

# LEGACY

**New Perspectives  
on the Battle of  
the Little Bighorn**

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the North-West Territories in Canada passed regulations outlawing pounds and prohibiting the killing of buffalo under two years of age. But it was too late. See Ewers, *The Blackfeet*, 278.

31. On the Sioux advance I rely on Richard White, "The Winning of the West: The Expansion of the Western Sioux in the Eighteenth and Nineteenth Centuries," *Journal of American History*, 65 (September 1978), 319-43. The Blackfeet agent reports are cited in Dobak, "Driving the Buffalo Out of Canada." The Blackfeet, for one, were not easy to convince that the herds were disappearing. See James Willard Schultz, *Blackfeet and Buffalo: Memories of Life among the Indians*, ed. Keith Seele (Norman: University of Oklahoma Press, 1962), 41. However, their agent wrote in 1877 that "They admit the time approaches fast when buffalo will disappear, but until then the excitement of the chase . . ." Cited in Ewers, *The Blackfeet*, p. 281.

32. Raymond Hames, "Game Conservation or Efficient Hunting," 92-120, and Robert Brightman, "Conservation and Resource Depletion: The Case of the Boreal Forest Algonquians," 121-41, both in *The Question of the Commons: The Culture and Ecology of Communal Resources*, ed. Bonnie McKay and James Acheson (Tucson: University of Arizona Press, 1987).

33. Foster, "The Metis and the End of the Plains Buffalo in Alberta," 73.

34. Ewers argues that a prairie fire pushed the Canadian herd into Montana, and it never returned. Ewers, *The Blackfeet*, 279. Estimates on the last herd on the plains and the 1881 Blackfeet hunt are discussed in Rudolph Koucky, "The Buffalo Disaster of 1882," *North Dakota History*, 50 (Winter 1983), 23-30. In 1874 G. C. Doan had estimated the northern herd at 4 million.

35. See Daniel Botkin, *Discordant Harmonies: A New Ecology for the Twenty-First Century* (New York: Oxford University Press, 1990); Donald Worster, *The Wealth of Nature: Environmental History and the Ecological Imagination* (New York: Oxford University Press, 1993), 152, 165, 169.

## Indian Policy and the Battle of the Little Bighorn

Alvin M. Josephy, Jr.

Amid the accelerated interest in westward expansion that followed the Civil War, the editor of the *Army and Navy Journal* in New York City was moved to contemplate the status of the government's policy in dealing with the still unconquered western Indian tribes. To say the least, he found the situation messy and confusing—certainly not reassuring to those who hoped that, like the end of slavery, the long conflict with Indians would also become a thing of the past. "We go to [the Indians] Janus-faced," the disheartened editor wrote. "One of our hands holds the rifle and the other the peace-pipe, and we blaze away with both instruments at the same time. The chief consequences is a great smoke—and there it ends."<sup>1</sup>

If anything, this was not only an understatement of a situation that would continue to produce grave conflicts and tragedies, but the reflection of a continuation of a legacy that doomed Indians, as well as whites, to policies—or a lack of them—that inexorably and inevitably led to the tragedies. At the heart of Indian-white relations since the earliest colonial days lay the most simple of facts—often unrecognized or unacknowledged by whites, but always recognized by the Indians: the whites wanted the Indians' lands and resources, and most Indians did not want to give them up.



In addition, the Eurocentrism, or white convictions of superiority, that stemmed back to the days of Columbus, laid down from the beginnings of what is now the United States three unspoken, but understood, options for the previously free Indian nations and their peoples: first, they could abandon everything that constituted their Indianness and turn into whites, accepted as whites by the white population; second, if they refused to adopt that option, they would have to move far away from the whites, out of sight and out of mind, giving up their land and resources and becoming in no way a physical or cultural threat to the whites; and, third, if they refused to become whites or move away from them, they would have to be exterminated.

Such basic underpinnings of Indian-white relationships—with the various exceptions that have made them rules—have often been overlooked or deemed contentious generalizations unworthy of consideration by many persons who have preceded me in viewing the subject matter of this paper. But they were the heritage of those who struggled with Indian policies that led to the Little Bighorn, and they must be kept in mind as engines—still existing in the nineteenth century—that drove the contestants to the Little Bighorn.

Among the various Sioux nations, the four tribes of the Eastern, or Santee, Sioux of Minnesota were the first to experience the adverse impacts of a mixed bag of government policies, better described as independent government actions, including formal treaties, payments, and promises of education and various types of services—all usually designed, twisted, or administered to serve immediate goals of white men, rather than the needs and desires of the Indians. Throughout the 1850s and into the 1860s, colluding local politicians, Indian agents, traders, and settlers, often with the connivance of administration and congressional cronies in Washington, penned the Sioux tribes in Minnesota on smaller and smaller reservations, cheating them and stealing their treaty payments and supplies almost at will, while missionaries worked tirelessly to turn the Indians into whites. Finally, brought to the brink of starvation, told by an arrogant trader that if they were hungry, they should eat grass, and humiliated otherwise beyond endurance, the desperate Santees rose up in August 1862 and slew

more than 350 whites before punitive armies overwhelmed them.

At first, 307 Indians and halfbreeds were sentenced to be hanged. But Episcopal Bishop Henry B. Whipple, one of the few tolerant whites in Minnesota, who blamed the sins of the traders and politicians as much as the Indians for what had happened, managed to visit President Abraham Lincoln in Washington, D.C., and describe to him the causes of the outbreak and the evils of the reigning government system of dealing with Indians that had permitted the victimization of the Sioux. Lincoln, who was busy trying to save the Union, gave little thought to Indians or to an Indian policy. Nevertheless, he reported that Bishop Whipple “talked with me about the rascality of this Indian business until I felt it down to my boots,” and, according to Whipple, he promised that “if we get through this war, and I live, this Indian system shall be reformed.”<sup>2</sup> Following Whipple’s visit, Lincoln personally reviewed the charges against the Indians scheduled to be hanged in Minnesota and, despite the anger of citizens and the military in that state, trimmed the list of condemned men down to 38.

Meanwhile, many of the defeated Santees had fled from Minnesota, seeking safety among the more westerly bands of Yankton, Yanktonai, and Lakota Sioux, who hunted buffalo on the Dakota prairies and the central and northern plains. Directed by General John Pope, military expeditions in 1863 and 1864 pursued the refugees into the western lands, attacking innocent bands of Lakotas and other Sioux who had had nothing to do with the Santee uprising. Pope believed strongly that the way to deal with Indians was to stop the long-established policy of making treaties with them and paying them to keep the peace (which, he maintained, made them targets of swindling, trouble-making traders and other whites), and to transfer control over them from the corrupt Office of Indian Affairs in the Department of the Interior to the War Department, whose no-nonsense power could make them sue for peace and go on reservations where the army could hasten their assimilation. Ironically, however, Pope’s expeditions of 1863 and 1864, far from proving to be a showcase of the military’s effectiveness in ending the Indians’ power, only spread hostilities with the Sioux farther west, invading the hunting grounds of some of the most powerful of their nations and starting a period



of aggression against them that would reach its climax at the Little Bighorn.

As the Civil War came to a close, other high officers in the military, including Generals William Tecumseh Sherman and Philip Sheridan, shared some or all of Pope's notions of how to deal with the Sioux and other still-unconquered western tribes. Sherman and Sheridan, both believers in total war that would speed the defeat and surrender of an enemy, ardently supported getting relations with so-called hostile Indians out of the hands of civilians and under the control of the army. Various factors, however, frustrated them.

First of all, the military's conduct of relations with western Indians during the Civil War produced a number of scandals that had shocked much of the nation and brought on congressional and other investigations that undermined support for turning the Indians over to army control. Most notable were revelations of the savagery accompanying the massacre of Cheyenne and Arapaho Indians at Sand Creek, Colorado Territory, in 1864, and recognition of the true causes of the Minnesota Sioux uprising of 1862 and various events surrounding it. But critical newspaper accounts and other inquiries and complaints of General Patrick E. Connor's massacre of Shoshone Indians at Bear River in Idaho Territory, General James Carleton's brutal roundup and exiling of the Navajo Indians in the Southwest, army participation in genocidal warfare against Indians in Nevada and northern California, and numerous smaller episodes all to a greater or lesser degree hobbled the case for army control of the tribes.

In the second place, dating from before the Civil War, but now emerging with great strength and influence, particularly in the East, was a "peace" movement of humanitarians, philanthropists, churchmen, lecturers, and others, who advocated reforming the Indian Bureau, eradicating the injustices and abuses which drove the tribes to hostilities, and ending Indian wars by "conquering the Indians with kindness," rather than with force. Fed in part by a crusading humanitarian spirit that had helped free the slaves and in part by an abhorrence of continued warfare now that the Civil War was over, the peace movement agreed with military leaders like Sherman that the civilian control of Indian affairs was

hopelessly corrupt and responsible for most of the problems afflicting the tribes. But to the peace movement—which also like the army carried on the old legacy of confronting Indians with the three options of assimilation, segregation, or death—the answer was reform to achieve an honest and just civilian control with the goal of turning the Indians into whites, and not the transfer of the Indians to the mailed-fist control of the army, which more likely would lead only to hostility and wars.

Despite an aversion to tinkering with a boodle-producing Indian system in which many members of Congress and their friends had vested interests, the angry reaction of the peace forces to the Sand Creek massacre and other military excesses against Indians moved Congress on March 3, 1865, to authorize a joint special committee of the House and Senate, headed by Senator James R. Doolittle of Wisconsin, to conduct a field study of the condition of the western tribes "and especially into the manner in which they are treated by the civil and military authorities of the United States."<sup>3</sup> After travels through the West, accumulating a mass of information about the tribes, the committee submitted its findings on January 26, 1867. The report noted a rapid decline in the Indians' population resulting from a variety of causes, including wars started by white men's aggressions, and recommended a number of proposals designed to cope with the pervasive corruption of the current system. Congress, however, was preoccupied with a Reconstruction bill for the South and with its own growing controversy with President Andrew Johnson, and little came of the report's recommendations save a restirring of the conscience of the reform-minded peace proponents.

Meanwhile, the Janus, or contradictory, nature of the government's dealing with the western tribes, noted by the editor of the *Army and Navy Journal*, had become painfully clear. In 1865, while government commissioners, offering peace to the Indians, met with the Sioux and other tribes, attempting to win their approval to settle down in lasting peace on reservations, General Pope and other military leaders in the West prepared large, new expeditions to drive the same tribes onto the reservations by force. The peace commissioners managed to abort some of the campaigns, and those that got underway floundered ineffectually against bands



of Lakotas in their Powder River hunting country of present-day Wyoming. Eventually, these expeditions' unsuccessful efforts were deemed too expensive and were also called off.

Still, the simultaneous and competing carrot-and-stick approach went on. Opposition, as well as support, came to both sides from many sources, from hordes of frontier homesteaders, politicians, newspaper editors, speculators, and builders of new towns in the West, and from powerful financial circles in the eastern cities and their allies in Congress who were involved, honestly or dishonestly, in western money-making schemes. The latter were unrestrained and rampant, ranging from the grandiose building of a transcontinental railroad and other rail and wagon roads to the dispensation of lucrative Indian Service jobs, supply contracts, and grants and leases of reservation and other lands and resources for timber, mineral, and other exploitation. Most in the West wanted army control to clear the Indians out of the way and safeguard the building of the railroad and other developments. Many people in the East supported civilian rule, not necessarily because they were crusaders for peace, but because of their belief that it would be more difficult for them to manipulate the army and continue their own illegalities and swindles.

Among the Sioux and other affected tribes, the two-faced approach bore the marks of forked-tongued lying, deceit, and treachery. In 1866, the confusion came to a head when the government decided to fortify and protect the Bozeman Trail, a shortcut route pioneered by John M. Bozeman and another white man that ran from the Oregon Trail directly through the Powder River country of Wyoming, the most favored hunting grounds of some of the Lakotas and Northern Cheyennes and Arapahos, to the newly discovered gold mines of western Montana. Both the army and the peace advocates, employing different approaches to attain the same end—getting the Indians away from the trail, even though it was still their own country, and onto reservations—went simultaneously at the Indians. Relying on force, the army dispatched Colonel Henry B. Carrington and a battalion of seven hundred officers and men of the Eighteenth Infantry to Fort Laramie with orders to establish a chain of forts along the trail in the Indians' Powder River country. At the same time, a government

"peace" commission, journeying separately, reached Fort Laramie ahead of Carrington. Sitting down with Red Cloud (p. 31) and other Lakota chiefs, the commissioners hoped to persuade the Indians with gifts and other inducements to allow white travelers to use the Bozeman Trail without interference. To the Sioux, the subject—and the payments the whites promised them—was worthy of consideration, and after a postponement to allow more Indians to reach Fort Laramie, the conference was reconvened. In the peaceful atmosphere generated by the commissioners, things went smoothly until suddenly Colonel Carrington and his troops, on their way to assert control over the Powder River country, marched into the fort. The Sioux were furious at the white men's duplicity.

"Great Father sends us presents and wants new road," Red Cloud exclaimed. "But white chief goes with soldiers to steal road before Indian says yes or no!"<sup>4</sup> Breaking up the conference with the peace commissioners, Red Cloud and most of the other Lakota chiefs left the fort, vowing to drive Carrington's men from the Powder River country.

The Indians made good their vow. Although Carrington established three forts along the Bozeman road, besieging Sioux warriors made it unsafe for troops to leave the posts. As a result, without the army's protection, few travelers or freight wagons dared use the trail. On December 21, 1866, catastrophe struck Carrington when Sioux decoys ambushed and wiped out a unit of eighty-one of his men under Captain William J. Fetterman, who had ventured recklessly out of Fort Phil Kearny. The disaster, which shocked the country, played into the hands of the peace advocates, some of whom found themselves appointed, along with military officers, to a presidential commission to investigate the Fetterman affair. On July 1, 1867, the commission reported that, in its opinion, most of the western Indians would welcome peace, and it recommended an end to aggressive campaigns against them. The army thought differently, however, and in the same year, trying to allay the fears of settlers who were overrunning the buffalo-hunting grounds of the central plains, it launched unprovoked and bumbling attacks on Cheyenne villages in western Kansas.

At the same time, in response to the growing strength of the



peace advocates and the report of the committee that had investigated the Fetterman affair, Congress on July 20, 1867, authorized a formal peace commission to meet with aggrieved "hostile" tribes, including those fighting to retain the Powder River country, to make treaties that would end the Indians' "just causes of complaint."<sup>5</sup> In addition, the commission was directed to secure the safety of the transcontinental railroad route and select permanent reservations on which the Indians would be forced to settle. Chaired by Commissioner of Indian Affairs Nathaniel G. Taylor, the commission was composed of four noted peace advocates and four army officers, including General Sherman, who as commander of the Division of the Missouri was in charge of military affairs in the West.

Twice in the fall of 1867, the commission tried to meet with Red Cloud, but that chief and those allied with him in the fighting in the Powder River country refused to sit down with the whites until the government dismantled the forts and the troops left the Indians' country. The commissioners managed to persuade the Brulé leader, Spotted Tail, and a number of lesser Sioux chiefs, whose bands had no interest in the Powder River country and hunted elsewhere, to make their marks on treaties. Then they went on to deal with other tribes.

On January 7, 1868, the commission submitted its report, which smacked strongly of the influence of the "peace" members, including Commissioner Taylor. It blamed most of the troubles with the western tribes on whites but, supporting western settlement and the development and use of the West's natural resources, recommended hastening the assimilation of the Indians by getting them on reservations under the influence of educators and Christian missionaries and abolishing immediately the payment to the Indians of all money annuities, which made them susceptible to victimization by corrupt whites and caused many of the resentments and conflicts. At the same time, it recommended that the Indians remain under civilian control.

Although all the members of the commission signed the report, much of it, especially the endorsement of civilian control, did not sit well with Sherman and the other military members. "We did not favor the conclusion arrived at," Sherman later wrote to a



*In 1866 Oglala leader Red Cloud demanded closure of the Bozeman Trail and abandonment of the military forts that violated Sioux territory on the Great Sioux Reservation. (Montana Historical Society Photograph Archives)*

senator, "but being out-voted, we had to sign the report."<sup>6</sup>

Meanwhile, with the westward advance of the railroad providing safer and shorter routes to the Montana mines from rail points farther west, the government—beset by an economy-minded Congress, a need for troops to police the South, and a growing demand in the East for an end to wars with Indians—was deciding that trying to hold onto the Bozeman Trail was no longer worth the trouble and expense. On March 2, 1868, amid the confusion in Washington over impeachment of President Johnson, General of the Army U. S. Grant wrote Sherman: "I think it will be well to



prepare at once for the abandonment of the posts Phil Kearney [sic], Reno, and Fetterman [he meant Fort C. F. Smith] and to make all the capital with the Indians that can be made out of the change. . . . We will have, hereafter, to rely upon inspections by competent officers to govern us in our disposition of troops and dealings with the Indians. . . . I am where a President, a Secretary of War, a Secretary of the Interior and Superintendent of Indian Affairs can all be approached by politicians in the interests of traders and speculators. I will try to embarrass you as little as possible by their suggestions."<sup>7</sup> Sherman was in no hurry to carry out the evacuation of the Bozeman Trail forts, but the die was cast. Runners were sent to Red Cloud and his allies with word of the government's decision, and Taylor invited the chiefs again to meet with the peace commission at Fort Laramie to sign a peace treaty. Red Cloud, however, refused to come until the troops actually left the forts. In July and August 1868 the troops finally did so, and Red Cloud, proud of having forced the army out of his people's hunting grounds, at last came in to Fort Laramie and signed a treaty of peace.

The treaty was a highly legalistic and confusing document, laced with ambiguous and contradictory provisions, and showing the strong hand and strategic and tactical thinking of Sherman, who, far from Washington and the peace advocates, would be in charge of the practicalities of the treaty's administration and enforcement. It is unlikely that an interpreter could have conveyed the meaning of much of the treaty's substance to Red Cloud, or that the chief or any other Indian comprehended all to which they were agreeing. Red Cloud later insisted that he was told lies about what was in the document and that all he thought it conveyed was the government's promise to get out of the Powder River country and leave its Indian owners in peace.

Whatever the Indians did or did not know about it, the treaty, in fact, established all of present-day South Dakota west of the Missouri River as a reservation, on which the commission intended to confine all the western Sioux, peaceably or by force, making them report to an agency at Fort Randall on the Missouri River at the reservation's southeastern tip, far from their buffalo ranges. Secondly, in a confusing and expedient arrangement, which the

government, but not the Indians, viewed as temporary, the land north of the North Platte River and east of the Bighorn Mountains, including the Powder River hunting grounds so vigorously defended by Red Cloud's forces and now not included in the reservation, was designated unceded Indian territory barred to white entry without the permission of the Indians.<sup>8</sup> And, finally, other clauses contradicted these provisions, opening ways for scores of trespasses on the Indians' country, as well as for the removal of the Indians from the valley of the Platte River and all other lands, including the unceded territory, outside of the reservation.

Following the signing of the treaty with Red Cloud, Sherman moved determinedly to increase the military's control over the Indians. Congress gave him authority to disburse the funds voted for carrying out the treaties, and he created separate military districts for the Sioux and for the southern Plains tribes and directed their commanders to act as agents for Indians who had not yet gone onto reservations. In October 1868 the peace commission met again. This time Sherman and the military members had the upper hand, voting to use force, if necessary, to drive the Indians onto reservations; to cease observing Supreme Court Justice John Marshall's definition of tribes as "domestic dependent nations," dealt with as equals by treaties; and, reversing their previous stand, to recommend the transfer of the control of Indian affairs to the War Department. A month later, Custer's attack on Black Kettle's sleeping village of Southern Cheyennes on the Washita River highlighted a campaign to drive the tribes of the central and southern plains onto reservations. Farther north, the Sioux who had not gone onto their new reservation, but still hunted, according to their treaty rights, in the Powder River country or in other parts of their unceded lands, also experienced Sherman's sternness. On June 29, 1869, ignoring the treaty made at Fort Laramie with Red Cloud only a few months before, General Sheridan, at Sherman's direction, announced that Sioux who were found outside the borders of their reservation—for example, hunting in their unceded territory—were "under the original and exclusive jurisdiction of the military [not the civilian] authority, and as a rule will be considered hostile."<sup>9</sup> Congress played no role in this decision. In a way, on the western frontier, the military representatives of the



War Department of the executive branch of the government had embarked on a course of setting Indian policy unilaterally, even to the extent of breaking a solemn treaty, the highest law in the land.

Meanwhile, in the East, the peace movement had continued to gain strength from each report of a new campaign or battle against Indians. In New York, Philadelphia, and other cities, private humanitarian organizations like the self-styled United States Indian Commission enlisted the support of wealthy, religious-minded business and professional leaders in a growing crusade to reform the Indian Service and bring peace and justice to the Indians.

In the weeks before his inauguration in 1869, President-elect Grant met with groups of Quakers who pleaded for a new Indian policy based on peace and Christian morals and urged the use of religious employees by the Indian Service as a means of ending its flagrant corruption. The Quakers found Grant surprisingly sympathetic, anxious to end the Indian wars and, like Sherman, sharing their disgust with corrupt, trouble-making traders and agents. Telling one of their groups that their advice was good and he would accept it, he asked them to submit names of Quakers and he would appoint them as Indian agents. "Let us have peace," he told them.<sup>10</sup>

The Quakers and Grant both followed through, inaugurating a unique era in Indian affairs. At first, Grant, ignoring implications of the government's abdicating its responsibilities or violating the Constitutional principle of the separation of church and state, appointed Quaker nominees to run the entire affairs of certain superintendencies and reservations. On other reservations, he appointed army officers, thinking that they, like the Quakers, had the morals and integrity necessary to cope with corruption and restore faith in the Indian Service. Eventually, however, congressional and civilian members of the Indian Ring of grafters saw patronage and sources of boodle slipping away, and in 1870 Congress forbade army officers to accept civil appointments. Grant refused to let the grafters have their way. At the suggestion of the reformers, he turned all the reservations over to church administration, allotting the agencies to the various major denominations. The scheme had mixed results. Not all the men the churches sent to the reservations were any better or more honest

than their nonreligious predecessors. Some were misfits, ill-equipped for the job. Others were fanatical in their religious beliefs and became tyrannical over the Indians. Some churches quarreled jealously over the number and importance of the reservations allotted to them, and others proved unable or unwilling to fund the persons they sent to the reservations and withdrew from the program. But though there were both good men and bad and successes as well as failures, the policy as a whole was unable to cope with the continued systemic corruption that permeated Indian affairs. The churches themselves gradually lost interest, the Indian Ring scandal involving Secretary of War William Belknap in 1876 was disillusioning, and Congress continued attempts to regain the right of patronage and spoils. All worked to undermine support for the policy, which finally during the Hayes administration died without a whimper and was replaced by one more satisfactory to the politicians and vested interests.

In the meantime, a second device of reform—the establishment of a Board of Indian Commissioners, composed of prominent, public-spirited peace advocates who served without pay and were given great powers by Congress to investigate, advise, and oversee the government's conduct of Indian affairs—became associated in the public's mind, along with the church rule on the reservations, as constituting the major elements of what was known as Grant's peace policy. For five years, the first board worked with great dedication to try to solve almost every problem in Indian affairs—inspecting records of purchases and payments, exposing incidents of graft and corruption, meeting with Indians to hear and try to end their grievances and injustices, studying and making recommendations on treaty making, the payment of annuities, and the respective roles of the military and civilian officials in dealing with Indians, and providing proposals and plans for "civilizing" and assimilating the tribes.

The board—which Grant had proposed and Congress on April 10, 1869, had authorized—was a force for improvement and moral leadership and made many recommendations for reforms that were later adopted. It was often harried, however, and was opposed by powerful members of the Indian Ring and by officials of the Department of the Interior who resented having to be accountable



to, and share their authority over Indians with, the "watchdog" civilian board. In 1871, the board clashed with Ely Parker, a Seneca Indian and Grant's Commissioner of Indian Affairs, questioning some of his dealings in the procurement of Indian supplies. Parker was absolved but resigned in anger. Later, in turn, the secretary of the board was forced to resign when his investigations on the conduct of Indian affairs in the Southwest incurred the wrath of the secretary of the interior. Finally, in 1874, when the secretary of the interior ignored its recommendation that Indian affairs be transferred from his department to a new, independent Indian office, the entire board resigned and was replaced by one composed of less critical members.

In its initial report in 1869, the Board of Indian Commissioners had recommended unanimously the abolishment of the treaty system, an impediment—as the peace-minded reformers viewed it—to the much-desired destruction of tribal organizations and the assimilation of Indians as "wards of the government." On March 3, 1871, a conflict between the House and the Senate over the lack of House participation in the treaty-making process finally resulted in the implementation of the board's recommendation and brought an end to the making of further treaties with the tribes, although the legislation recognized the continued legality of all existing Indian treaties.

In the meantime, on the frontier, after numerous difficulties, the military had cajoled or coerced many of the western Sioux, including Red Cloud, to settle on the Dakota reservation and had built agencies for them. Other bands, however, including the Oglalas of Chief Crazy Horse, Sitting Bull's Hunkpapas, and allied groups of Northern Cheyennes and Arapahos, refused to come onto the reservation and continued to hunt buffalo in the unceded territory. Following Sherman's edict, which violated their treaty right to be in the unceded territory, they were called hostiles by the whites. Such distinctions made no difference to many of the reservation Sioux, who frequently left the agencies to join the hostiles on hunts and then returned to the reservations in the cold season to live on government rations.

The nation would not have supported a determined campaign to round up the hostiles, and for a while, relative peace reigned on

the northern plains. At the same time, a buildup of pressure from gold prospectors and others to open up the unceded lands was accompanied by numerous trespasses into the territory, none of which particularly bothered whites, in or out of government. After all, whether the Indians understood it or not, under the treaty the unceded lands would eventually have to be denied to the Indians. Meanwhile enough loopholes had been written into the treaty to rebuff protests by Indians or eastern peace advocates against most of the trespassing.

In summer 1871, a more serious trespass began, when surveyors for the Northern Pacific Railroad, accompanied by army escorts, entered the unceded territory to explore a right-of-way along the Yellowstone River that would slice through the hunting grounds of Sitting Bull's Hunkpapas and other northern off-reservation Sioux. In the following summer, angry Sioux bands, knowing that the railroad would also bring settlers into the country, tried to force the surveyors and their military escorts to leave. An attempt by the Board of Indian Commissioners to gain Sitting Bull's consent to the railroad, which the development-minded commissioners supported, failed, and in 1873, a greatly enlarged military force, including Custer's Seventh Cavalry, appeared on the Yellowstone to protect the surveyors. After two sharp engagements between Custer and the Indians, the sudden financial panic of 1873 brought an abrupt halt to construction of the railroad, and the surveyors withdrew.

In the meantime, the growing need to get the off-reservation bands under control and onto the reservation concerned General Philip Sheridan, who had become commander of the Military Division of the Missouri. In the fall of 1873, Sheridan received permission from Grant and the War Department to build a fort in the Black Hills, from which he could better cope with the hostile bands. This was serious, for it was not a trespass of the unceded lands, but an invasion of the most sacred part of the permanent Sioux reservation, in blatant disregard of the 1868 treaty. In addition, when Sheridan ordered Custer on a reconnaissance into the Black Hills in the summer of 1874, Custer turned it into a prospecting tour that announced to the world the discovery of gold. The resulting gold rush and overrunning of the Black Hills



by whites, which the army could not stem, presented Grant with a problem. Westerners would condemn him if he tried to protect the Indians against the invasion of their reservation by enforcing their legal treaty rights, and peace advocates, the courts, and the Board of Indian Commissioners would condemn him if he failed to do so.

After first trying unsuccessfully to browbeat a delegation of Sioux chiefs visiting Washington in May 1875 into ceding the Black Hills part of their reservation to the government, and perhaps moving their people to the Indian Territory, Grant sent a special commission west in September 1875 to negotiate with the Sioux for the sale of both the Black Hills and the unceded territory. Representatives of Sioux bands, both on and off the reservation, met in tense sessions with the commissioners, but refused to sell their lands. The frustrated commissioners returned east and reported that the government would be unable to settle the Black Hills issue until the Sioux had been taught a lesson. Somewhat desperately, Grant chose the only option that seemed open to him: to force all the Sioux bands onto the reservation and keep them under control. In November, the Indian Bureau ordered all the off-reservation hunting bands to come into the Sioux agencies by the following January 31 or be driven in by troops. Behind the order lay Grant's hope that once the bands were brought under control and cowed, they could be induced to give up the Black Hills, the Bighorn Mountains, and the Powder River country. That is, give up these areas on the government's terms—which is what the ensuing history tells us is what happened.

From the Indians' point of view, it can now be seen that in the long run, it really did not matter so much who was in control of Indian policy—the military or peace-advocating civilians. Both shared the same ends; only methods and procedures differed. Both were inheritors of the same legacy and offered the Indians the same three choices: become whites; stay on reservations, isolated from the rest of us, until you can be assimilated; or resist both choices and die. The Little Bighorn was meant to be the policy's third choice.

## Notes

1. Robert G. Athearn, *William Tecumseh Sherman and the Settlement of the West* (Norman: University of Oklahoma Press, 1956), 219.
2. David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Columbia: University of Missouri Press, 1978), 141.
3. Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (abridged ed.; Lincoln: University of Nebraska Press, 1986), 154.
4. Frances C. Carrington, *Army Life on the Plains* (Philadelphia: J. B. Lippincott, 1910), 46-47.
5. Francis Paul Prucha, ed., *Documents of United States Indian Policy* (Lincoln: University of Nebraska Press, 1975), 105-6.
6. Francis Paul Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900* (Norman: University of Oklahoma Press, 1976), 22.
7. James C. Olson, *Red Cloud and the Sioux Problem* (Lincoln: University of Nebraska Press, 1975), 71-72.
8. Prucha, ed., *Documents of United States Indian Policy*, 114.
9. John S. Gray, *Centennial Campaign: The Sioux War of 1876* (Fort Collins, Colo.: Old Army Press, 1976), 15.
10. Prucha, *American Indian Policy in Crisis*, 48.