. He projected a much more optimistic outlook for their future when he stated:

The Nez Perces are an intelligent, religious, and industrious people, ready and willing to work and help themselves, and if agricultural implements, sufficient stock to work their lands, and seeds are furnished them, they will do much towards supporting themselves another year.³⁸

The following years brought similar evaluations of Nez

³⁷U.S., Congress, House, Executive Documents of House of Representatives, 46th Cong., 2nd Sess., 1879-1880, Vol. IX, Report of Sec. of Int., Ponca Agency, p. 181.

³⁸U.S., Congress, House, Executive Documents of House of Representatives, 46th Cong., 3rd Sess., 1880-1881, Vol. IX, Report of Sec. of Int., Ponca Agency, p. 207-208.

Perce success from the different agents. Each of them commented on the high intelligence of the Nez Perces, on their remarkable progress in spite of insufficient supplies, and on the increased numbers who sent their children to school and who adopted the dress and the habits of the white man. An additional ingredient also became apparent. Many of the agents appeared to be in sympathy with the Indians' desire to return to Idaho, and they frequently inserted a suggestion on the possibility of such a return.

In 1882 Agent Thomas Jordon requested that the Nez Perce women, who outnumbered the men by more than one hundred, be returned to their homes in Idaho. Most of the women were widows and longed to be with their relatives on the Lapwai Reservation. Jordon stressed that they would be more comfortable and would not be any more of an expense to the government there than on the Ponca Reservation.³⁹

Jordon's request was fulfilled the following year.

In 1883 James Reuben left the Ponca agency with twenty-nine Nez Perces, mostly the widows and orphans of those who were

³⁹U.S., Congress, House, Executive Documents of House of Representatives, 47th Cong., 1st Sess., 1881-1882, Vol. X, Report of Sec. of Int., Ponca Agency, p. 152. James Reuben, to whom Agent Jordon refers in his report, was a Nez Perce from Lapwai who had fought with the whites during the Nez Perce War. He, Archie Lawyer and Mark Williams, also Lapwai Nez Perces, worked with the captive Nez Perces as teachers and missionaries. They left Idaho with Agent Monteith of Lapwai, August, 1878, for the Indian Territory, but Reuben alone remained until the return of the women and children. He worked with Jordon to secure that return and helped the Indians raise money for the journey.

killed during the war. Traveling at their own expense, they went by railroad to Kelton, a small town near Boise, Idaho, which was as far as they could go by rail. At Kelton they were met by Nez Perces from Lapwai who had brought with them twenty horses which the refugees used for the last of their trip. When they reached Lapwai three weeks later they were enthusiastically welcomed and within a short time they were rapidly assimilated into the tribe.

The Nez Perces remaining on the Ponca Reserve anticipated that they also would soon be departing for Idaho, supposing that the move would come in the fall of 1884. Agent Scott did all he could to help that move become a reality, but the fall of the year came and went, leaving the Nez Perces behind in the Indian Territory. The Indians did not give up hope. If they could not leave in the fall, surely they would leave in the spring of the following year. "Under these circumstances, as was naturally to be expected, they accomplished nothing during the entire year except put up a little hay in the fall..."⁴⁰

Eventually the long anticipated day finally arrived. In May of 1885 the remaining Nez Perces left the Indian Territory forever. They traveled to Fort Vancouver by railroad where they were placed under the authority of the commander

⁴⁰U.S., Congress, House, Executive Documents of House of Representatives, 49th Cong., 1st Sess., 1885-1886, Vol. II, Report of Sec. of Int., Ponca Agency, p. 322.

of the Department of the Columbia, as was requested by the Interior Department, to insure their safe passage to Wallula Junction near Walla Walla. There they were divided into two parties.⁴¹

One hundred and sixteen of the Nez Perces traveled from Wallula to Lewiston by railroad and on to the Lapwai reservation by wagon. There they were rapidly dispersed among their families and friends and soon became an indistinguishable part of the tribe.

The remaining portion of the Nez Perces at Wallula--one hundred and fifty, including forty-four men, seventy-four women and thirty-two children--traveled by rail and wagons from Wallula to Spokane Falls and on to the Colville Reservation in northeastern Washington.⁴² After they had arrived and were settled at Colville they found that their condition would be little improvement over that of the Indian Territory as far as quarters and supplies were concerned. They were temporarily encamped not far from Fort Spokane and "without property or money [were] in a most destitute and pitiful condition."⁴³

⁴¹U.S., Congress, Annual Report of the Sec. of War, 49th Cong., 1st Sess., Vol. I, Department of Columbia, p. 186-187. See Chapter IV for a discussion of why the division occurred.

⁴²Ibid.

⁴³Ibid.

Brigadier-General John Gibbon, commander of the Department of the Columbia, elaborated on the report of his assistant adjutant-general, H. Clay Wood.

They have no tools, cattle or implements of any kind; those left behind in the Indian Territory not having yet been replaced, and thus will need the protecting care of the government, including the food requisite to prevent starvation for at least six months. They are poorly clad and living in their flimsy cotton teepees.⁴⁴

The Nez Perces at Colville remained dependent upon government provisions for nearly two years, and what provisions they did receive were totally inadequate to their needs. During their third year at Colville the agent, Benjamin Moore, finally secured for them a suitable location on the reservation. Moore was certain that they would be "self-supporting after they harvest next summer,"⁴⁵ however the senseless treatment they were given in Colville for the first two years did nothing to improve their health and well being.

After the Nez Perces' final settlement and with the assistance of their friends, Chief Moses and the Sinkiuse Indians who also lived on the reservation, Joseph and his people gradually became self-supporting and finally productive. Many of them grew to like their new location in

⁴⁴Ibid.

⁴⁵U.S., Congress, House, Executive Documents of House of Representatives, 49th Cong., 2nd Sess., Vol. I, Report of Sec. of Int., Colville Agency, p. 450.

eastern Washington, preferring it to the Nez Perce Reservation in Idaho. Yellow Wolf (Hemene Moxmox) explained how he and many of his people felt about the Colville Reservation.

On the Colville we find wild game aplenty. Fish, berries, and all kinds of roots. Everything so fine many wanted to remain there, after learning that the Wallowa was not to be returned to us. Chief Moses advised Joseph to stay. The Indians were good to us. Gave us horses and other useful property and goods. It was better than Idaho, where all Christian Nez Perces and whites were against us.⁴⁶

Chief Joseph did not share Yellow Wolf's feelings. To his death Joseph remained true to his promise to fight for the return of his people to Wallowa. Twice he returned to the East to request land in the Wallowa Valley and twice his request was denied. In 1904 Chief Joseph died. He rightfully deserved the respect he received from all of the Indians at Colville and many of the whites who had befriended him over the years, but he did not die in peace. He never fulfilled the promise he made long ago to his father--to retain the Wallowa Valley, to never sell the bones of his mother and father.

⁴⁶Lucullus V. McWhorter, Yellow Wolf: His Own Story (Caldwell, Idaho: The Caxton Printers, Ltd., 1948), p. 290.

CHAPTER III

"A NOTE FOR JOE"

To perpetuate the traditional way of life of the American Indians meant to obstruct the expansion and development of the United States. To bring an end to the Indians' ethnic ways by placing them on reservations removed that obstacle. The American Indian, from the time of the arrival of the white man, occupied an unfortunate position in the expansion of the United States. Since progress and growth were the ultimate national goals, it was inevitable that some type of Indian policy had to be developed both for the protection of the Indian as well as to secure his land.¹ It is true that the policy adopted by the United States was not only undemocratic but at times inhuman in its treatment of the Indians, and that the government acted with its characteristic lack of personal concern for a people far removed by both distance and time. However, the Indian policies of the government were most frequently the result of action taken in response to recommendations made by the settlers in Indian country, the same whites who had day-to-day

¹There is considerable validity to the argument that the reservation system protected the American Indians from extermination at the hands of the whites, but it can be tested only by examining individual Indian tribes.

contact with the individuals of the various Indian nations throughout the country. Instead of relating to the Indians on a person-to-person basis and acquiring the mutual understanding derived from such relations, the majority of the white citizens representing that group were generally the Indians' worst enemies. Most whites insisted upon the enforcement of the reservation system in order to take possession with governmental consent of the red man's lands; others demanded the Christianization and acculturation of the American Indian. The settlers were primarily responsible for the dissipation of the Indians as a free and equal people throughout America in the 1800's.

I. THE SETTLERS' SENTIMENT

The settlers occupying the Nez Perce country were no exception. In spite of the fact that Chief Joseph both before and after the war made many eloquent pleas in behalf of his people, pleas that suggested logical and practical procedures to follow regarding the Indian, his voice was only a voice in the wilderness. Chief Joseph and those supporting him were impeded by a strong anti-Indian sentiment permeating the Northwest. A movement resulting from that sentiment initially began in Idaho and Oregon through the government's indecisive effort to force all of the Nez Percés onto the reservation. It reappeared after the war when the final disposition of the captive Nez Percés was

being decided. The aversion felt towards the Nez Perces by the Idaho and Oregon settlers, therefore, was not exclusively a feeling of revenge resulting from the Nez Perce War. It was the culminating antipathy beginning with the earliest permanent settlement by the whites in the Nez Perce country during the 1860's. Disputes between the Indians and whites began after the signing of the treaty of 1863. It will be remembered that many bands of the Nez Perce nation had not relinquished title to their native land. The government and the white settlers reasoned, however, that the land had been opened for settlement by that treaty. Within four years after it was signed the whites were substantially entrenched in the Camas Prairie, the Salmon and Snake river valleys, and the Grand Ronde country. It was in that latter area where white expansion precipitated trouble. By 1871 the settlers in Grand Ronde had increased their numbers to the point where there was not enough adequate pasture land available to sustain the livestock. Needing additional land, they left the river bottom and moved to the abundant pasture lands of the higher country, the Wallowa Valley.

The Nez Perces of Joseph's band and the white settlers occupying that valley at first were amiable towards one another. The whites acquired a respect for the Indians, especially for their enlightened chief, Joseph, who had assumed the duties of his failing father. However the inevitable quarrels over the use of the open range and the legal

ownership of stray livestock gradually severed those earlier friendly relations, replacing them with mutual feeling of distrust and suspicion. In 1873 the whites' apprehensions turned to fear. The Modoc Indians of Oregon began a war that was expected to ignite a full scale Indian conflagration throughout the Northwest. All off-reservation Indians including the Nez Perces were expected to participate in that war.

White fears and isolated squabbles in the Wallowa Valley caused enough concern throughout the area that the issue was brought to the attention of government authorities. T.B. Odeneal, the Superintendent of Indian Affairs in Salem, Oregon, and J.B. Monteith were instructed to appraise the Wallowa situation and recommend a procedure to be taken to bring the impending crisis to an end. The men made their report in 1873, advising the government to establish a Wallowa Reservation for the non-treaty Nez Perces.² That recommendation was acted upon. On the sixteenth of June of that year President Grant signed the order establishing the Wallowa Reservation.

²Monteith's recommendation was in part a contradiction of his earlier reaction to the off-reservation faction. A strongly religious man, he was greatly concerned that the religion followed by those Indians would be a threat to his Christianized Nez Perces. His recommendations were either due to the influence of Odeneal or to a belief that the agent on the proposed Wallowa Reservation could effectively subdue their heathen practices. See Chapter IV for a discussion of the religious issue.

When the borders for the reservation were revealed to the inhabitants of the Wallowa country, it was evident that there was considerable confusion in Washington concerning the Wallowa issue. The white settlers had located predominately in the northern part of the valley, through which a road had been built. The Indians traditionally stayed in the Wallowa mountains and foothills surrounding the Wallowa Lake, thus occupying the southern end of the valley. However, the Presidential order apportioned the land opposite to that settlement division. The Indians were given the northern section and the whites the southern. Not only did the whites receive the mountains, for which they had no use, but also they were cut off from the supply road, their only means of access to the neighboring towns.

The Indians reacted to the new reservation with consternation but with a determination to make the most of a difficult situation. The whites were not so gracious in their reaction. Their previous fear gave way to hatred of the Indians and the government as well. Henceforth they were resolute in their opposition to both parties and assumed a determined and belligerent stand against them.

That opposition was not confined to the settlers of the Wallowa Valley, however. Throughout the Northwest objections were raised against the "Indian coddling" government and their "savage heathens". A most strenuous attack was waged by Governor Lafayette F. Grover of Oregon through

Figure 4. The proposed Wallowa reservation of 1873.

a letter he sent to Washington, July, 1873.³ It was largely his strongly prejudiced and inaccurate appraisal of the Wallowa situation and his severe criticism of the administration's actions regarding the Nez Perce that influenced the President to re-evaluate his decision the following year. The year of 1874 was a national election year and President Grant and his Republican party were in too much political trouble to risk unfavorable disturbances at that time. Surely the entire West would reinforce the citizens of Idaho and Oregon in their opposition to the Presidential decision as soon as the outside areas became aware of the implications of that situation. Political opportunism took precedence and the order for the establishment of a reservation was withdrawn a year after it was enacted. The vast tract of country was restored to the public domain.

The Indians were determined to remain on their land in spite of Grant's reversal, primarily because Joseph seriously believed the President would soon realize his error and restore the land to the Indians. They were successful in remaining in Wallowa until 1877, as has been previously noted. However during the three years that the people of Joseph's band remained in the Wallowa Valley the whites throughout the Nez Perce country waged a relentless campaign to drive them from their land and to force all of the off-reservation Nez

³National Archives Microfilm Publications, Microfilm No. 234, Roll No. 347.

Perce onto the reservation. They correctly reasoned that if the government officials would not act on their own accord to move the Indians to the reservation, the citizens could effectively apply the necessary pressure to force them to act. If the Nez Perce started a war, or if they showed signs of beginning a war, the authorities would have no recourse but to quell Indian resistance and relocate the dissident bands. It can be charged that from 1875 to 1877 the whites of the Nez Perce country literally forced the Indians into making war.

Perhaps that is a harsh accusation to make, but one can sense the mood of almost eager anticipation of the war by reading the local newspaper as early as five months prior to the uprising. The Lewiston Teller served most of the white communities in the Nez Perce country and excerpts from it were frequently quoted in other newspapers throughout the Northwest. Although it is quite apparent that at that time the newspaper represented the often biased opinions of one man or a few men, it is also apparent that if the paper's statements were not representative of the popular mood before an article was published, they were certainly influential in serving to mold opinion after the article appeared. The people of the isolated communities and farms surrounding Lewiston, as well as the people within that town itself, had few ways of learning about the affairs of the territory, the nation or the world except through two sources--rumors or the

local newspaper. Although the two alternatives frequently overlapped, the newspaper was definitely the more reliable. Consequently, popular opinion regarding the Nez Perces would understandably display degrees of the same overtones of prejudice and hatred which the newspaper projected.

As early as February, 1877, five months before the beginning of hostilities, the Lewiston Teller called for an increased effort in placing the non-treaties upon the reservation, by force if necessary. On the seventeenth of that month the Teller reviewed the history of similar requests. The Lewiston Journal in 1868 urged "the policy of forcibly placing the renegade bands of the Nez Perces upon the reservation if they decline to come voluntarily there,"⁴ and the Lewiston Signal, the local paper which had taken the place of the Journal and preceeded the Teller, repeated in 1873 "the recommendations of this policy [claiming] that no other could be adapted and carried out successfully."⁵ In addition:

Several petitions of the said people [people living on ceded territory] and memorials of the Idaho Legislature representing this policy and the necessity for its adaption have hitherto in years past been forwarded to Washington. But still dalliance was the policy of the government.⁶

⁴Lewiston Teller (Lewiston, Idaho Territory), February 17, 1877, 2:2.

⁵Ibid.

⁶Ibid.

The government dallied because the non-treaties held a legitimate claim to their land; the white settlers knew the government could not legally act unless Indian hostilities or **belligerent** actions occurred. The Indians had heretofore avoided any violent encounters with the whites. However, whites reasoned, their peaceful ways could be changed if they were provoked into battle. The Indians would not allow themselves to be forcibly moved by the military without offering some resistance. The Teller indirectly called for that outcome by proclaiming that the authorities should "give these outlaws the behest of the military arm of the government till they obey the treaty stipulations!" or, it could be added, until they make a war.⁷

One month later on March 10, the Teller published a poem which had appeared in the Lapwai Herald on February 25, 1877. In a "Note for Joe" the theme of anticipation of a Nez Perce war is predominant. That such a publication would appear four months before the Salmon River raids can be explained, but it denotes a curious attitude for people threatened by a potential albeit anticipated war to assume.

Note for Joe

Once on a time old Uncle Sam
 Fell out with his son Joseph;
 And said that Joe,
 No more should go
 Where Wallowa's vale reposeth.

⁷Ibid.

Then Uncle Sam sent out some men,
 Along with General Howard;
 To treat with Joe,
 And make him go
 Where whitemen are empowered.

But Joseph said, and shook his head
 Do you think that I'm a coward;
 That I'm a weak
 And dirty sneak
 And afraid of General Howard?

By Jove, says Joe, I'll let you know
 I'll fight the whole creation
 Before I'll go
 And stoop so low
 As squat on a reservation.

These lands so fine were always mine,
 And I'll darn soon let you know it
 If you've any pluck
 In your gizzard stuck
 Come out like men and show it.

Then Uncle Sam quite angry got
 And so did General Howard
 They made a vow,
 To show Joe how
 He could be overpowered.

They sent a troupe of blue coats out
 Well armed with glistening sabres
 Says Joe, go out you bloody scout
 Or I'll murder you bejabers.

But those mounted hoves were full of grit,
 And Joseph couldn't scare 'em.
 He did not dare to raise their hair
 And so he had to spare 'em.

But now the bloody seige is on
 And Joseph has surrendered.
 Those gallant blues
 Have earned great dues
 The country is defended.⁸

It is most interesting that such a poem would have

⁸Teller, March 10, 1877, 3:2, from the Lapwai Herald
 (Lapwai, Idaho Territory), February 25, 1877.

first appeared in the Lapwai newspaper, the seat of the Nez Perce reservation. One would initially think that the reservation Indians would have opposed such flagrant abuse of the non-treaties intentions. It must be remembered, however, that the Nez Perce nation was sharply divided between the treaty and non-treaty Indians. Most probably the majority of the treaty Indians did oppose the white attitudes and actions regarding their off-reservation brothers, but they were dependent upon white "good-will" and could not risk being identified with the non-treaty Indians. To be so recognized would be to jeopardize their property, reservation privileges and chance unwilling involvement in a Nez Perce war. Accordingly, they remained quiet and did not defend their people outside of the reservation.

Additionally, as is true with all people of all societies, there was a certain segment of the Indian community willing to implicate their own people for personal prestige and advancement. That minority group of reservation Indians joined the whites in their verbal attacks against the non-treaties. Consequently, they reinforced white anticipations that a war was inevitable. As they reported the movements and activities of the off-reservation Nez Perces to the white citizens during those tense times, they would frequently either overdramatize specific events or report them in such a way as to allow the whites to read into the accounts any number of distorted facts. Certainly those Indians did

nothing to help their non-treaty brothers.

It was true that the Nez Perce outside of the reservation had discussed with neighboring tribes the possibility of making war against the whites and knowledge of those meetings had reached white ears through Indian informants. Certainly that would have raised speculation that an Indian war was in the making and was perhaps the cause for the publication of a "Note for Joe", but two observations must be made. First, the electrification produced by an anticipated war was responsible for inflating the reports of Indian activities out of proportion, thus making even an innocent statement or action made by a non-treaty a near act of war in itself. Second, when such information reached the publisher of the newspaper, it was his responsibility to first learn the truth and then publish the true version of the report. If he could not ascertain the true story he should have published nothing. As is noted in the following quotation, the publisher of the Lewiston Teller failed to do that.

He [Joseph] has sent runners to the Palouses, Salmon river, White Bird and other outside bands asking them to rally at Wallowa or in the vicinity within two weeks. He also sent to the Umatillas and we are informed by Indians that several Umatillas and Palouses have already joined Joseph and that even reservation Indians, who do not worship the white man's God, declare that they will also go to Joseph and are making preparations to do so.... Indians say that Joseph told his runners to tell those outside bands that he was going to fight with the whites and to come prepared to

help him.⁹ (Italics mine)

Such a statement appearing in the newspaper would do little to quell white apprehensions. Even the least anxious settler would understandably be aroused by such an alarmist statement. Whites from as far north as the Palouse country and as far south as the Wallowa Valley were alerted to possible dangers to the extent that their vigilance could conceivably ignite latent hostilities.

The following week the Teller reported additional information on Joseph's activities, which was perhaps intended to alleviate some of the disquietude created through the previous publication.

How far Joseph can influence other Indians among those off the reservation and even among those on it, to rally to his war cry in case of an attempt to coerce the band upon the reservation is still a matter of speculation.... Rumor has it that so soon as he finds that the government is in earnest, he intends to push his way with all his availables to east of the Rocky mountains.¹⁰

It is a curious fact that the report prophetically outlined, in part, the course of action which was actually pursued by the Nez Perces. Also the information suggested that Joseph would possibly choose to retreat if he could not successfully **solicit** sufficient help to fight the whites in preference to moving onto the reservation.

⁹Teller, February 17, 1877, 3:2-3.

¹⁰Teller, February 24, 1877, 2:2.

However, the notion that Joseph and the non-treaties had no intentions of moving on the reservation remains the underlying theme of white assumptions. In addition, it is evident in the foregoing quotations that the settlers and towns people directed their attentions exclusively towards Chief Joseph. All of his activities and statements were meticulously reported to the citizens who eagerly awaited the latest word on the Indians.

James Reuben supplied such a report after an interview with Joseph. Reuben wrote a letter to the Teller on March 19, 1877, intending to correct the white men's mistaken appraisal of Indian activities through information learned from Joseph. He assured the people that the chief repudiated all accusations made against him. Joseph reportedly added that certain people in Lewiston were upset with the actions of the Lapwai agent, largely because he was delaying an enforced removal of the Indians upon the reservation, and were attempting to use an Indian war to discredit the agent. Reuben reported Joseph's statement regarding such a possibility.

[Nothing has been said] by myself or by my people about fighting the whites. Why should I undertake anything to lose all my property for nothing. If I should fight the whites I would lose it all. There is no man in the world that would take all his property and go and burn it all by fire, while it is in his own power to save it from burning, so it is with me. I have power to save all my property and I am going to save it all for myself.¹¹

¹¹Teller, March 24, 1877, 2:3.

Reuben concluded the letter by expressing his own opinion that "some white men ... seem to me to be stirring up this matter instead of keeping it down."¹² However, the nature of Reuben's statement concerning Joseph's intentions could also perhaps stir up the matter. If the settlers were apprehensive that a new agreement between the Indians and the agent were to be made at their expense, as many of them were, Joseph's supposed statement, "I have power to save all my property," would have stimulated renewed suspicions. The whites concluded that the only way Joseph had to save his property, other than by making war on them, was to secure legal authorization from the Indian agent and the United States government similar to the 1873 enactment of the Wallowa reservation.

Throughout the months of April and May articles of a comparable nature appeared in the Lewiston Teller. The citizens were continuously warned of an impending war between the government and the Indians and they were duly notified of all Nez Perce activities. In addition, both the Indian agent, Monteith, and the commander of the Department of the Columbia, General Howard, became increasingly criticized for their failure to move the Nez Perce onto the reservation. General Howard's responsibilities as department commander were certainly not limited to the Nez Perce affair, and the

¹²Ibid.

actions he followed regarding that tribe had to be viewed in the light of the possible effect they would have on other tribes within the department. However, as tensions mounted, the citizens became more impatient and consequently more intense in their demands for action. That impatience spread to areas outside of the immediate Nez Perce country. Newspapers from neighboring towns began to publish articles of the same critical and apprehensive nature which were appearing in the Lewiston Teller.

In late April the Walla Walla Watchman reported the activities of a few Nez Perces in Umatilla country. Included in that article was the same criticism of General Howard that was widely held throughout the Northwest.

The Indians love this man but it would be far better they were taught to fear him. Nothing but a stern, don't care a continental, sort of a man can ever gain their respect and make them toe the line.¹³

On the 8th of May the Boise Statesman predicted "no doubt Joseph intends to fight."¹⁴ The article called for a "vigorous campaign with all the forces at the disposal of this Military Department, aided by volunteers, to bring these Indians promptly to reason."¹⁵

¹³Teller, May 5, 1877, quoting the Walla Walla Watchman (Walla Walla, Washington Territory), April, 1877.

¹⁴Teller, May 19, 1877, 4:1, quoting the Boise Statesman (Boise, Idaho Territory), May 8, 1877.

¹⁵Ibid.

II. INDICTMENTS AND ACCUSATIONS

Eventually the repeated warnings became synonymous with the actual events, baring the fact that the long anticipated war involved more than an Indian encounter with the soldiers, which the civilians soon learned to their own consternation. Considerable confusion shrouded the early reports of Indian hostilities, as is most often the case when communications are poor and fears and anxieties heightened. Rumors pregnant with gross exaggerations and distorted facts fired back and forth across the terrorized countryside. Those rumors, fathomable as their likelihood may now be, wrought grievous aftereffects to the hostile Nez Perces who survived the war. Many whites who had been either directly or indirectly harmed during the attacks swore out indictments against the Indians as soon as the latter left Idaho. The Nez Perces who were stigmatized by both real and rumored participation in the war were indiscriminately charged with savage attacks upon the whites, tales of which became more and more elaborated or fabricated as the early days of the conflict progressed. It was upon the rumors and exaggerated accounts of the hostilities that the allegations for the indictments were based, and because of those indictments, or so claimed the War Department, the Nez Perces were forced to endure their prolonged exile after the war's conclusion.

The purpose here is not to prove the validity of the various claims against the Indians, an impossible task in

itself, but to bring notice to a few of the claims which have since been proven to be either obvious distortions of the facts or in complete variance with additional testimonies, and to point out the injustice of employing those claims to vindicate postwar decisions respecting the captive Nez Perces.

The whereabouts of Chief Joseph during the Salmon River raids and the extent of his participation in the war have previously been discussed. Joseph had been exonerated from all involvement in the raids, yet he was accused by witnesses of if not inflicting a brutally savage attack upon a white woman at least participating in the raid during which time she was attacked and perished. For those and subsequent charges, Joseph was one of the Indians against whom an indictment was filed.

The case of Mrs. Jack Manuals is disputed to this day; the manner or time of her death are still unknown. However, it is recorded that on the second day of the Salmon River raids the ranch of Jack Manuals in White Bird Canyon was attacked by the marauding band of hostile Nez Perces. Most of the whites present at the ranch were killed and the buildings were burned. Many believe that within one of the buildings Mrs. Manual and one of her children were burned to death by the Indians. Whether she had been intentionally bound and "ravished" is debatable; most citizens claim she was, the Indians deny it.¹⁶ Little Maggie Manual, a seven year old

¹⁶Duncan McDonald reports one Indian version.

daughter of the slain Manual couple, escaped with the assistance of a white man present at the scene of attack. Maggie claimed that she witnessed "Chief Joseph deliberately drive a knife into her mother's breast."¹⁷ Certainly a seven year old child, terrorized by the attack and all she had witnessed, could not sanely judge what had occurred and would quite readily be receptive to any suggested explanation. However, the later statement of Arthur Chapman gave credence to Maggie's story, enough so that most people in the area believed Joseph was responsible for Mrs. Manual's death. Chapman confirmed that "other Indians who were engaged with him in the war, accuse Joseph himself of killing Mrs. Manual, with his own hand, after others had left her wounded and entreating for her life."¹⁸

When the Indians killed the men they did not see a woman and child. Shortly after setting fire to the house they heard a piercing scream of a woman in the second story. "Joseph Junior" ordered them to put out the fire, but they worked to no avail; they could not save the woman's life. They did not know a child was also in the house. (New Northwest, November 29, 1878.) Most of the Indians called both Joseph and Ollokut "Joseph Junior", although in this instance they were most likely referring to Ollokut. Most evidence, however, disputes this version, claiming that Joseph and Ollokut were together until at least the end of the second day of the raids. If they returned from across the Salmon with their meat on the second day it would have been extremely difficult for Ollokut to have reached White Bird Creek in time to join in the Manual raid. Another version claims that Mrs. Manual was kept captive by the Indians for over a month and then released. (Robert G. Bailey, River of No Return [Lewiston, Idaho: Bailey-Blake Printing Co., 1935], p. 190.) If that were the case, her whereabouts would have eventually been learned. They were not.

¹⁷Bailey, p. 188.

¹⁸Howard, p. 100. Arthur Chapman is perhaps the most

Joseph had his defenders, but upon examination of their defense it is evident few were accurately aware of the chief's location. C.T. Stranahan discredited the accusations, however in so doing he inadvertently allowed to continue the mistaken precept that Joseph was present during the attack. "I have it from two of Joseph's band that not only did Joseph take no part in the killing, but actually defended Mrs. Manual. He stayed for some time by her side and made his men leave her alone."¹⁹ General Howard was made aware of the fact that Joseph was nowhere near the Manual ranch during the incident and although he revealed that information to the citizens, he had by then been so thoroughly discredited that few heeded his declaration. Interestingly, however, the reports given him by his scouts stated that Joseph was in the

suspicious of all of the residents of the Nez Perce country in his dealings with the Nez Percés. He not only spread the rumor of Joseph's involvement in the Manual attack, but he also was said to have started the White Bird battle, the first campaign of the Nez Perce War. Some Indians appeared under a flag of truce to petition for peace. Captain Perry, who led the campaign, did not see them, but Chapman did. He fired upon them, triggering off a volley of firing which could not be stopped by either side. (Josephy, p. 525.) Chapman was Army interpreter during the war and became Joseph's interpreter after the chief's surrender. He served in that position until the Indians' return to Idaho, much to the dismay of the Nez Percés. While they were at Leavenworth, Chapman expressed his opposition by letter to the Indians' return to Idaho. (Chapman to Sec. of Int., July 6, 1878.) At the Indian Territory he told the Nez Percés he could secure their return to Idaho if they paid him. He received \$200 before McNeil and Reuben reported the affair to the commissioner and included in the report an affidavit signed by Joseph, Husishusis Kute and Yellow Bear. No action was taken against Chapman.

¹⁹Bailey, p. 189.

main camp at Tepahlewam tending to his ill wife.²⁰ At that time Joseph was, in fact, returning from across the Salmon River, a journey which would have taken a good part of the day.

The testimonies thus can be seen to amount to nothing except to verify that no one knew where Joseph was. Inasmuch as that was the case, how could a veritable indictment be charged against him, or, more important, how could a just trial ensue in which a dispassionate jury (if one were available in the territory) would effectively enough balance the evidence to secure a valid conclusion?

A second example of the false allegations supporting the indictments can be found in the Looking Glass case. As was previously mentioned, Looking Glass was unwillingly forced to join the hostile Nez Perces; the agitated volunteers were predominantly responsible for the unjust attack upon his camp. The reason for their rash behavior can also be credited to rumors, for rumors concerning the Looking Glass band reached the ears of more men than just General Howard. The Teller announced on the thirteenth of June that:

The Clearwater Indians under Lookingglass [sic] had turned loose and plundered Geo. Dempster's place. That confirms Jim Lawyer's statement made in the Indian Council yesterday at Lapwai as to the purpose of Lookingglass and his forty men. Baird [Ezra] says these Indians told two Chinamen near them on the Clearwater that they had declared war against

²⁰Howard, p. 100.

the whites and would commence their raids upon the inhabitants within two days.²¹

It was apparently upon the basis of that information and the similar news which reached General Howard, that twenty volunteers left Mount Idaho to ride with Whipple in that fateful attack.

Perhaps the citizens of Idaho, who were subjected to the early attacks, could justifiably have requested legal action be taken against Wahlitits, Red Moccasin Tops and Swan Necklace, had they not been killed in Montana, for it was an established fact by the end of the war that they were responsible for precipitating the hostilities. However, to accuse Joseph, Looking Glass and at least twenty-eight others of alleged crimes merely on the basis of hearsay was entirely unjustifiable. As it appeared, whites did not seek revenge against individual Indians as much as they did against the entire group of hostile Nez Perces. Such a charge can be confirmed through comparing the evaluation made by Idaho residents of the manner in which the Nez Perce conducted the war to similar evaluations by military officials and Montana and Wyoming settlers.

Whenever reference was made by the Idaho residents to the Indians' behavior during the war, they repeatedly recalled events where their people were "murdered in the malignant ferocity of savage wrath; [their] women and children

²¹Teller, June 30, 1877.

outraged while living and mutilated while dead."²² However, in one instance, and significantly only one, could such charges be upheld.

Some Indians apparently came across a wagon load of whiskey enroute from Lewiston to a Mount Idaho saloon. They quickly chased away the drivers of the wagon after which they hastily drank the contents of the barrels in the wagon. The drunken warriors shortly thereafter came across the Norton party, which, having just received warning of Indian hostilities in the Salmon River area, left Cottonwood House for the safety of Mount Idaho, about thirty-five miles away. Inflamed by alcohol, the renegades shot the horses of the fleeing party and then commenced firing upon the stranded refugees. Several whites escaped from the wagon; most of them were tracked down by the Indians a short distance away, and brutally attacked. Two escaped.²³

However in all other instances the Indians left the

²²James L. Onderdonk, Idaho: Facts and Statistics Concerning its Mining, Farming, Stock-Raising, Lumbering and Other Resources and Industries (San Francisco: A.L. Bancroft & Company, 1885), p. 16.

²³The Chamberlain family escaped, intending to go to Grange Hall (Grangeville). Instead they ran in the direction of Tolo. Mr. Chamberlain and his child were killed; Mrs. Chamberlain claimed she was "ravished". Lew Wilmot was among those who later rode out to help the survivors. He reported a knife went through Baby Chamberlain's neck and her tongue was either bit off or cut off. Mrs. Chamberlain said one Indian crushed the baby's head between his knees. (Norman B. Adkison, The Nez Perce Indian War and Original Sources [Grangeville, Idaho: Idaho County Free Press, 1966], p. 39.)

elderly, the women and the children unharmed, killing only the men against whom they had previous complaints.²⁴ The army commanders as well as the citizens of Wyoming and Montana, through whose lands the retreating Nez Perces passed, commented extensively upon the humane manner in which the Nez Perce conducted the entire war. Even General Sherman, the traditional enemy of the red man who allegedly claimed, "The only good Indian is a dead Indian,"²⁵ commented that the Nez Perces "abstained from scalping; let captive women go free; did not commit indiscriminate murders of peaceful families."²⁶

The preceeding examples thus serve to elucidate the premise that the thirty indictments which were filed against the Nez Perces and which had been reviewed by the United States Grand Jury in October, 1877, could not have included

²⁴In a letter to the editor, Mrs. Sam Bennedict, whose husband had been killed during the raids, stated her belief that the Indians drew their victims for revenge from the names signed to a petition for the removal of the Indians upon the reservation. Many of the settlers believed that the petition would force the government's hand; many were indifferent about signing but did so out of fear that they would otherwise be criticized by the whites who had signed. The latter was the case with Sam Bennedict. Mrs. Bennedict concluded, "To me it has always seemed a great wrong in General Howard causing the names of the signers of that paper to be read to the Indians when in council at Lapwai. It seemed to point out to the Indians their victims for revenge." (Teller, April 26, 1878.)

²⁵Fee, p. 268.

²⁶Ibid., p. 270.

within their contents accurate transcriptions of the disputed incidents. The departments of War and Interior, however, used the existing indictments to rationalize the prolonged exile endured by the Nez Perces. Reasoning was not so much governed by humanitarian instincts as it was by the need of preserving the Indian policies heretofore adopted by the United States government. Those policies had been formulated upon the premise that all Indian tribes constituted independent nations. Consequently the Nez Perces, the defeated survivors of a nation at war against the United States, could legally be regarded only as prisoners of war. Should they be forced to return to Idaho to stand trial not only would that status be repudiated but also all past Indian policies would be discredited, for prisoners of war are not bound to face civil trials for murders committed while at war. Some credit must of course be given to the War Department; those men deciding the fate of the Nez Perces were also aware that, should the Indians return for trial, their chances of facing a dispassionate jury would be extremely remote and the justice they would receive would be highly questionable.

III. THE SETTLERS AND THE DISPOSITION OF THE INDIANS

The apprehensions of the War Department were well justified. Approximately three weeks after the surrender of the Nez Perces at Bear Paw, the editor of the Lewiston Teller posed the following question, "What shall be done with the

conquered Nez Perces?" His answer demanded the Indians' return.

The destruction of life and property by them before we had any timely warning of their making raids upon the settlers have entitled the surviving sufferers to the full assurance that they shall be properly punished...²⁷

The editor continued by debating the real status of the Indians in the eyes of the government, concluding that a people subsidized by the government could only be its subjects. Consequently, the Indians should be dealt with accordingly.

If they are subjects of the government then they should be dealt with only as rebels in arms against their own government. The proposition to send these prisoners to the Indian country and there make provisions for supporting them in idleness while their hands are yet reeking with the blood of our best citizens ... is too proposterous to vindicate the majesty of our laws respecting crime.... The prisoners should be tried for their offenses by the courts, should be brought back where they can be identified, and if found guilty, should be hanged till they be dead, like all other murderers.²⁸

The War and Interior departments debated the disposition of the Nez Perces until their removal to the Indian Territory. During that interim requests for the restoration of the Wallowa Valley to Joseph, or at least the return of his people to Idaho, appeared in eastern newspapers and were submitted to Congressional authorities in increasing numbers. Such requests, as one which was published in the New York Sun

²⁷Teller, October 27, 1877, 2:1.

²⁸Ibid.

the latter part of October calling for a re-enacted Wallowa Reservation, were received in Idaho with violent criticism.²⁹ However, towards the end of the year those attacks rapidly lost precedence to the increased number of reports about a threatening uprising among the Bannock Indians of southern Idaho. For a time claims were made that the Bannocks and their allies were agitated over the fact that Joseph was enjoying a princely life of leisure at Fort Leavenworth. Idaho citizens claimed that the rebellious Indians wanted similar treatment for themselves.³⁰ When the war became a reality the summer of the following year almost all mention of Joseph and his people was erased from Idaho publications until a resurgence of interest in 1884.

In that year, General Miles, who had been transferred to Fort Vancouver to serve as commander of the Department of the Columbia, considered abandoning the garrison stationed at Lapwai and making the fort an outpost of Fort Walla Walla. The disclosure of his intentions reached the citizens under the protection of the garrison the same time rumors were circulating throughout the area of the probable return of the remaining captive Nez Perces at the Indian Territory. After a time lapse of seven years a significant reversal is noted in the citizens' demands. Instead of requesting that

²⁹Teller, November 10, 1877, 2:4.

³⁰Teller, February 9, 1878, 2:1.

the Indians return to face trial, as they had earlier demanded, the citizens now fought the proposed return, under the guise that the troop removal left them defenseless with the return of hostile Indians. There were reputedly many "disaffected" Indians among the Spokans, Colvilles, Pend O'Reilles, Calispels, Mosses's band, Palouses, and Umatillas who frequently held meetings with the "disaffected" reservation Nez Perces, discussing the possibility of a major Indian war in their territories.³¹ Rumor had it that the removal of the garrison, the one element which heretofore had blocked an Indian uprising, simultaneously with the return of the charismatic Nez Perce chieftain and his hostile band would make the promised uprising an assured probability.

Although James Reuben had returned the previous year with his group of women and children, scant notice was made in the weekly paper of the possibility that Joseph and his followers could also soon make their homes in Idaho. However, just as the local residents learned of the proposed plans of General Miles, they also became aware of the renewed Congressional debate over Joseph's return. Once again articles appeared in the Teller expressing the citizens' apprehensions relating to the Indians in question. The article of the seventeenth of April, 1884, presents an example of their concerns.

³¹Teller, August 7, 1884, 2:1.

Now we perceive that Senator Dawes has introduced a bill to have the hostile band of Joseph come back to the reservation, a band who will be a great disturbing element among these Indians as well as among the whites, and this seems to be meditated and planned at the insistence of General Miles of this department to carry out a promise of his made at the time of Joseph's surrender to him ... we think General Miles was much out of the way when he made that pledge and we think that he is still more out of the way in seeking to have these hostiles come back, and at the same time seeking to have the Lapwai post abandoned just on the eve of their coming.³²

The article concluded with a prediction. The people living in the vicinity of the Nez Perce reservation, especially those who had earlier felt the wrath of hostile Indians, would be justified in following "the first law of nature" and "adopt a means of self protection" without a military force to protect them, in the event that a resurgence of Indian hostilities was evident.³³

The objections voiced by the citizens of the Nez Perce country were overruled by a resolution passed in Congress on the twenty-fifth of September. The Secretary of the Interior was authorized to return the Nez Perce Indians to their homes in Idaho. The Lapwai agent, Charles E. Monteith, was requested to submit his opinion of and suggestions for the Indians' removal to J.D.C. Atkins, the Commissioner of Indian Affairs. Monteith reported, "I do not consider it advisable to allow Chief Joseph and those who took part in the massacre

³²Teller, April 17, 1884, 2:1.

³³Ibid.

to return. I think the balance could return with safety to themselves, and without causing a disturbance on the part of the settlers."³⁴

In May of the following year a similar inquiry was related to the agent by Commissioner Atkins. The latter proposed that one hundred and twenty of the Indians, "not including Joseph and his immediate followers" be returned to the reservation and the balance sent to the Colville Reservation.³⁵ The editor of the Teller commented on the inquiry. Although he was not as defiant in rejecting the Indians' return as he earlier appeared, he nevertheless insisted that, considering the mood of many neighboring settlers, isolated incidents could easily flare up between the whites and the Indians and conceivably ignite another war. Were the troops still stationed at Lapwai, they could readily suppress any outbreak, as it was there were no assurances that such an event could be prevented. In addition, the editor continued to express a concern that existed among the whites over the intentions of the rebellious Indians within different surrounding tribes. The fact that Joseph and his followers were to be sent to Colville did not, in his opinion, lessen the possibility that the chief could adversely influence those Indians, for he would still be close enough to have

³⁴Teller, April 17, 1884, 4:1.

³⁵Teller, September 25, 1884, 4:2.

effective communication with them.

Interestingly enough, when the Nez Perces finally arrived in the area the end of that month, the Teller only gave a detailed report of their arrival. No commentary was included in that report. However, the people of Spokane Falls, a small settlement close to Fort Spokane and a short distance from the Colville reservation, apparently now felt the threat of Joseph's presence in their vicinity. On the twenty-seventh of May, a large crowd was reportedly gathered at the railroad station to await the chief, "a large, fat-faced scheming cruel looking cuss," and his party, "a hard looking crowd as could well be collected."³⁶ Apparently the reception planned for Joseph was to be the complete antithesis of his reception eight years earlier at Bismark. However the waiting crowd was disappointed. The Nez Perces did not arrive until the following day, and then, for obvious reasons, under the escort of forty-two soldiers from Fort Coeur d'Alene.

On the twenty-ninth the party arrived at Fort Spokane. The Indians were warmly welcomed with "flowery speeches ... delivered by every chief present except Skolaskin, who stood close-mouthed and uncordial."³⁷ Skolaskin was a prophet

³⁶Spokane Evening Review (Spokane, Washington), May 27, 1885, p. 1.

³⁷Robert H. Ruby & John A. Brown, Half-Sun on the Columbia: A Biography of Chief Moses (Norman: University of Oklahoma Press, 1965), p. 222.

among the San Puel and Nespilum Indians who were under his control on the reservation. He shared the whites' feeling that Joseph's return would initiate the rumored Indian uprising. The attitude of the Colville agent, Sidney D. Waters, seemingly endorsed Skolaskin's opposition. In his annual report he strongly objected that a people would be

taken from a country where they had already become acclimated ... and progressing finely, rationed by the government as well, and on account of the sickly sentiment expressed in the East towards them removed to Idaho and Washington Territories ...³⁸

As a result of Skolaskin's opposition to letting "murderers and horse thieves" settle on the portion of his land laid aside by the government for Joseph's people,³⁹ and of the agent's attitude towards those Indians, the Nez Perces were unnecessarily forced to suffer an additional two years with inadequate food and supplies. In 1887 Waters was replaced by Richard Gwydir. By July of that year the new agent was able to persuade Skolaskin to change his mind. He reported that the Nez Perces settled peacefully on Skolaskin's land near the Nespelem River and no signs of enmity developed from then on among the Indians.⁴⁰

³⁸U.S., Congress, House, Executive Documents of House of Representatives, 1885-1886, 49th Cong., 1st Sess. Vol. II, Sec. of Int., Colville Agency, p. 411.

³⁹Ruby & Brown, p. 223.

⁴⁰U.S., Congress, House, Executive Documents of House of Representatives, 1887, 50th Cong., 1st Sess., Vol. II, Sec. of Int., Colville Agency, p. 288.

Not only is it a curious fact that Gwydir was able to almost immediately solve a problem which had endured two years under Waters's influence, but also the question arises as to why the Nez Perces were not financially able to purchase their own supplies in nearby Spokane Falls during their two years under Waters's control. While in Ponca, their agents reported annually of the Nez Perces' increasing wealth. Their legendary abilities to breed fine cattle and horses were substantiated by a survey of their herds in the Indian Territory. The sales of those herds should have reaped significant earnings. In addition they reportedly earned money through the sale of handicrafts and hay. For some reason, the money that should have been rightfully theirs, which they should have had in their possession when they arrived at Colville and which should have been sent to them as soon as their livestock was sold at Ponca, was absconded between the Indian Territory and the Colville Reservation. From 1885 to 1887 they were in poverty, a situation which would not have existed if they possessed their rightful earnings. During those two years the only possessions they had which weren't subsidized by the government were gains derived through gambling with Moses and his people.

Thus it went. The Nez Perces were returned to the Northwest, but they still remained enshrouded by the suspicion, greed and racial prejudices of the whites. Although there were from the earliest days of white influx into Nez

Perce country many white people who befriended the Indians and supported their cause, there were more who consistently fought all efforts made by the Nez Perce for fair treatment. Their influence was strong enough to actuate a Nez Perce war, to keep the Nez Perces in exile away from the Northwest, and to prevent the returned Nez Perce Indians from assuming their rightful status as an equal people.

CHAPTER IV

LAND AND RELIGION: TWO CRITICAL ISSUES

When the Nez Perces realized the white man could not be kept from their lands, they sought ways of living peacefully beside one another. They were willing to share some of their land with the whites, but many of them were unwilling to share the white man's way of life in return. They wanted to continue living according to their traditional customs and habits. Why many of the whites made it impossible for them to live in that manner can be found in a multiplicity of answers, but each is related to the fundamental differences between the two representative cultures.

The settlers were confronted, many of them for the first time in their lives, with a people from a foreign culture. They readily recognized that the Indians had not achieved the degree of cultural refinement which whites of European descent enjoyed, and equated the Indians' level of advancement to their native habits, customs and appearances. Being unable to effectively communicate with one another, it was difficult for the whites to become acquainted with the individual Indian as a person. Thus failing, they were unable to overcome the traditional fear and apprehension which one frequently feels upon first encountering people from different

nations, races or ethnological backgrounds. A consequential feeling of cultural and racial superiority resulted within the attitudes of many of the whites. The ramifications of that impression are difficult to detect, however some of its manifestations can be found in early Idaho in two definite areas--the presupposed need to Christianize and acculturate the Indians and the conjectural belief that the whites were entitled to the Indians' lands.

I. CHRISTIANIZATION AND ACCULTURATION

When Henry Spalding arrived to minister to the Nez Perces, he came believing that the Indians had requested instructions in the white man's religion, that they wanted to become Christians. His belief was true only in part. The Nez Perces first learned about the white man's Great Spirit from Lewis and Clark. Shortly after the explorers' departure, the fur traders began penetrating the Indians' lands. With them they brought more tales of their religion and more of the white man's remarkable weapons.

The Nez Perce had always been a strongly religious people, identifying all of their worldly activities with their spiritual guardian, or Wyakin. Each individual searched for his or her Wyakin when young; once it was found it remained with that individual for life. The person would be blessed with magnificent gifts and accomplishments if he properly worshiped his Wyakin, but if he failed to do so,

the Wyakin would bring him harm or sorrow.¹ The Indians believed that the Wyakin worshiped by the white man was very powerful, for he had blessed the whites by granting them advanced weaponry. By possessing such weapons and under the guidance of so powerful a Wyakin, the Nez Perces knew they could fight off their enemies, build up their wealth and become an influential tribe in the Northwest. In addition, they saw and envied the increased prestige which the Spokans and other tribes to the north enjoyed as a result of their following the white man's religion. Consequently the Nez Perces wanted to learn how to worship God; they wanted to find the "white man's Book of Heaven," the book which the explorers and trappers had told them offered instructions in the proper way to worship the white man's Wyakin.

In 1831 a small delegation believed to be composed of Nez Perce and Flathead Indians traveled to Saint Louis in search of the "long robes" and the "white man's Book of Heaven." A year after the Indians' arrival William Walker submitted a letter to the Christian Advocate and Journal depicting the Indians' journey and their search for the Christian instructions.² Walker's letter was published and

¹McWhorter, Yellow Wolf, p. 296.

²Clifford M. Drury, Henry Harmon Spalding (Caldwell, Idaho: The Caxton Printers, 1936), p. 72. The exact number of Indians of the delegation is disputed as is their tribal origin. In addition, controversy exists over the Indians' true reasons for making the journey.

circulated widely throughout the eastern states; the Indian delegates' quest soon became the focal point of many eastern humanitarians' zealous ambitions and of the missionary boards of various religious organizations. Within two years the Presbyterian Mission Board was inspired into action and by 1836 the Nez Perce Indians welcomed their first missionaries, Eliza and Henry Spalding.

Henry Harmon Spalding knew little of the people to whom he was to dedicate his life. True to the demands of his profession he began his work with one objective in mind--to Christianize the Indians. Whatever motives the Nez Perce may have had for requesting Christian instructions, Spalding was conscious only of the fact that the Indians were willing to become Christian. He was encouraged as they enthusiastically helped him make preparations to begin his missionary activities. His program was to include instructions in not only spiritual matters but also in general education, in health and in methods of beginning an agricultural mode of life. Most of the neighboring Indians willingly complied with Spalding's often stringent demands and within two years Eliza and Henry Spalding had successfully converted an influential nucleus of Indians to Christianity.³

The Catholic church also acknowledged the significance of the 1832 Indian delegation to Saint Louis. The church interpreted the Indians' request for "long robes" as being a

³Drury, p. 190.

request to receive Catholic instructions among their people.⁴ It is probable that that assumption most closely bordered on the truth, for both the Spokans who had been taught Christianity and the majority of the fur traders were of the Catholic faith. The Indians in Saint Louis displayed signs of the cross and other Catholic ritualistic movements which would indicate their having some knowledge of that religion.⁵

In answer to the Indians' request the Catholic church sent Father Peter DeSmet to the Northwest in 1840. Although he did not settle among the Nez Perces, his teaching touched segments of that tribe just as it did the Cheyennes, Mandans, Kansas, Kalispels, Sioux, Crow, Blackfeet, Snakes, Bannocks, Flatheads, Coeur d'Alenes and lesser tribes.⁶ In 1846 the Sacred Heart Mission was established in the Spokane country, over one hundred miles from the Nez Perces' settlements but nevertheless close enough to significantly influence those Indians.

The Catholic priests were frequently more understanding in their work with the Indians than was Spalding and were less apt to be as insistant upon the Indians' immediately adopting the white man's way of life. However both sects

⁴Robert I. Burns, The Jesuits and Indian Wars of the Northwest (New Haven: Yale University Press, 1966), p. 44.

⁵Ibid.

⁶Ibid., p. 45.

were bound by their doctrines to uphold the primary Christian precept--to worship one god and one god only; both strove to instill that obligation into the minds of the Nez Perces. The missionaries were also dedicated to the need of increasing their number of converts. Often they would criticize the teachings of one another before the Indians in the hopes of attracting more Nez Perce into their folds. Many Indians became confused over the missionaries' contradictory statements and actions, not knowing which path offered the true way of worshipping God.

Just as they could not understand the constant disagreements between the Catholic and Presbyterian doctrines and practices, so also could they not understand how white people could be so hypocritical in their religion as were the increasing numbers of whites who came into their lands. They saw little evidence of the Christian's requirement to "Love thy neighbor" and little evidence that the whites were punished for failing to obey their Christian doctrines. However the bands and their chiefs who were in a "position to profit from the leadership opportunities created by the incoming missionaries" decided to accept this new religion, despite its many contradictions, and to reject their ancient beliefs in accordance with the demands of Christianity.⁷ Other bands and their leaders remained isolated from the

⁷Walker, p. 48.

missionaries' influences, either out of choice or because of their locations.

The introductory phase of Christianizing the Nez Perce made by both the Catholics and the Protestants was temporarily interrupted in 1847. Henry Spalding left the Nez Perce mission that year and moved to the Willamette Valley. Although he reluctantly departed, the church demanded his retreat because of the increased anxieties spreading throughout Oregon in the wake of the Whitman massacre. Eleven years later Spalding returned to east of the Cascades, however he "was not allowed by those in charge to enter" the Nez Perce Reservation.⁸ He continued his entreaties for permission to work among the Nez Perce and finally in 1862 his request was granted. He returned to the reservation, but was denied the position of reservation missionary for the Presbyterian church until 1871.

During Spalding's fourteen year absence from the Nez Perce Indians the Lawyer and Timothy faction kept his teachings alive as they gained considerable influence among the Christian Indians. They held religious services each Sunday and continued to educate the children; they also persisted with attempts to persuade their people to follow the ways of the white man. The Presbyterian Indian ministers received a temporary setback when the Catholic church finally

⁸Myron Eells, "Reverend Henry Harmon Spalding," Whitman College Quarterly, Vol. III, No. 2, p. 16.

established a Nez Perce mission, but within three years they were successful in revitalizing their instructions with the assistance of four young Yakima ministers from a Methodist mission. When Spalding returned he was encouraged with the good Christian work his people had done during his absence.⁹

After the 1847 Whitman massacre and Indian uprisings the work of the Catholic missionaries was also temporarily interrupted. Consequently the Jesuits were unable to expand their mission development until the turmoil subsided. Finally in 1866-1867 Father Joseph S. Cataldo was given permission to establish a mission for the Nez Perce. The buildings were erected eight miles southeast of Fort Lapwai; the Nez Perce following the priest had acquired through his irregular earlier visits to the tribe now received a home church. When the mission was first established Father Cataldo temporarily attracted many Protestant Indians who had grown dissatisfied with Lawyer and Timothy. However when Spalding once again moved among his people, his earlier followers returned to his fold and successful Catholic conversion centered predominately around the non Christian off-reservation Indians.

Spalding's return did not bring peace and reunification to the divided Nez Perces, for he brought with him a deep suspicion of the Catholic priests which had built up within him since the Whitman massacre. The Presbyterian missionary

⁹Ibid., p. 17.

firmly believed that the Jesuit priest, Bishop Brouillet, had instigated the Whitman massacre, and that the Jesuit plot was also a distinct possibility among many of the dissatisfied Nez Perces with Father Cataldo now on the reservation.¹⁰ His suspicions confused the Indians and tended to help sever an already disunited nation. The Catholic-Protestant controversy which Spalding kept alive while he remained on the reservation did not fade away with his death; it became an important point of contention between both the Indians and the whites and was at least partially responsible for the final conflict in 1877.

An additional element creating dissatisfaction and differences among the people of the Nez Perce nation was created by the manner in which their reservation was governed. Since the enactment of the reservation system the Nez Perces were plagued with a host of incompetent and dishonest agents.¹¹ The difficulty of securing good men to fill the agency positions was not restricted to the Nez Perce Reservation however; it was a national problem which the government had a difficult time rectifying. President Grant was aware of the

¹⁰Eells, Vol. III, No. 3, p. 5.

¹¹"Indian agents came and went at Lapwai. Each one complained about the irregularities and defalcations of his predecessors, and each one departed with Nez Perce money. James O'Neil, the agent from 1864-1868, absconded with \$10,000. Lieutenant J.W. Wham, who served in 1869, was accused of scandalous frauds and so was Wham's successor, Captain D.M. Sells." (Joseph, p. 437.)

problems existing on the reservations and was not incognizant of the effect the dishonest agents were having upon the Indians throughout the nation. Hoping to alleviate the problem, the President decided to place the Indian reservations under the control of the different American religious organizations. He reasoned that by so doing the churches would appoint agents upon the basis of the individual's honesty and good character. The 1869 act of Congress legislated Grant's proposed change. The act affected the Nez Perce Indians in 1871, at which time their reservation was placed under the management of the Catholic church. Immediately the Presbyterian church raised such objections, claiming they had been active among the Nez Percés first, that the order was rescinded. The Presbyterians were given the Nez Perce Reservation.

The church's mission board appointed John B. Monteith as its first Nez Perce agent. He was chosen on the basis of his "piety and Christian ideals".¹² The agent, the son of a Presbyterian minister, took over at Lapwai in February, 1871. He remained at that post until 1879 but his policies continued after the completion of his tenure in office. Monteith's successors, one of whom was his brother, Charles, who served as agent in the 1880's, all followed the basic policies of John Monteith and all of their decisions were

¹²McWhorter, Yellow Wolf, p. 296.

governed by the Presbyterian Mission Board.

The policies they followed were regulated by the predominate directive to Christianize and acculturate the Indians. The agents encouraged the Indians to till the soil, but discouraged their keeping large herds of cattle or horses. Livestock would protract their nomadic ways. The Indians were not to continue in their earlier food gathering activities--hunting, fishing, and root gathering; they were to receive all sustenance through their farm productions or from the government. The Presbyterian Mission Board was insistent that its agents encourage education and develop the educational facilities. Teaching the children of early ages the ways of the white man, his language, religion and culture was recognized as the most effective way of acculturating the Indians. Boarding schools were strongly encouraged as a means of isolating the children from the Indian ways of their elders. Lapwai agents consistently worked towards fulfilling those objectives, and were reasonably successful.

One additional practice was directed to all of the tribal members, its objective being to make them all feel more like white people. That was to insist that all of the Indians wear clothing styled in the fashion of the white men and women. They were to discard the wearing of Indian blankets from their practices and the men were to cut their hair according to the style of the white man. In 1879 Agent Warner indirectly reported the extent to which his predecessor,

John Monteith, was successful in fulfilling that requirement.

During the week in which the 4th of July occurred about 800 assembled in camp at Kamiah, and feasting and festivity was the order of the day ... On the morning of the 4th as the processions formed to march from camp to the grove, where the exercises were held, those wearing blankets and holding to Indian customs attempted to join in such a party, but they were at once ordered out by their chiefs and elders; as they expressed it, "No Indians were allowed."¹³

The Nez Perces who had completely cast off their traditional way of life consequently discredited their ancient heritage. Needing to identify with someone or something they involved themselves in the Christian religion. Many others, however, who were not so involved in the white man's culture recognized that by being identified with the Christian religion they would be safe in the event the impending war became a reality. During the year of the war, membership records of both the Presbyterian and Catholic churches noted a sharp increase in their number of converts.

Father Michael O'Malley, a long time Catholic missionary and historian of the Nez Perce mission, believes that this sudden interest in Christianity stemmed mainly from an interest in self preservation, i.e., Christian affiliation (Catholic or Presbyterian) was a means of guaranteeing protection in the conflict.¹⁴

Many Indians turned to membership in the Christian churches out of fear of being identified with the "Dreamer"

¹³Executive Documents of House of Representatives, Report of Secretary of Interior, 1879-1880, 46th Cong., 2nd Sess., Lapwai Agency, p. 163.

¹⁴Walker, p. 48.

religion. That persuasion was adhered to by a number of off-reservation Indian tribes throughout the Pacific Northwest. Although few non-treaty Nez Perces honored its teachings, the "Dreamers" shared enough similarities with the ancient Nez Perce religion that the two cults frequently appeared synonymous to the untutored thinking of the whites. As a result most of the white settlers were insistent that the "Dreamer" religion, or what they thought was the "Dreamer" religion, be extracted from the Nez Perce Indians who occupied both the reservation and off-reservation lands. That religion was opposed partially because it was anti-Christian but also because of the revolutionary vein of its doctrine. The "Dreamer" prophet foresaw the return of Indian lands to the red man and the elimination of whites from their country. The Idaho settlers realized the coesive effect such teachings could have upon the various dissident Northwest Indian bands; they sought to extinguish its ramifications as rapidly and finally as possible. In so doing they grouped all of the different native religious beliefs together, designating them all as belonging to the "Dreamer" religion.

Smohalla was the prophet of the "Dreamer" religion. He lived near Priest Rapids on the Columbia River until sometime in the 1850's, when he mysteriously disappeared. The prophet apparently left the Norhtwest to engage upon a "sacred-vision" quest which carried him to California and the Southwest. When he returned to the Columbia River country

sometime during the end of that decade he convinced a number of his friends that he was indeed a prophet; with the aid of a self-hypnotic trance, Smohalla appeared before them to be dead. Within a short time he returned from the dead and announced that God was not ready to accept him, that he first had a mission to fulfill on earth--to help the Indians regain their rightful lands. News of his witness spread rapidly among the different tribes of the area. Many of the Indians who had been disturbed by the white man's activities in their country had eagerly awaited a messiah who would help them preserve their race. Smohalla's teachings found fertile soil among those people; the "Dreamer" religion rapidly took root and grew.

The prophet's words were seen to contain elements of both ancient Indian religions and of Christianity; nevertheless, they also threatened the security of the white settlers throughout the Northwest, enough so that local demands to investigate the cult prompted the visit of a commission of inquiry to the off-reservation Nez Perces. The commission's findings were accurate enough to be synonymous to Smohalla's teachings and to the "Dreamer" precepts adhered to by other Indian tribes.

The dreamers, among other pernicious doctrines, teach that the earth being created by God complete, should not be disturbed by man, and that any cultivation of the soil or other improvements to interfere with its natural production, any voluntary submission to the control of the government, any improvements in the way of schools, churches etc., are crimes from which they shrink. This fanaticism

is kept alive by superstitions of these "dreamers" who industriously teach that if they continue steadfast in their present belief, a leader will be raised up in the East, who will restore all the dead Indians to life, who will unite with them in expelling the whites from their country when they will again enter upon and reposses the lands of their ancestors.¹⁵

The reverence the "Dreamers" held for the earth was the one element which also appeared most predominantly within the traditional Nez Perce religious teachings; it is further elucidated in the following quotation by Smohalla.

You ask me to plow the ground! Shall I take a knife and tear my mother's bosom? Then when I die she will not take me to her bosom to rest.

You ask me to dig for stone! Shall I dig under her skin for her bones? Then when I die I cannot enter her body to be born again.

You ask me to cut grass and make hay and sell it, and be rich like white men! But how dare I cut off my mother's hair.¹⁶

Toohoolhoolzote was one of the outstanding Nez Perce prophets of that time. He was not a "Dreamer;" he was a spokesman for the religion the Nez Perces had followed long before the coming of the white man. However his words ring with the sentiment of Smohalla's words when he said, "We have never made any trade. The earth is my body, and I never gave up the earth. So long as the earth keeps me I

¹⁵U.S., Congress, Executive Documents of House of Representatives, 1877, 44th Cong., 1st Sess., Sec. of Int., Civil and Military Commission to Nez Perce Indians, D.H. Jerome, O.O. Howard, Wm. Stickney, and A.C. Barstow, pp. 607-613.

¹⁶James Mooney, The Ghost-Dance Religion (Washington: Government Printing Office, 1896), p. 721.

want to be let alone."¹⁷ Many of Joseph's statements which have been previously quoted also display an attitude similar to Smohalla's.

Thus it is seen that both the "Dreamer" and native Nez Perce religions venerated the earth; for that reason followers of those persuasions refused to trade the earth through treaties with the white men. Because Smohalla and his approximately 2,000 followers would not make treaties to give up their lands and because the "Dreamer" prophet predicted the expulsion of the whites from the Indian lands by force,¹⁸ the settlers saw an intertribal conspiracy existing which promised a Northwest Indian war. It logically follows that their limited understanding of the Nez Perces' religion--its similarities and differences in relation to the "Dreamer" beliefs--and their hatred of the Nez Perces, caused them to associate all of the off-reservation Indians with the "Dreamer" conspiracy. The "anti-government, anti-treaty, anti-Christian, and anti-acculturation stance" which many of the off-reservation faction adopted further implicated their participation in the conspiracy.¹⁹

There were enough differences between the two religions that only a few Nez Perces were drawn into its folds;

¹⁷Ibid., p. 708.

¹⁸Ibid.

¹⁹Walker, p. 48.

the off-reservation bands, however, were in agreement with the objectives of the "Dreamer" teachings and in sympathy with its followers. Josephy noted that:

Despite the gulf that separated them from Smohalla, the anti-treaty Nez Perces were inspired by the patriotic phases of the prophet's teachings ... There was also a purity and simplicity to his doctrine that made the actions of the Lawyer group seem dark and foolish.²⁰

Although the off-reservation group was erroneously associated with the "Dreamer" cult, those Nez Perces grew more confident in the wisdom of their native religion as the teachings of the Christian church appeared to them to be increasingly discredited. The arguments which Spalding earlier expressed concerning a Jesuit plot were once again echoed by the Catholic priest, the Presbyterian agent, and their respective factions during the few months preceeding the Nez Perce War. Consequently the white Christian spokesmen also seemed foolish in the eyes of the non-treaty Nez Perces.

Agent Monteith severely criticized Father Cataldo, who enjoyed aimiable relations with the non-treaties. The Catholic missionary had established much better rapport with the Indians than had Monteith largely because Cataldo was not so quick to criticize the habits and demands of the off-reservation Indians; he rigidly followed his policy of non-intervention in government affairs.²¹ However the

²⁰Josephy, p. 436.

²¹Burns, p. 372-373.

confidence he inspired among them convinced Monteith that Cataldo was responsible for persuading those Indians against moving onto the reservation. It is most likely that the agent's criticism stemmed from his own inadequate role in enticing the Indians to move, and, needing a scapegoat, he turned to Father Cataldo. At any rate, on the 28th of February, 1877, Monteith wrote to the Commissioner of Indian Affairs, revealing his suspicions of the Catholic priest. S.S. Fenn, Idaho delegate to the United States House of Representatives, rallied to the defense of Father Cataldo as the controversy more and more embroiled the territory in a dispute which today seems meaningless and irrelevant. Fenn claimed:

The agent by his outrages had driven many from the reservation ... to resume their wandering way of life, but precludes all hopes of inducing those who are without the Reservation ... from listening to any proposition looking towards settling on the reservation.²²

To substantiate his charges, Fenn included in his presentation the oaths of whites and Indians who testified to Monteith's improper actions as agent. The attacks proved nothing; Monteith was not investigated nor were his accusations against Father Cataldo. The only result of the controversy was that it enforced the off-reservation Nez Percés' determination to remain true to their religious doctrine.

²²National Archives Microfilm Publications, Microfilm No. 234, Roll No. 345, S.S. Fenn, Idaho, February, 1877.

II. SIGNIFICANCE OF RELIGION TO RETURNING NEZ PERCES

When the war finally became a reality, the Monteith-Cataldo controversy, of course, was silenced. However the whites continued with their intense opposition to the "Dreamer" religion; they attempted to relate its teachings to all Indian uprisings or disturbances which occurred during and after the Nez Perce War. Until 1885 they continued to pay close attention to the possible influence that religion might be having on both the Nez Perces in Idaho and those in the Indian country. To determine those who still remained true to the "Dreamer" precepts, the reservation agents reported annually upon membership in the Christian churches and they kept records of those who had or had not attended regularly.

James Reuben reported May 27, 1879, from the Quapaw Indian Agency that:

Chief Huses-kutte with 125 Indians attended the religious meetings ... Chief Joseph and 255 Indians refused to hear the preaching ... Huses-kutte's band are very good people now and are Christians ... I want this portion of the Indians to be sent back I say nothing about Joseph so long as he refuses to listen to the government instructions²³

Throughout the following six years more and more of the captive Nez Perces were reported to have turned to Christianity; Joseph never did. When the Indians were to be

²³Ibid., Microfilm No. 234, Roll No. 350, James Reuben, May 27, 1879.

returned to the Northwest, many whites and Indians believed that religion and affiliation with the Christian church became a significant determining factor in whether or not they were sent to the Nez Perce Reservation. Yellow Wolf recalled that they were given a choice before their final parting at Wallula.

When finally released from bondage, brought back to this country, religion had to do with where they placed us. We believed in our own Hunyewat (God or Deity). We had our own Ahkunkenekoo (Land Above). Because we respected our religion, we were not allowed to go on the Nez Perce Reservation. When we reached Wallula, the interpreter asked us, "Where you want to go? Lapwai and be Christian or Colville and just be yourself?" No other question was asked us. The same had been said to us in our bondage... Chief Joseph was not given choice where to go.²⁴

Kate McBeth, who was at that time working among the Nez Perces as missionary, confirms Yellow Wolf's statement. "All who were Christians, or willing to take up civilized ways, were allowed to come to the Nez Perce reserve. Those who were not willing were taken up to the Coeur d'Alene reserve."²⁵

C.T. Stranahan, the superintendent of the Nez Perce Indian agency, explained that "not only the citizens in general, but the missionaries and the Christian Nez Perces united against all thought of" permitting Joseph to reside

²⁴McWhorter, Yellow Wolf, p. 289-290.

²⁵Kate McBeth, The Nez Perces Since Lewis and Clark (New York: 1908), p. 97-98.

on the Nez Perce Reservation. "All influences possible were bent towards that end."²⁶

The official reason for sending the Nez Perces to two different reservations makes no mention of the religious factor in perpetrating that division.

The reason for sending these Indians to two separate agencies was partly on account of their own desires on the matter, but principally on account of indictments said to be pending in Idaho against Chief Joseph and some of his followers.²⁷

The statement that Chief Joseph and his immediate followers did not desire to go to the Nez Perce reserve suggests a reason which is frequently overlooked. The Lewiston Teller reported June 4, 1885, that Joseph "expressed no desire to return to the Nez Perce reservation, that he thought he himself could not return here with either safety to himself or his people."²⁸ However, there could be two other considerations to explain why he had no desire to return to Idaho.

Yellow Wolf had stated that "we had the promise that as soon as the Government got Wallowa straightened out, Joseph could go there with his band."²⁹ Joseph realized that

²⁷Executive Documents of House of Representatives, 1885-1886, 49th Cong., 1st Sess., Sec. of Int., Comm. of Indian Affairs, p. 57.

²⁸Teller, June 4, 1885, 2:1. The Teller received the information from Agent Monteith after his conversation with Joseph at Wallula.

²⁹McWhorter, Yellow Wolf, p. 290.

if he and his people agreed to settle upon the Nez Perce reserve, they would be negating their claims of rightful ownership to the Wallowa Valley. Also, Joseph knew that he would not receive a warm welcome among the people of the Nez Perce Reservation, that his stay would be difficult for them all and that he would lose whatever influence he had in continuing his fight to retain the Wallowa Valley. Robert Ruby and John Brown, biographers of Chief Moses, recorded Josiah Red Wolf's suggestion that the two chiefs, Joseph and Moses, pre-arranged Joseph's moving on the Colville Reservation.

Apparently unknown to the government officials, Joseph had managed to send three of his men, Otaskai, Joe Alter and one other, with a message to Moses, asking permission to live on the Colville. They would recognize Moses as chief; and in case Moses should die first, Joseph would succeed him.³⁰

It is unknown exactly why Joseph went or was sent to Colville; all three explanations are plausible. Regardless of whether or not religion was the main reason, the division of the tribe as it was made was apparently an accurate one from the religious standpoint. The Nez Percés who returned to Idaho became active members of the Christian church; those who were sent to Colville "continued to have strong attachments to their ?ipnu.cililpt religious heritage."³¹

³⁰Ruby and Brown, pp. 220=221.

³¹Walker, p. 52.

III. THE LAND QUESTION

The religious reverence the Nez Perces held for their land caused the Christian whites much dismay and disgust; the manner in which the Indians used the land created confusion and intolerance among the whites. It is difficult for a people oriented to a philosophy of sinking roots and remaining in one general location to understand and sympathize with the habits of a semi-nomadic people. The whites could not credit an Indian's claim to an area which he visited only a few weeks out of each year. They could not comprehend why so few people felt they needed such vast tracts of land, only to let it lie idle and unproductive. The Indians, however, were forced by religion, tradition and their level of civilization to live completely off the land. They traveled to areas where food was abundant and remained there only long enough to gather supplies to last them until the following year. When the Nez Perces acquired the horse, they were accorded an easier way of life, but that way of life also became more nomadic in nature. They were able to travel greater distances to gain food or wealth and were compelled to occupy more country to adequately provide for the herds. Consequently they claimed the river valleys, the high countries and more distant fishing and hunting grounds, as well as the access routes, one to the

other.³²

The whites of course produced their own food, provisions and livestock and did not need such vast acreages for their sustenance. Believing that the Indians could do likewise, they surveyed the Nez Percés' country in accordance with their agricultural way of life and estimated the number of people that the country could support. They not only took from the Indian the land which was essential to sustain his native habits, they also encouraged more and more whites to come into the country and to further encroach upon Indian land.

The residents of the Nez Perce country desired increased immigration into their lands for political reasons as well as for mutual security and economic advancement. In 1859 Oregon became a state; the eastern part of the former Oregon Territory, including the Nez Perce country, became part of Washington Territory. The following year gold was discovered in the Weippe area, and for the first time the eastern section of Washington Territory absorbed some of the immigration which had heretofore bypassed that land for the fertile coastal valleys. Walla Walla rapidly grew as the commercial center for the miners, who became increasingly more influential in Washington politics. They soon grew dissatisfied with having to do business with a capital so far

³²Haines, p. 24.

from their mines and they and other residents of Walla Walla and Lewiston began calling for the creation of Walla Walla Territory. Their bill was defeated by the members of the west side of the territory.³³

Two years later, 1863, Idaho became a territory and the Nez Perce country was incorporated into it. The boundaries of the new territory were unacceptable to the residents of its northern part, who were isolated from the capital by a formidable range of mountains in central Idaho. Lewiston and the Nez Perce country were just as tied to Walla Walla and Spokane geographically as they were economically. Consequently the citizens of northern Idaho fought to establish political ties with those cities as well. They realized, however, that they could not effectively sway Congressional decisions until they made a substantial increase in their permanent population.

Up to 1877 that hoped for immigration was severely hampered by the presence of non-treaty Nez Percés. They roamed throughout the country and occupied a sizeable portion of lands which were most attractive to potential settlers. It was in an attempt to secure those lands that petitions were circulated and signed to have the "renegade" Indians moved onto the reservation. The Teller commented in April, 1877, that, "it will be a good thing for this country

³³Mary W. Avery, History and Government of the State of Washington (Seattle: University of Washington Press, 1961), p. 185.

if such Indians are removed, for the lands now occupied by them are valuable and will be shortly taken up and cultivated by enterprising white men."³⁴

When the "renegade" Indians were removed from the country after the war, however, the whites were not satisfied. Their attentions now turned to the Nez Perce reservation itself. A very interesting editorial appeared in the Teller while the Nez Perce War was still being fought in Montana Territory. It affords considerable insight into the whites' ambitious plans of monopolizing all of the land occupied by the Nez Perces.

The question then arises, has not the Nez Perce nation as a nation, so violated its treaty stipulations by going to war and murdering our citizens as to forfeit their rights to our protection and maintenance upon the reservation. Can the remnant of those who have stood friendly with us [the Teller estimates 100] lay claim to all the privileges and advantages afforded originally by the government for a great nation. The government and the people must have recompense for having been forced into this war at so great loss of life and property. The present Indian reserve set apart for the Nez Perces embraces 900 square miles of territory; full four-fifths of which is composed of the best wheat land on the Pacific slope. Two hundred and seventy five square miles of this land have been surveyed by the government for the benefit of these Indians, not a hundredth part of which these Indians ever attempted to cultivate or occupy except to roam over occasionally ... If the reservation system is to be kept up, give a suitable portion of the country above Kamiah to this peaceable remnant of the Nez Perces, and open the balance of 900 square miles of the best lands of this coast to settlement by white citizens... or if it is deemed better to abolish the Nez Perce

³⁴Teller, April 21, 1877, 1:3.

reservation altogether and place the remnant of the Nez Perces upon some other reservation where the conduct of the Indians has not worked a forfeiture of all reservation rights. If 100 square miles of this reservation is retained by the remaining [friendly Nez Perces] it will be ample for all their wants as a reservation, and each will have four times the quantity of land that is allowed the white citizen ...³⁵

The Teller repeated its argument the following week and again the 10th of November when it erroneously assured the people that "the Indians wish to settle under the Indian Homestead law," in which each head of a family was to receive 160 acres.³⁶ The Walla Walla Union endorsed the Teller's argument as did many local citizens, evinced through various letters to the editors. When it became apparent that the Nez Perces would not be moved from northern Idaho, demands intensified to have the reservation lands allotted to them in severalty. It was an opportune time for the whites to force their demands, for on June 30, 1880, the Nez Perce Treaty of 1855 was scheduled to expire by limitation. With that expiration the annuities were to be abolished and the continuation of the reservation was threatened. The Nez Perces were definitely concerned for their future safety "knowing the estimation they [were] held in by the whites."³⁷ They repeatedly petitioned for some insurance

³⁵Teller, September 15, 1877, 2:2.

³⁶Teller, November 10, 1877, 1:3.

³⁷National Archives Microfilm Publications, No. 234, Roll No. 353. Warner to Hayt, January 9, 1880.

that they would receive the same protection and reservation lines which they had enjoyed under the treaty, for "the continued interference of the whites who were trying in every possible way to get possession of parts of the reservation" threatened them with the extermination of their remaining unity as a tribe.³⁸

The Nez Perces' petitions were ignored; the Indians were caught in the middle of a new national evaluation of the Indian question, one which purported to effect an increased degree of acculturation for the Indians derived through the break down of the reservation system. It was felt that by allotting the Indians a fixed number of acres, they could be interspersed among the white farmers, thereby loosening their tribal ties and following more the ways of the whites. Support for the policy of individualism in land ownership was given by the land hungry local residents and the eastern humanitarians. The latter group organized into the Indian Rights Association, an organization which effectively propagandized their cause and maintained considerable pressure

³⁸Ibid., No. 234, Roll No. 351, Warner to Comm. of Indian Affairs, September 11, 1879. The statement made by the Nez Perce council follows. "That we the members of the Nez Perce Indians of Idaho having met in council this 8th day of September, 1879, to consider the action of the government in the renewal of our treaty expiring June 30, 1880, having full faith in the government yet prompted to call such council at the continual interferences of 'out-side whites' in telling our people of the probable action of the Government in reducing the present lines of the reservation along its western line at the expiration of such treaty.

"That we protest against such reduction and ask the government for a renewal of our present treaty."

on Congress. Senator Henry L. Dawes, Massachusetts, supported the land allotment suggestions and drew up and presented a bill to force the issue. Although it was not passed until February 8, 1887, debate and discussion of the issue began as early as 1884.

The bill was published for north Idaho citizens January 21, 1884, in the Lewiston Teller.³⁹ The local whites strongly endorsed Dawes' proposal, but felt that its enactment should be subjected to some stipulations. For one, all Indians who had forfeited their rights among the Nez Perces, i.e., the Indians still occupying the Indian Territory, should not receive the benefit of allotted lands. Only those "Nez Perces who had remained loyal" were entitled to lands in severalty.⁴⁰ The reasoning behind such a stipulation was obvious. With fewer Indians entitled to receive allotments, more land would be opened to the settlers.

Emigrants are coming to this country in large numbers. They have already taken up a good portion of the wheat growing lands and have large property interests ... Let us as a community do all in our power to prevent these outlaws from being sent back to this country.⁴¹

Dawes' proposed bill was to allot 160 acres of land to each head of the family and 80 acres to all males over 21 years of age. The Nez Perces' reservation embraced an

³⁹Teller, January 21, 1884, 2:1.

⁴⁰Teller, May 8, 1884, 2:1,2.

⁴¹Teller, May 1, 1884, 4:2, quoting a letter from "A Citizen."

estimated 746,651 acres;⁴² an approximate figure of 512,000 acres was derived as the anticipated amount of land which would be remaining after the allotments were made.⁴³ The surplus land became the debated issue in Idaho. Charles Monteith worked in conjunction with the interests of the local citizens to have those lands open for settlement,⁴⁴ in spite of the fact that the Indians desired to retain all surplus lands as common tribal property "held in reserve until such time as the children should become of sufficient age to take up lands, and then be permitted to take and occupy it."⁴⁵

Although the whites were not able to prevent the Nez Perces' return from the Indian Territory, they were able to overrule the reservation Indians' demands to retain the surplus lands. It was not until 1892 that the Nez Perce reservation lands were finally allotted; although this treatise

⁴²Hubert Howe Bancroft, History of Washington, Idaho and Montana: 1845-1889 (San Francisco: The History Company, 1890), p. 573.

⁴³Teller, November 22, 1883, 2:1-2.

⁴⁴Monteith reported, "I think they have reached a state of civilization where they will neither retrograde or advance until some very important change takes place in the Indian policy, such as breaking up the present reservation system and allowing the Indians to take land in severalty and throwing the balance of the reservation open to settlement." (U.S. Congress, Executive Documents of House of Representatives, 1883-1884, 48th Cong., 1st Sess., Vol II, p. 114.

⁴⁵Teller, January 21, 1884, 2:1, referring to a statement made by James Reuben.

concerns itself more with events up to 1885, a brief examination of the allotment procedures offers insight into the importance which the land issue played in the Nez Perce story.

Miss Alice C. Fletcher was appointed the allotting agent to the Nez Percés. She arrived on the reservation the summer of 1889 and spent the following four years allotting the land, completing her assignment October 31, 1892. Miss Fletcher was determined to successfully carry out her duties and firmly believed that she was doing the correct thing for the Indians. She reported her convictions, stating, "If the Indian is to be saved as a man, the reservation must be broken up and civilization be allowed to enter among the people."⁴⁶ However, in spite of Miss Fletcher's attempts to deal fairly with the Indians, she continually faced strong opposition, not the least of which came from some of the Indians themselves.

The reservation Indians were sharply divided between the Nez Percés of Kamiah, a settlement which Miss Fletcher called a "progressive Indian community and a remarkable instance of what may be done,"⁴⁷ and the group she referred

⁴⁶U.S., Congress, Report of the Board of Indian Commissioners, 1890, Vol. 22, Extracts from Letter from Alice C. Fletcher, p. 151.

⁴⁷Report of Board of Indian Commissioners, 1893, Vol. 25, p. 42.

to as the "agency class."⁴⁸ Her description of that class is indicative of the group which had been responsible for making nearly all of the past Indian-white negotiations.

Among the Nez Perce Indians the only man of whom I could say "Beware of those man; they are not to be trusted," are the men that ... everyone who goes upon the reservation will meet at the agent's office and they will be the very men who will be the main spokesmen in any council. They do not represent the people, they misrepresent the people.⁴⁹

Although Miss Fletcher's analysis of the agency class was basically accurate, in this instance it can certainly be noted that those Nez Percés had very legitimate causes for obstructing her work. There were two reasons they gave Miss Fletcher trouble. For one thing, many Indians of that class had fought with the army during the Nez Perce War. They had been promised payment for their services and for the horses they and their people sold the cavalry. Petitions were repeatedly submitted to the War Department for the payment of their earnings, but even as late as 1889 the Indians had received nothing. Their opposition to the allotment system was in part a boycott of any government negotiations until their earlier demands were met.

In addition, they refused to concede that their surplus lands would be open to white settlement. Although

⁴⁸Report of Board of Indian Commissioners, 1891, Vol. 23, p. 147.

⁴⁹Ibid.

accepting the government's proposition meant that they also would become United States citizens shortly thereafter, a measure which they had repeatedly urged, they were not willing to allow such a large portion of their land to slip into the hands of the whites.⁵⁰ The agency class attempted to block other Nez Perces from accepting the allotments. Miss Fletcher reported that:

The first to take the allotments were these Christian men of Kamiah and it was in spite of the threatening messages brought by the police from the agency that they would suffer in their persons or their stock if they listened to the laws.⁵¹

However, the Indians opposing the allotments were finally forced to concede, partially because of their realization that the government would get its way in any event and partially because of the intensifying pressure they received from the outside.

The whites were pushing for an early conclusion of the land allotments; they were also insistent that the best lands be left for them. Miss Fletcher described the agricultural aspects of reservation lands, claiming that the

⁵⁰The Dawes Act stipulated that the Indians were to become citizens as soon as they "adopted the habits of civilized life." However the whites made it impossible for that stipulation to be fulfilled. In 1906 the act was revised. The Indian "was not to become a citizen until the government felt he had demonstrated that he could take care of his economic responsibilities." In 1924 they were granted full citizenship. (Thomas D. Clark, Frontier America [New York: Charles Scribner's Sons, 1959], p. 719-721.)

⁵¹Report of Board of Indian Commissioners, 1891, Vol. 23, p. 147.

best lands were in the northern part. There were no Indian farms or settlements there and the land was "very servicable to the white people."⁵² Miss Fletcher was successful in persuading some of "the strongest and best of the Nez Perce Indians" to settle on that fertile land.⁵³ After doing so she traveled to Washington to make her annual report to the Board of Indian Affairs. Upon returning to Idaho, she learned that:

Two-thirds of the allotments had been thrown up, and the reason was the pressure that had been brought to bear upon these Indians. It was the pressure of the white settlers acting upon rings within the reservation. The allottees were frightened by outsiders, and their fright was not in the least soothed or allayed by the insiders.⁵⁴

When queried as to the type of trouble brought upon the Indians if they took certain lands, Miss Fletcher described the popular practices.

They will drive a needle behind the ear of his best horse. The horse dies, but there is no sign of that which kills him. Or he ties a hair tight about the tail, and it worries the horse so that it cannot eat; and he finally dies.⁵⁵

Miss Fletcher was especially critical of the "greed of the cattlemen."⁵⁶ She knew that the country was such that

⁵²Report of Board of Indian Commissioners, 1890, Vol. 22, p. 151.

⁵³Ibid.

⁵⁴Ibid.

⁵⁵Ibid.

⁵⁶Ibid.

many acres were needed both to graze the cattle and to raise feed. The soil was not over eight inches in depth in many sections of the country, and it was necessary to leave portions of the farms fallow every other year. She was desirous of allotting much more land to the Indians than they were officially entitled to, for the Indians could not advance on the meager allotments of 160 acres. However, she knew also that even if authorized to change the acreage sizes, her allotments would not stand, "because the people of Idaho will not allow it. It will grade the land down; It would hurt the 'boom' of Idaho."⁵⁷

Miss Fletcher also ran into difficulties among the Nez Perces who were in favor of receiving land in severalty. Many times the Indians desired lands to which they had sentimental attachments but which would be totally inadequate to support a family. Frequently they would answer her entreaties with, "No, I must have the land where my beloved sleeps."⁵⁸ She also tried to persuade as many Nez Perces as possible from the Joseph band to come down and take up their allotments, but few responded to her offer. Yellow Bull was one who did return. He wanted to be allotted Red Rock Spring. The area was worthless from an agricultural standpoint but very important to Yellow Bull. He was critically

⁵⁷Ibid.

⁵⁸Ibid.

ill with malaria while at the Indian Territory. When in fever, he once dreamed that he was drinking the cool, fresh water of Red Rock Spring. He believed that the water of that dream saved his life.⁵⁹

Finally Miss Fletcher's work came to a close. Being a sensitive and apparently honest person, it is difficult to believe that she departed from Idaho satisfied with the work she had done. Almost all of the Indians were distressed over their loss of the surplus lands; they were concerned about the immediate needs of pasturing the herds and about the future needs of later generations. The United States government once again broke a promise, one which was negotiated and agreed to nearly thirty years earlier when a solemn pledge was made that their reservation would never be disturbed by white encroachments. Now the government sanctioned those encroachments.

The Nez Perces received payment for their surplus lands on August 15, 1895;⁶⁰ immediately thereafter the whites eagerly awaited the official opening of the land. On the eighth of November, President Grover Cleveland proclaimed:

I, Grover Cleveland, President of the United

⁵⁹McBeth, p. 98.

⁶⁰The Indians were paid \$3 per acre of \$1,626,222 as follows--\$626,222 was paid per capita as soon as the terms of the agreement were ratified; the balance remained in the treasury drawing a 5% interest. One year later \$50,000 was paid and annually thereafter \$150,000. In addition the Indians received two sawmills. (Kappler, Vol. I. p. 992.)

States ... do hereby declare and make known that all of the unallotted and unreserved lands acquired from the Nez Perce Indians, by said agreement, will, at and after the hour of 12 o'clock noon, on the 18th day of November, 1895, and not before, be opened for settlement ...⁶¹

When word reached the clamouring settlers they rushed onto the reservation lands and established their claims; within a few short hours all of the 542,072 acres of surplus land belonged to the whites. The Nez Perces were granted only 30,000 acres of timber and wood lands to keep in reserve for the tribe. The advertisement which had appeared in the Teller three years before the final allotments were made could now be legally answered.

500,000 Acres - - - - 3,000 Homes
on the Nez Perce Indian Reservation. The allotments have been finished and the commissioners appointed to treat with the Indians for the remainder of the lands; The Reservation will surely be opened in a few months . . . Come early and secure a cheap home.⁶²

One more chapter was added to the book of injustices against the Nez Perce Indians, a book written by the white settlers of the Nez Perce country and by the United States government.

⁶¹Ibid.

⁶²Teller, October 27, 1892.

CHAPTER V

GOVERNMENT RESOLUTIONS

The proceedings of the Nez Perce story from 1877 to 1885 were predominantly contingent on decisions formulated and acted upon by the War Department, the Interior Department and the United States Congress. Frequently, the decisions were made in accordance with the demands of the north Idaho residents; frequently, they were made despite those demands. However, most of America remained unmindful of the Nez Perce situation until national attention focused upon their flight from General Howard. When the final terms of surrender were revealed to the public, and when the public became cognizant of the fact that those terms were shortly thereafter denied the captive Indians, the Nez Perce story thenceforth became a matter of concern to many segments of the American society.

I. TERMS OF SURRENDER

Controversy still remains over the actual terms of surrender and the interpretation given those terms by the parties in attendance. Nevertheless it is an established fact that both Colonel Nelson A. Miles, who initiated and brought to a conclusion the negotiations, and Chief Joseph, spokesman for the defeated Indians, were in agreement on one

significant stipulation. Should the Indians lay down their arms, they would be properly treated and returned to Idaho as soon as feasible. Confusion over where in Idaho it was intended the Indians should be sent was evinced after Joseph's surrender. Joseph understood he was to return to Wallowa. Colonel Miles intended the Nez Perces to realize that they would go to the Nez Perce Reservation. It was not evident that a misunderstanding existed until after the Indians and Miles learned that Idaho would no longer be the captives' home.

Miles is frequently criticized for being responsible for giving the Indians false hopes in order to secure an immediate surrender and derive full credit for the victory. Although it is an established fact that Miles was ambitious to be promoted, there is no evidence to substantiate the argument that he intended the Nez Perces' surrender to be the vehicle of that promotion. Miles believed his agreement to accept a conditional surrender with Joseph was in keeping with previous military decisions respecting captured Indians at war with the United States. The colonel had handled similar situations in which, after defeating warring tribes of the Plains, he negotiated their surrender contingent upon their returning to reservations located upon or within the vicinity of their native lands. Miles had no reason to believe that government policies regarding the Nez Perces would be different, nor had he received instructions to the

contrary. In fact, if Miles's statement were true, and there is no reason to believe it was not, he had made repeated requests for definite orders to instruct him in the surrender procedure. Receiving no reply to his inquiries he consequently "acted on what [he] supposed was the original design of the government to place these Indians on the reservation."¹

If Miles's decisions and negotiations were not in accordance with military directives, it was General Howard's responsibility to so advise the colonel. He did not. When Howard arrived at Miles's camp the day before the surrender he not only failed to caution Miles against making terms for a conditional surrender, he actually broke from military tradition and allowed Miles to conclude the negotiations and accept Joseph's capitulation. General Howard shared Miles's assumption that the Nez Perces would be returned to their reservation. Thus, having no objections to the manner in which Miles handled the affair, he graciously permitted Miles to receive credit for the victory, hoping that accomplishment would initiate his former aide's promotion to general.²

¹National Archives Microfilm Publications, No. 234, Roll No. 348, Miles to Hayt, October 10, 1878, and U.S., Congress, Report of Secretary of War, Being Part of the Messages and Documents Communicated to the Two Houses of Congress, 45th Cong., 2nd Sess., Vol. I, Miles to Headquarters of Yellowstone, December 17, 1877, p. 529.

²In "The Pursuit and Capture of Chief Joseph," by C.E.S. Wood, the author recorded Howard's statement. "Miles, you have given me the sort of assistance I wanted, and what I expected of you. You stopped those Indians and I intend to see you have the credit for it. I know you are ambitious for a star (the insignia of a brigadier-general) and I am

Howard's assurance that the surrender would be upheld by higher authority was based upon an earlier communique from General W.T. Sherman. When it became apparent to Howard that he would have to transcend the limits of his authority as commanding general of the Department of the Columbia to pursue and capture the Nez Perces, he telegraphed Sherman, the general in chief of the Army, for permission to do so. Shortly before Howard reached the Yellowstone he received his reply; Sherman assured him that he had full authority to continue pursuing the Nez Perce until they were either captured or driven out of the country. He ordered also, "When captured, care for them as prisoners of war in your own department."³ C.E.S. Wood, Howard's aide-de-camp, stated that Howard, and his attendants, interpreted that order to read that the general was authorized to place the prisoners of war on the Nez Perce Reservation, to continue with the assignment which had initially prompted the war.⁴ Howard issued subsequent directives upon the basis of Sherman's telegram. Two days after Joseph's surrender, Howard ordered Miles to "keep the prisoners until next spring, it being too late to send them to Idaho by direct route this fall, and

going to do all I can to help you We will have a surrender, beyond a shadow of doubt ... you shall receive the surrender. Not until after that will I assume command."
(Fee, p. 326.)

³Ibid., p. 321.

⁴Ibid.

too costly by steamer or rail."⁵

With the Nez Perces safely under Miles's care, Howard traveled on to Fort Lincoln and Chicago. He and Miles felt that a direct report to General Phil Sheridan, commander of the Department of the Missouri, was necessary in the event that their negotiations should be disputed. At Fort Lincoln, however, Howard was startled to read in a Chicago daily paper a copy of the telegraphic report of the surrender which Miles had already sent to Sheridan. It read, "I have had my usual success! I have surrounded and captured the hostile Nez Perce Indians."⁶ Wood explained that not a word was given in the message of Howard, his command, or the influence he had in effecting the surrender.⁷ Howard immediately allowed Wood to correct Miles's statement by writing and publishing an explanatory article of Howard's participation in the Nez Perce campaign and the Indians' surrender. The article which shortly thereafter appeared in a Chicago paper without military authorization greatly angered Sheridan, conceivably to

⁵Report of Secretary of War, 1877, 45th Cong., 2nd Sess., Vol. I, Howard to Sheridan, October 19, 1877, p. 77 and Howard to Miles, October 7, 1877, p. 631.

⁶Fee, p. 333.

⁷Howard had two Nez Perces, Old George and Captain John, traveling with him. Both men had daughters in Joseph's camp. Howard felt that, by sending the two men to negotiate with Joseph, they were extremely influential in persuading the chief to surrender; that without their influence, Miles would not have achieved his "usual success". (Howard, p. 269.)

the point that he thenceforth belligerently treated the entire Nez Perce affair. The incident could have had a similar influence on Sherman's later decisions as well. Howard, hurt by Miles's abuse of the privilege he had granted the colonel out of kindness, thenceforth denied that he had authorized or endorsed Miles's making a conditional surrender. Wood, who in all other instances defended Howard's position, did not agree with the general on the surrender issue.

He maintained that he had made no specific terms, he had no authority to make any, it had been a matter entirely with the Secretary of War and the President; and that Joseph had violated the terms of surrender in permitting White Bird to escape to Sitting Bull the night of the surrender. I never have thought and do not think now those arguments sound. Authority or no authority, Howard, following Sherman's order, had assumed the captives were to go back to Idaho.... Joseph's word by Indian custom could not have bound White Bird.⁸

Although the controversy between Howard and Miles continued, the disposition of the Nez Perces was taken out of the hands of those two men as soon as the surrender was accepted. From that time decisions made by General Sherman, General Sheridan, and the Secretary of War, George McCary, controlled the Nez Perces' affairs as long as the Indians remained under the command of the War Department. Sheridan was responsible for formulating the orders which provided for the Indians' temporary arrangements while they were under his jurisdiction within the Department of the Missouri.

⁸Fee, pp. 334-335.

Sherman was influential in determining the Nez Perces' final disposition, where they would be located until the Indians were placed under the charge of the Interior Department. He appeared to be the most indecisive of the commanding officers. The ramifications of his subsequent reversed opinion were his refusal to grant the Nez Perces their entreaties to be returned to their home lands and their prolonged encampment at Fort Leavenworth.

Perhaps it is possible that Howard misinterpreted Sherman's order when he presumed his superior officer intended that the Indians were to be located upon the Nez Perce reservation, but he was not inaccurate in assuming that they would be returned to the Northwest. Some time between the date that Sherman's order was issued and the day of the surrender, the general of the army changed his mind about the Nez Perces. It is very possible that his personal tour of the Northwest during the fall of 1877, but prior to the Nez Perces' defeat, was the influential factor in perpetrating his reversed decision. Sherman arrived at Helena, Montana Territory, the twenty-first of August; from there he traveled through northern Idaho, eastern Washington and on to Portland. During that time he "endeavored to assure the people that they had nothing more to apprehend from the hostile Nez Perces."⁹ He claimed that they had left the

⁹Teller, October 13, 1877, 2:1.

territory, taking all of the "bad Indians" with them and "it was hoped none would ever come back."¹⁰

Five days after the Nez Perces' surrender, Sherman telegraphed E.D. Townsend, adjutant-general to the Secretary of War, confirming his belief that "all these captured Indians must never be allowed to return to Oregon but should be engrafted on the Modocs in the Indian country"¹¹

At the same time Sherman was insisting the Nez Perces should be dealt with in a manner similar to the government's treatment of the Modocs, General Sheridan was attempting to re-locate them at a site further from the Northwest. He also telegraphed Townsend on the 10th after receiving a request from Miles that rations and clothing in sufficient quantities to sustain five hundred prisoners of war for nine months be sent to Tongue River. Sheridan assured Townsend that it would be too expensive to supply the Nez Perces at Tongue River, that they would have to be sent to Fort Buford or Yankton to await the decision of the government for more permanent quarters. He felt that maintaining the Nez Perces at remote Tongue River would burden the government with the additional transportation expense of "\$116, 130 ... to fill the requisitions for these and other Indian prisoners, and all

¹⁰Ibid., 1:3.

¹¹National Archives Microfilm Publications, No. 234, Roll No. 346, Sherman to Townsend, October 10, 1877.

at Tongue River, for the winter."¹²

Sheridan's proposal was discussed and agreed upon by Sherman and McCary. Sherman notified Sheridan on the 22nd that the Secretary of War was receptive to his suggestion. In addition, he ordered Sheridan to see to it that

The Nez Perce prisoners be brought to the Missouri River and if possible to Fort Rabdall or Leavenworth to be held ... as prisoners of war, till the Indian Bureau can provide them a permanent home at or near the Modocs or elsewhere not in Oregon.¹³

General John Pope, commander of Leavenworth, requested that the Nez Perces be sent to Fort Riley rather than to his own post. He felt at Fort Riley there was "an abundance of comfortable quarters for them there."¹⁴ Sheridan made no objection to that request "as it is a better place,"¹⁵ but the entreaty was emphatically and unexplicably denied by Sherman, who insisted that the Indians be located at Leavenworth.¹⁶

Why Sherman seemingly did all within his power to subject the Nez Perce prisoners to prolonged and unnecessary punishment is unknown. There is no evidence of his referring

¹²Ibid., Sheridan to Townsend, October 17, 1877, and McCary to Shurz, October 17, 1877.

¹³Ibid., Sherman to Sheridan, October 22, 1877.

¹⁴Ibid., Sheridan to Sherman, November 24, 1877.

¹⁵Ibid.

¹⁶Ibid., Sherman to Sheridan, November 24, 1877.

to the Idaho indictments as being justification for his belligerent behavior, but perhaps an appraisal which he made of the Pacific Indians, their attitudes and discontents, while in the Northwest governed his decisions. It is possible Sherman decided to use the Nez Perces as an example for those tribes, an example of the type of punishment any other tribe which attempted to defiantly refute the government's directives would receive. Such an intention was intimated in his telegram of the 10th of October, 1877, to Townsend. "The capture of all that remains of Joseph's band ... is most important, because I know that nearly all of the Pacific Indians have been watching the result."¹⁷

The Indians of south Idaho displayed signs of hostilities during the fall months of 1877, while the Nez Perces were fighting in Montana. Agents of both the Lemhi and the Fort Hall reservations reported an increased amount of aggressiveness and hostile attitudes existing among the Bannocks and their Shoshone allies. Sherman possibly anticipated that, if the dissatisfied Indians could be shown how their threatened war would lead only to hardship and punishment for them and their people, they might conceivably be persuaded to solve their differences with the white authorities through peaceful alternatives. If such were Sherman's plan, it failed. By the first of June, 1878, the Bannock

¹⁷Ibid., Sherman to Townsend, October 10, 1877.

war became a reality. As long as the war lasted and until the hostiles were thoroughly subdued, it would have been irrational from the military point of view for the Nez Perces to be returned to the vicinity of the recent fighting. At the time of the war's beginning the Nez Perces were at Leavenworth; one month later they were permanently settled within the confines of the Indian Territory. If there had been even the most remote chance that the Nez Perces could be sent back to the Northwest before their movement to the Indian Territory, those chances were lessened by the Bannock war and further minimized by the activities of a few of White Bird's band in Canada. Some of those Nez Perces helped determine the fate of their people imprisoned at Leavenworth.

II. WHITE BIRD'S BAND

Sitting Bull had allowed the escaped Nez Perces to join his refugees, despite the traditional animosity which existed between the Sioux and the Nez Perces. The latter however were advised to remain on the Canadian soil, and it was White Bird's responsibility to insure that his braves would not cross the border. It was upon the basis of that agreement that Canadian authorities had permitted the fugitive Indians from the United States to find refuge within their country. In spite of attempts to secure pledges from his tribesmen to remain in Canada, White Bird was unable to curb the activities of a few of his people. Some of the Indians disobeyed

their chief's command only because they desired to return to the land of their forefathers and to whatever relatives they may have had remaining on the Nez Perce reservation. Others, however, were after "revenge and horses." McDonald claimed that:

They have a particular desire to avenge Big Hole....
They will fall in during the war in Idaho and will
either have to submit to arrest or join hostiles.
In the latter case they will make excellent guides
to the region from which they have just returned.¹⁸

It was that group which impaired the attempts of White Bird, Joseph, and some Indians upon the Nez Perce Reservation to secure fair treatment for their people and the unification of all the members of the Nez Perce nation. Even if they had no intentions of joining the Idaho hostilities, their presence in Canada posed an ever present threat to the settlers in both Montana and Idaho. Small bands would frequently cross the line to raid the neighboring settlements and steal the horses. Governor B.F. Potts of Montana twice complained about the Nez Perces in Canada. He claimed that they had killed two settlers and threatened all others. Potts had no doubts that it was the Nez Perces who inflicted those crimes upon the whites; "The evidence that they were Nez Perces was beyond controversy."¹⁹

¹⁸McDonald, New Northwest, July 19, 1878, 2:2.

¹⁹National Archives Microfilm Publications, No. 234, Roll No. 352. Potts to Shurz, November 4, 1879, and No. 234, Roll No. 348, Potts to Hayt, July 25, 1878. Charles Aubrey at Fort Custer made a similar complaint to Captain

White Bird as well recognized the existing dangers which were present so long as he and his people remained in Canada, dangers to his people, the Nez Perces in Idaho and the settlers along the route from Canada to Idaho. "No doubt ... so long as Joseph remains in Indian Territory, I in the British Possessions and the remainder of the Nez Perces in Idaho, many men are liable to be murdered."²⁰ The people traveling back and forth to see one another, most of whom had lost their families in the war, "would as soon be killed as kill, and sooner a white man than not, caring nothing as to what is left behind or who suffers. It would be best for all if the Government would get these Indians together."²¹

The government attempted uniting the Indians; it tried

Rawn at Fort Shaw. Fort Custer was located on the route the Indians took to Idaho, about 70 miles from the Canadian border. (No. 234, Roll No. 348, Aubrey to Rawn, August 24, 1878.) General McDowell, Department of the Columbia, reported information that the bodies of five prospectors were found near the north fork of the Payette, ninety miles from Boise. He believed they were murdered by Nez Perces from White Bird's band. (Ibid., McDowell to Townsend, no date available.)

²⁰McDonald, New Northwest, August 9, 1878. Miles expressed a similar opinion. As the recently appointed Commander of the Columbia District, he was concerned that many members of Moses's band, who were dissatisfied with the chief's treaty, would attempt to move north of the national border. Miles felt if White Bird were permitted to return to Idaho the existing problems among the Northwest Indians would be minimized. (National Archives Publication, No. 234, Roll No. 352, Miles to McDonald, no date available.)

²¹McDonald, New Northwest, August 9, 1878.

to persuade White Bird to join Joseph at Leavenworth, but White Bird refused to accept any terms except those promised the Nez Perces at Bear Paw--to return to Idaho. In March of 1878 a council was held at Fort Walsh under the instigation of Captain Baird. He was ordered to negotiate and effect White Bird's surrender. Also in attendance were eight Nez Perces from Canada, including White Bird and No Hunter, brother of Looking Glass, three Nez Perces from Leavenworth and Colonel McLeod and Commissioner A.G. Irvine of the North West Mounted Police, present partially to insure the safety of the Canadian Nez Perces. Baird was authorized to receive the Indians only on the condition that they surrender, after which event he was to:

Afford them safe conduct to Fort Buford, Dakota Territory, there to await further instructions from General Terry's Headquarters relative to their transfer to their own people at Fort Leavenworth.²²

Baird informed the Indians that the council was held in response to an alleged complaint registered by their own people. A few Nez Perces complained that they were tired of the treatment they were receiving under Canadian authorities and desired permission for a safe return to Idaho.²³ However, the council was more in the nature of an attempt to

²²National Archives Microfilm Publications, No. 234, Roll No. 348. Baird to Miles, June 30, 1878.

²³McDonald reported that the party making the complaint was Henry Tavahvour, the "leading murderer in the band of Nez Perces which passed through Montana last year. He and his companions deserted from White Bird's camp." (New Northwest, March 28, 1878.)

alleviate apprehensions of Montana and Idaho citizens than to appease the Indians. At any rate, it failed to meet its objective.

Baird had assured White Bird that Joseph and his people were well cared for at Leavenworth. However, when White Bird had an opportunity to speak alone with the three from Leavenworth, he learned the truth--the Indians were sick and dying. He asked them what Joseph desired for him to do. White Bird was assured that although Joseph would be glad to see him and his people, he wanted White Bird only to do what he believed was right.²⁴

Thus learning that Baird had not spoken the truth about Joseph's people, and believing that the government had broken a pledge made during the surrender, White Bird refused to agree to surrender to Baird and to move with his people to Leavenworth. A few months later he explained that decision, after he had heard rumors that Joseph may be transferred to the Indian Territory.

If Joseph is removed to the Indian Territory I will not surrender, because it is against my will and Joseph's will to go to that place. The United States recognizes the Indians as nations and not as slaves.... Is it right for the American Government after fighting a nation and defeating it, to imprison it in a place where it must quickly perish?²⁵

²⁴Ibid.

²⁵New Northwest, August 9, 1878. Although Joseph had already been moved, apparently word of it had not yet reached White Bird.

White Bird's questioning the government's responsibility to a defeated nation was echoed in the halls of Congress. It was there that the ultimate decision was made to send the Nez Perces to the Indian Territory, a decision that was made only after a lengthy and heated debate.

III. THE NEZ PERCES AND CONGRESSIONAL DECISIONS

In 1878 the United States Congress debated a bill proposing the "removal of the Nez Perce Indians of Joseph's band, now held as prisoners of war at Fort Leavenworth, Kansas, to a suitable location in the Indian Territory ..." ²⁶ Senator Dorsey of Arkansas suggested that the "Territory of Idaho" be inserted into the bill in place of the Indian Territory. ²⁷ With that suggestion it soon became apparent that those senators arguing for the return of the Nez Perces to Idaho were motivated not by humanitarian instincts, but through an attempt to defend the vested interests of the state they represented or private sectors within that state. The senators who most strongly desired the Nez Perces' return were senators from the states immediately bordering the Indian Territory.

Senator Maxey of Texas acknowledged his interests. He claimed that sending the Nez Perces to Oklahoma "was a

²⁶U.S., Congress, Congressional Record, 1878, 45th Cong., 2nd Sess., Vol. II, "Indian Appropriation House Bill No. 4549," p. 3235.

²⁷Ibid.

matter of direct interest to the state" of Texas, maintaining that the intercourse between the Indians of the Indian Territory and the people of Texas had been pleasant and kindly.²⁸ Consequently Maxey was decidedly opposed to allowing "wild, untutored Indians" to move to the Indian Territory "for fear they would hamper civilizing activities among the Indians already located there." The Nez Perces, he believed, would have a "demoralizing" effect on those Indians.²⁹ Senator Core, also of Texas, was of the same opinion as was Senator Ingalls of Kansas. Ingalls's objections, however, more closely touched the truth of the matter. The Indian Territory, as he explained, was two hundred by four hundred miles in extent. It held within its bounds land that was "exceedingly fertile, with a salubrious climate and every element necessary to make it the theater of an opulent and splendid civilization."³⁰ He confirmed the suspicion that the local populace of the neighboring states had their eyes to the future, hoping to some day if not cede a portion of that land for themselves, at least benefit from the economic advantages derived from bordering a populated state.

The people of those states view with apprehension and with alarm the successive steps of the Executive toward concentrating still further and further

²⁸Ibid., p. 3236.

²⁹Ibid.

³⁰Ibid.

Indians within the limits of this Territory, so that it will ultimately become impossible ... to remove it from the pathway of commerce which is destined to spring up between the West and Northwest and Gulf of Mexico.³¹

Ingalls had visited the Nez Perces at Leavenworth and was impressed with their intelligence, diligence and peaceful ways. He learned that they were unwilling to move to the Indian Territory, but was also aware of the possibilities that "feuds and forays and internecine war might arise" if returned to the vicinity of the vengeful Idaho settlers. He therefore suggested that the Nez Perces be sent elsewhere in the "great Northwest where they will be subjected to the same climate and territorial influences under which they have been born and raised."³²

Senator Teller of Colorado believed the Nez Perces should be sent to the Idaho Nez Perce Reservation. His reasoning was apparently governed more by a desire to do what was just for the Indians than were the Nez Perces' other defenders. When queried by Senator Allison of Iowa if the safety of both the Indians and whites did not require that the Nez Perces should be settled elsewhere, so as not to "consign them to another war", Teller's response was:

They are entitled to the clemency of this Government and to the decent respect of the people ... if the settlers are disposed to commit atrocities upon them the Government is bound in honor and by

³¹Ibid.

³²Ibid.

its treaties to send the American Army there to protect them in their place.³³

He called for a vote on the amendment which had proposed to change the phrase "Indian Territory" to the "Territory of Idaho". However, Senator Sargent of California objected to the amendment and reopened the debate. He was concerned over the fact that they had no insurance that further white **encroachments** might not cause another war. Allison at that time referred to some "fifty or sixty" indictments filed against them for murder under the laws of the Territory of Idaho.³⁴ He had been assured that murder could be proven and that the Indians' lives were thus threatened if they were allowed to return. Additional discussion centered around the question if the Nez Perces were wards of the government or prisoners of war. If they were the former, they were entitled to be returned to their home lands, if they were the latter, they were subjected to any arrangements decided upon by the government for their disposition. Maxey proposed that the phrase, "prisoners of war," be struck from the debated bill; his amendment was defeated by six votes.³⁵

Senator Paddock of Nebraska insisted that the ultimate decision for the Nez Perces' move should be made by the Indians themselves. If they, and the more "civilized tribes"

³³Ibid., pp. 3236-3237.

³⁴Ibid., p. 3261.

³⁵Ibid.

of the Indian Territory, all agreed that the Nez Perces could relocate there, that in itself should decide the issue. He proposed the stipulation, "the consent of such band be first obtained," be ammended to the bill; his amendment was also defeated by a six vote margin.³⁶

The bill was further discussed. Many expressed their concern over the poor health of the Nez Perces and the Pawnees and Poncas, who already occupied the territory to which the Nez Perces were considered being moved. Those who desired to find a healthy location for the Nez Perces were not convinced that they would recuperate in the Indian Territory; on the contrary, their present condition could possibly worsen. Others were concerned over the legality of taking land which had been bought from the government by the Choctaws, Chickasaws, Creeks, Seminoles and Cherokees and forcing one or a group of those nations to sell their land, the size of which had already been excessively reduced by similar negotiations, for the Nez Perces' occupation. However, on the 17th of May, 1878, an agreement was reached. Congress finally came to the conclusion, without the consent of the Nez Perces or the other tribes which would be affected by the decision, that the Nez Perces were to be moved onto some land taken from the tribes of the Indian Territory,

Almost as soon as the bill was passed, appeals were

³⁶Ibid., p. 3240.

sent to Congress in behalf of the Nez Perces, praying for their return to Idaho. Partially as a response to those appeals, Congress authorized an investigation of the complaints and present conditions of the Nez Perces, recently moved to the Indian Territory, which supposedly inaugurated the sending of the petitions. Inquiries were made from a variety of persons who were or had been acquainted with the Nez Perces and with their past and present status. Adjutant-general Robert Williams of Omaha, Nebraska, confirmed that the Indians had suffered from disease and homesickness, thus verifying additional testimonies made by Commissioner Hayt and Joseph. However, Williams cautioned the committee of the probability that, if allowed to return to Idaho, at least fifteen of the Nez Perces would probably be hanged.³⁷ Frank J. Parker, a resident of Boise City who had lived twelve years in Idaho and six years among the Nez Perces, was questioned as to the causes of the war and who he felt was at fault for initiating it. He testified that, in response to an order from the civilian department, the military had been forced to move the Indians onto the reservation. The order, he felt, was wrong, since the off-reservation Indians had never agreed to accepting the treaty and they had, until the

³⁷U.S., Senate, The Miscellaneous Documents of the Senate of the United States, 1878-1879, 45th Cong., 3rd Sess., Vol. III, Testimony of Adjutant-general Robert Williams, Omaha, Nebraska, October 12, 1878, p. 117. See pages 54-55, Chapter II, for a review of Hayt's and Joseph's testimonies.

final months preceeding the war, never killed or tortured a white person.³⁸ W.T.Sherman was asked to explain the disposition of the Nez Perces' horses, saddles and belongings. Complaints had been filed by both Indians and some white officials that Joseph's people had not received adequate supplies, many of which were to be purchased with the money gained through the sale of the Nez Perces' confiscated possessions. Sherman assured the committee that those items had been sold and the proceeds from the sales were used to purchase cattle for the captive Nez Perces.³⁹ However, the general neglected to add that they were sold only after the Indians of the Nez Perce and other tribes who had ridden with the army, as well as some of the white volunteers, were allowed to take from the herds the best ponies for themselves before they returned to their homes.

In 1882 the Secretary of Interior, Carl Schurz, submitted a lengthy evaluation of the history of the government's relations with the Nez Perce. He referred to the numerous petitions and urgent requests which both he and Congressional representatives had received, urging that the Nez Perce be returned to their old homes and relatives in Idaho. He felt that the Nez Perces' conscientious obedience to all laws and regulations while under the government's

³⁸Ibid., Testimony of Frank J. Parker, San Francisco, October 28, 1878, p. 166.

³⁹Ibid., Testimony of W.T. Sherman, Washington, D.C., December 3, 1878, p. 222.

supervision as prisoners of war merited their return. In addition, five years had passed, "a sufficient time ... to justify the belief that no concerted effort [would] be taken to avenge wrongs alleged to have been perpetrated by these people so many years ago."⁴⁰ The Secretary concluded by stating his belief that the tribe should be returned to Idaho as early as possible; he proposed that Congress act upon that suggestion.

During the first session of the 48th Congress legislation was passed authorizing \$1,625 to be paid to James Reuben for expenses incurred by him in taking thirty-three Nez Perces to Idaho. The Secretary of Interior was authorized to use the balance of the allocated fund of \$20,000 for the removal of the Nez Perce Indians "to some other location, if he deems it proper to do so, and for their support at such new location."⁴¹ However, the remaining Nez Perces were not moved until more pressure was exerted upon Congress.

⁴⁰U.S., House, Executive Documents of House of Representatives, 1882-1883, 47th Cong., 2nd Sess., Report of Sec. of Int., p. 52.

⁴¹U.S., House, Executive Documents of the House of Representatives, 1884-1885, 48th Cong., 2nd Sess., Vol. I, Report of Sec. of Int., p. 263. In Chapter II, pages 59-60, it was stated that some members of the Nez Perce Indians located in the Indian Territory were allowed to return to Idaho, but only at their own personal expense. James Reuben and the Ponca agent both confirmed the necessity of the Indians' paying for their transportation, however \$1,625 was allocated for that purpose. It is therefore suspected that for some reason the money was not properly used, that it was absconded sometime after its allocation was enacted and before it was to be spent for its intended purpose. The additional \$18,375 was also not properly used, or else the Colville Nez Perces were not permitted to benefit from it.

The petitions previously referred to came from various sections of the eastern and mid-western populace. The most significant petition was filed by Mrs. James A. Garfield, widow of President Garfield. She and five hundred other citizens of Cleveland, Ohio, opposed Joseph's being held in confinement at the Indian Territory on the basis that the chief surrendered "upon a pledge given by General Miles that they should be removed to their brethern in Idaho."⁴² Additional petitions were received in the House and in the Senate from citizens of Kansas, Ohio, Connecticut and Illinois, each praying that the Nez Perces would be granted justice and returned to their homelands.

Many of the citizens were motivated to sign and present the petitions out of a genuine desire to do what they believed to be the right thing for the Nez Perces. However, a significant number of the petitions, especially those from the citizens of bordering states, were submitted for one explicit purpose--to secure the removal of the Nez Perce Indians and other tribes occupying the Indian Territory only to hasten legislation for the legal transformation of that territory into a United States possession open to white settlement. Agitation by settlers, railroad magnates and private merchants had begun as early as the 1870's for a similar measure to be passed. By the 1880's the Indian Territory

⁴²U.S., Congress, Congressional Record, 1884, 48th Cong., 1st Sess., Vol. p. 2916.

was the only remaining land within the United States of sizeable proportions which prohibited permanent white settlement. Consequently that decade saw intensified demands that the territory be taken from the Indians' claim and opened to the whites.

Most of the petitions concerning the Nez Perces came from the Kansas citizens who were seeking homesites or business expansion in the Indian Territory. One of their petitions requesting the Nez Perces' restoration to Idaho was presented in conjunction with a second petition from the Oklahoma Colony Committee. The committee consisted of a group of Kansas homeseekers who organized intentionally to "defy the government until Oklahoma District was theirs."⁴³ That group, the railroad lobbyists and some western congressmen sought to achieve their objective through any and all available means, including to falsely claim a concern for the Nez Perces who had known only injustice for the past seven years. Their petitions "praying that justice may be done the Nez Perces now in the Indian Territory"⁴⁴ most probably meant nothing to the citizens signing those requests except to express a desire to relocate all of the tribes in the Indian Territory as rapidly as possible by whatever

⁴³Ray A. Billington, Westward Expansion: A History of the American Frontier (New Ylrk: The Macmillan Co., 1960), p. 720.

⁴⁴Congressional Record, 1884, 48th Cong., 1st Sess., Vol. XV, p. 3516.

available and convenient method they could utilize.

Regardless of the motivations initiating the petitions, the signatories' object was eventually realized. For those who genuinely desired to secure fair treatment for the Nez Perces, their requests were granted in June of 1885 when the Indians returned to Idaho. For the whites whose only desires were to satisfy their land hungry appetites, their greed was appeased in April of 1889, when the territory was opened to the eager and impatient settlers. Within one month Oklahoma became a United States territory. The Indians who still remained within its bounds succumbed to the whites' demands to accept eventually individual allotments and agree to their renewed status as homesteaders under the Dawes Severalty Act. One could speculate whether or not the Nez Perces would have been eventually returned to Idaho or the Northwest had the pleas in their behalf been ignored by Congress in 1885. If they had been forced to remain in the Southwest their subsequent history would have probably noted a similar vein to later events shared by the Nez Perces in both Idaho and Washington. Irrespective of where American Indians were located, they nevertheless remained victims of individual greed and prejudice and of an ever expanding national growth which either would not or could not incorporate the cultural and ethnic differences of the various Indian tribes or individuals into the mainstream of American life.

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APPENDICES A, B, AND C
paraphrased from

Indian Affairs Laws and Treaties

Charles J. Kappler

APPENDIX A

EXCERPTS FROM THE PROVISIONS OF THE
TREATY OF 1855

1. The treaty established the boundaries of the Nez Perce Reservation.
2. The Nez Perces were to be settled therein; no whites were allowed to reside within the boundaries.
3. All improvements were to be paid for by the United States government.
4. Whites were allowed to make roads through the reservation but no permanent settlements could be **erected** along those roads.
5. The Indians were permitted to fish in the reservation streams and all usual places; they could fish, hunt, gather roots and berries and pasture their livestock on all open and unclaimed land.
6. As soon as the treaty was ratified, the Indians were to be paid \$200,000. One year after its ratification they would receive \$60,000 and \$10,000 each year thereafter

for five years beginning September 1, 1856. The five years following that payment they would receive \$6,000 and \$4,000 the final five years.

7. The Nez Perce were to be provided with two schools, two blacksmith shops, one carpenter shop, one wagon and one plow makers shop. Instructors were to be employed in each. In addition they would receive one sawmill and one hospital with a physican. Each of the foregoing institutions was to be kept in repair for twenty years.
8. The head chief was to receive \$500 per year for twenty years; he was to be provided with a furnished home, a plow and was permitted to fence for his use ten acres which he was entitled to occupy only as long as he was head chief. The expenses for his provisions were not to be deducted from the annuities.
9. The reservation was allowed to be surveyed into lots and assigned to individuals or families.
10. The annuities were not to be used to pay debts incurred by individuals.
11. The tribes were to preserve friendly relations with one another and with the whites.
12. They were not to make war except in self-defense.
13. All offenders to the treaty stipulations were to be delivered up to the proper authorities.
14. The annuities were to be held from those who drank "ardent spirits."

15. William Craig, a white man who already lived among the Nez Perce, was allowed to remain within the reservation.

The treaty was signed by Stevens, his assistant Palmer, Lawyer, as head chief, William Craig and A.D. Pambrum, interpreters and fifty-seven Indians including Joseph, Looking Glass, Spotted Eagle, Red Wolf and Toohoolhoolzote.

APPENDIX B

EXCERPTS FROM THE PROVISIONS OF THE TREATY OF 1863

The said tribe agrees that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the country hereby relinquished and remove to and settle upon the lands herein reserved for them.

In addition to the annuities agreed upon June 11, 1855, \$262,500 would be paid them, to be divided as follows:

1. \$150,000 to remove and locate on the reservation paid in four annual installments.
 - a. \$70,000
 - b. \$40,000
 - c. \$25,000
 - d. \$15,000
2. \$50,000 for agricultural implements to be paid the first year after ratification.
3. \$10,000 for a "saw and flouring mill" at Kamiah.

4. \$50,000 for boarding and clothing children at the schools.
5. \$2,000 to build two churches.

Additional Provisions:

1. Two subordinate chiefs were to be elected to help the head chief.
2. Any improvements made on ceded Indian lands prior to the ratification were to be paid to the Indian responsible for the improvements by the government.
3. Any land may be sold to loyal whites with a certificate of sale issued.
4. The boundary lines of the reserve to be marked and the lands surveyed into lots. The head of the family may locate on the lot for which a certificate would be issued. The lots are exempt from levy and taxes; ownership may be cancelled if the owner neglects to occupy or till a portion of the land and roves around instead. He may also be refused a share of the annuities until he had returned to his home and resumed industrious labor.
5. The residue of the land to be held in common pasturage for the sole use of the Indians. From that land additional lots may be granted as more come on to the reservation or as more become of age.
6. Further appropriations were to be made to compensate for provisions not paid for of the 1855 treaty.

- a. \$10,000 for two schools.
- b. \$12,000 for a hospital.
- c. \$2,000 for a blacksmith shop.
- d. \$3,000 for houses, mills etc.

The treaty was signed by Calvin Hale, Chas Hutchens, S.D. Howe, Lawyer as Head Chief, Perrin B. Whitman, interpreter, A.A. Spalding, assistant interpreter and fifty-two Nez Perces not including Joseph, Looking Glass, Toohoolhoolzote, White Bird or other off-reservation chiefs.

APPENDIX C

EXCERPTS FROM THE

ALLOTMENT AGREEMENT, MAY 1, 1893

The agreement made with the Nez Perce who:

Ceded and conveyed to the United States all their claim, right, title and interest to the unallotted land set apart as a home for their use and occupation by the second article of the treaty between said Indians and the United States concluded June 9, 1863, except 32,020 acres and 'the boom' on the Clearwater River near the mouth of Lapwai Creek, to be used for the common use of the tribe.

Article III:

In consideration for the lands ceded, sold, relinquished and conveyed as aforesaid the United States stipulates and agrees to pay to said Nez Perce Indians the sum of \$1,626,222 of which amount the sum of \$626,222 shall be paid to said Indians per capita as soon as practicable after the ratification of this agreement. The remainder of said sum of \$1,626,222 shall be deposited in the Treasury of the United States to the credit of the 'Nez Perce Indians of Idaho' and shall bear interest at the rate of five per centum per annum which principle and interest shall be paid to said Indians per capita as follows, to wit: At the expiration of one year from the date

of ratification of this agreement the sum of \$50,000 and semi-annually thereafter the sum of \$150,000 with the interest on the unexpended portion of the fund of \$1,000,000 until the entire amount shall have been paid, and no part of the funds to be derived from the cession of lands by this agreement made shall be diverted or withheld from the disposition made by this article on account of any depredation or other act committed by any Nez Perce Indian, prior to the execution of this agreement, but the same shall be actually paid to the Indians in cash.

APPENDIX D

CHIEF RED HEART'S BAND

from
Microfilm Publications, Lapwai Agency Files
No. 234, Roll No. 348

The band of Chief Red Heart surrendered to General Howard as the other non-treaty Indians fled across Lolo Trail in July, 1877. They were taken to Kamiah at which time their horses and equipment were confiscated. From there they were forced to march to Fort Lapwai and sent to Fort Vancouver as prisoners of war.

On the 17th of May, 1878, General Howard dispatched the following communique' to the assistant adjutant-general of the army.

These Indians number thirty-three, divided as follows--twenty-three men, nine women and one child. Soon after their surrender at Kamiah these prisoners were removed to Fort Vancouver where until the 22nd [of April, 1878] they have been held in confinement. In December last, I wrote the Division Commander concerning the removal of the Indian prisoners to Fort Leavenworth, and the General of the Army expressed his views on it, recommending that the Nez Perce Indian

prisoners still in the Department of the Columbia be sent to the agency near Lapwai and then released...

The friendly Nez Perces of the Indian reservation petitioned strongly for a release of these prisoners at Fort Vancouver, pledging their own faith for their future good behavior and promising to help them to do right.... They are located on small farms and have gone to work... I most urgently recommend that they be permitted to remain where they are.

The Indians were returned to Idaho. Shortly after Howard requested they be retained at Vancouver the following article appeared in the Vancouver Independent.

The Nez Perce Indians ... who have been in confinement at the garrison here ... left last Monday [May 19] for Lewiston. Captain H.W. Boyle, 21st Infantry, was in charge of the pious mess, who number twenty-two bucks, nine squaws and one papoose.... These Indians are to be returned to their reservation near Lewiston, Idaho, there to be set at liberty.