

REPORT

OF THE

JOINT COMMITTEE

APPOINTED

TO CONSIDER THE EXPEDIENCY OF TRANSFERRING THE
INDIAN BUREAU TO THE WAR DEPARTMENT.

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Mr. VAN VORHES, from the Joint Committee to consider the expediency of transferring the Indian Bureau to the War Department, submitted the following

R E P O R T :

At the second session of this Congress a section (No. 14) was inserted in the act making appropriations to defray the expenses of the Army for the fiscal year ending June 30, 1879, providing for the appointment of a Joint Committee of the two houses of Congress, whose duty it should be to take into consideration the expediency of transferring the Indian Bureau to the War Department. The fourteenth section of said appropriation bill is as follows :

SECTION 14. That three Senators, to be appointed by the President of the Senate, and five Representatives, to be appointed by the Speaker of the House, are hereby constituted a joint committee, who shall take into consideration the expediency of transferring the Indian Bureau to the War Department. Said committee shall be authorized to send for persons and papers, to employ a clerk and stenographer, and to sit during the recess of Congress. It shall be the duty of said committee to make a final report to Congress on or before the 1st day of January, 1879. And the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of said committee, to be expended under the direction of the chairman thereof.

THE COMMITTEE.

Under this authority of law the President of the Senate appointed Senators Alvin Saunders, of Nebraska; Richard J. Oglesby, of Illinois; and Thos. C. McCreery, of Kentucky, members of the committee on the part of the Senate. The Speaker of the House of Representatives appointed Hon. A. M. Scales, of North Carolina; Hon. A. R. Boone, of Kentucky; Hon. Chas. E. Hooker, of Mississippi; Hon. J. H. Stewart, of Minnesota; and Hon. N. H. Van Vorhes, of Ohio, members of the committee on the part of the House of Representatives.

The power given to this Joint Committee is simply to "*take into consideration the expediency of transferring the Indian Bureau to the War Department.*" Your committee, therefore, to fully inform themselves as to this expediency, visited various sections of the country and heard voluminous testimony on both sides of the question.

Your committee organized on the 20th of June, 1878, with Senator Alvin Saunders as chairman and Charles L. Flanagan clerk. From the 22d of June until the 25th of September a recess was taken. In the mean time every avenue of information was searched for data on the subject to be considered. Letters of inquiry were addressed to the Secretaries of War and Interior, to which replies were received containing exhaustive statements and figures.

THE WAR DEPARTMENT CONTROL TO 1849.

From the earliest period in our colonial history until the present time, the question of the reclamation and civilization of the native population within our limits has attracted the attention and efforts of the humane

and benevolent, and, in one form and another, these have labored to rescue the Indian from barbarism and surround him with such aids and helps as to induce him to accept the comforts which the civilized man enjoys.

During our colonial existence each colony acted independently of its neighboring colonies in its dealings with the Indians within its own limits, and hence there was diversity and conflict, since most of the tribes, in their wandering life, were not confined to a location within the limits of a single colony.

Negotiations grew out of emergencies as they arose, the chief object of the colonists being to compose existing difficulties, and to obtain possession of the lands of the Indians for the immediate occupation of the settlers. In all these transactions there was no uniform rule of action, or any definite plan for the amelioration of the condition of the savage. The result was that conflicts were ever-recurring and never-ending.

With the adoption of the Constitution of the United States, indeed preceding that event, and while under the Confederation, the General Government took charge of Indian affairs, and from that period to the present the custody and the reclamation and civilization of the Indian race has been one of the duties of the national authorities. The government has manifested an earnest desire to wean the Indian from a wandering life, and to give to him, in its stead, the arts of civilization, and the comforts of a settled home. While professing a desire to civilize and settle this hapless people, the policy of removing them from their homes, whenever the demands of the white settlers who wished to occupy more territory, or the schemes of speculators whose influence frequently wrought the extinguishment of the Indian title were urged, has been persistently pursued, and thus the Indian has been kept in a wandering state, and led to look upon the white race as unjust and indifferent to his condition, and his fate.

In 1775, the Continental Congress created three departments of Indian affairs, the Northern, Middle, and Southern, and assigned a board of commissioners to the charge of each of these departments. The purpose of this action had, however, no reference to the amelioration of the condition of the Indians, but to preserve, if possible, friendly relations, and prevent them from taking part in the struggle then inevitable between the colonies and the mother country.

In 1785 Congress adopted an "ordinance for the regulation of Indian affairs" in pursuance of the ninth of the articles of Confederation and perpetual union. By this ordinance the country was divided into two districts, the northern and the southern; a superintendent was created for each district. All official transactions between these and the Indians were to be "held, transacted, and done at the outposts occupied by the troops of the United States"; and "in all cases where transactions with any nation of Indians shall become necessary to the purpose of this ordinance, which cannot be done without interfering with the legislative rights of a State, the superintendent within whose district the same shall happen shall act in conjunction with the authority of such State."

In 1787 Congress authorized several of the States to appoint commissioners who, in conjunction with the superintendents of Indian affairs, were authorized to make treaties. The superintendents were required to correspond regularly in relation to their official transactions with the Secretary of War, "through whom all communications respecting the Indian department shall be made to Congress," and they were further required "to obey all instructions which they shall, from time to time, receive from the Secretary of War."

As treaties were made for cessions of land and limited annuities became due and payable to the Indians, the War Department became, through its agents—the officers of the Army—the disbursers of the funds and gifts due to the Indians. There were exceptional cases in which civilians discharged this duty; but these were also under the direction and supervision of the Secretary of War.

On the 3d of February, 1826, the Hon. James Barbour, then Secretary of War—and after a trial of nearly forty years of the management of our Indian relations by the department over which he then presided—in an official letter to the chairman of the Indian Committee of the House of Representatives, sent forth a wail of lamentation and sorrow because of the condition of the native population at that time. In this communication the Secretary said :

The suggestions of policy or necessity should no longer stifle the claims of justice and humanity. It is now, therefore, that the most solemn question addresses itself to the American people, and whose answer is full of responsibility. Shall we go on quietly in a course which, judging from the past, threatens their extinction, while their past sufferings and future prospects so pathetically appeal to our compassion? The responsibility to which I refer is what a nation owes to itself, to its future character in all time to come; for, next to the means of self-defense and the blessings of free government stands, in point of importance, the character of a nation. Its distinguishing characteristic should be justice and moderation. To spare the weak is its brightest ornament. * * * It is the province of history to commit to its pages the transactions of nations. Posterity looks to this depository with the most intense interest. The fame of their ancestors, the most precious inheritance, is to them equally a source of pride and a motive of continued good action. *But she performs her province with impartiality.* The authority she exercises in the absence of others is a check on bad rule. The tyrant and the oppressor see in the character of their prototypes the sentence posterity is preparing for them. Which side of the picture shall we elect? For the decision is left to ourselves. Shall the record transmit the present race to future generations as standing by, insensible to the progress of the desolation which threatens the remnant of this people; or shall these unfriendly characters give place to a generous effort which shall have been made to save them from destruction? While deliberating on this solemn question, I would appeal to that High Providence, whose delight is justice and mercy, and take counsel from the records of His will, revealed to man in His terrible denunciation against the oppressor.

At this period of time, the question of the removal of all the Indian tribes then residing east of the Mississippi to a new and "permanent" home to be provided for them west of that stream was being discussed vigorously. Although this measure was presented as a means of ameliorating the condition of the Indians, the earnest discussion of it at that time was precipitated by the demand of the State of Georgia that the Cherokee Indians be removed to without the limits of that State. Many of the tribes were then in a dejected, dispirited, and demoralized condition, and intemperance was fearfully prevalent among them. Their annuities were of no benefit, but a positive injury to them; since the time of payment was made a season of revelry and debauchery, and in this condition their moneys and goods were obtained by those who, under one pretext and another, got possession of them.

On the 27th of January, 1825, the President sent to the Senate sundry documents in relation to the various tribes of Indians within the United States, and recommended a plan for their colonization west of the Mississippi River, in which he said that "without a timely anticipation of and provision against the dangers to which they are exposed, under causes which it will be difficult if not impossible to control, their degradation and extermination will be inevitable."

The Secretary of War, in the document heretofore referred to, recommended this same measure in 1826, and it occupied the consideration of Congress for several years thereafter. Finally, on the 8th of December, 1829, it was pressed upon Congress in the annual message of the Presi-

dent, and on May 30, 1830, an act was passed "to provide for the exchange of lands with the Indian tribes in any of the States or Territories and for their removal west of the river Mississippi." In a succession of years following the passage of this law, almost all of the Indians residing east of the Mississippi were transplanted to homes west of the States of Missouri and Arkansas. The story of the removal of the tribes is a sad one. The removals were confided to the War Department. There was a fearful loss of human life in the transaction.

In 1832 the office of Commissioner of Indian Affairs was created, and in 1834 an "Act to provide for the organization of the Department of Indian Affairs" was passed. During this same year (1832), and preceding the passage of the law creating the office of Commissioner of Indian Affairs, a committee of Congress examined into the condition of our Indian relations, and made reports that the system was "expensive, inefficient, and irresponsible"; hence the passage of the act of 1834. By the act of 1832, as well as that of 1834, the power was vested in the President to prescribe rules and regulations to govern in the execution of both these laws. On the 8th of November, 1836, this duty was discharged by the President by remitting the subject to the Secretary of War, with directions to "immediately revise the existing regulations, and prescribe a new set as to the mode in which business shall be done by the Commissioner, adapted to the present condition and duties of the office."

The first edition of the revised regulations, known as No. 1, was adopted, and went into operation on the 11th of November, 1836, and provided that the Commissioner of Indian Affairs, in the administration of the duties of his office, which covered all the business connected with, or arising out of, our Indian relations, should, in all things, be subject to the supervision of the President and of the Secretary of War. Additional revised regulations, Nos. 2, 3, 4, and 5, were adopted and promulgated in April, May, and June, 1837. These were quite elaborate, providing for every phase of the question. Among the provisions of regulation No. 3 there was one which assigned three officers of the Army to duty in the Indian Department, each of whom was to be styled the principal military disbursing officer within the district to which he was assigned. As a general rule, all funds required for disbursement in such district were to be turned over to the principal military disbursing officer. Deviations from this rule were allowed, as in the case of the employment of commissioners or special agents. Payments were to be made by these military disbursing officers, the assistant quartermasters, and assistant commissaries of subsistence, at the different military posts, and by military officers on duty in any other branch of the service in the Indian Department, when thereto required. When required to do so, by the disbursing officer, the local agent assembled the Indians at the pay-ground. All annuities were paid to the chiefs of the tribe, or to such persons as the tribe might designate, provided they were of Indian descent, or recognized members of the tribe, and no payment was to be made to any other person except he be a claimant for depredations under the seventeenth section of the "intercourse act" of 1834.

In regulations No. 5 provision is made for the removal of Indian tribes. The military disbursing officers were to pay for the supplies and services rendered necessary in such removal, and for the subsistence of the Indians on their arrival at their new home, assisted by disbursing agents of their own selection and acting under their instructions; and thus, and by these rules and regulations, the Department of Indian Affairs, created by the act of 1834, was reduced to a mere bureau in the War Department, subject to the control of the Secretary of War, and military offi-

cers made the disbursing agents of the same. Thus the system that was in operation previous to the passage of the act of 1832 creating the office of Commissioner of Indian Affairs, and the act of 1834 creating the Indian Department, were by the rules and regulations perpetuated.

Another committee of Congress investigated the matter of Indian management in 1842, and said, in the report made by it, that—

The evidence is submitted as to the general management and condition of Indian affairs. It exhibits an almost total want of method and punctuality, equally unjust to the government and the tribes to whom we have voluntarily assumed obligations which we are not at liberty to disregard. It will be seen that the account of millions of expenditures have been so loosely kept as scarcely to furnish a trace or explanation of large sums, and that others have been misapplied so as to impose serious losses on the Indians and heavy responsibility on the government; that in some books (the only record of these accounts) no entries have been made for a period of several years; and that where entries have been made, the very clerks who kept them could not state an account from them.

Notwithstanding the facts stated in this report, there was no change made in the mode of disbursing Indian annuities. The abuse in this branch of the Indian service grew. The money annuities were frequently paid to parties holding national obligations against the tribe, which consisted of evidences of indebtedness obtained from the chiefs by traders and other enterprising persons, and frequently in such sums as to absorb the whole amount due the tribe, and when payments were made to the Indians, the receipts of the chiefs only were taken, and the money turned over to them to be disposed of as they thought proper. Powers of attorney, obtained through devious ways, were recognized and money paid upon them. These abuses did not only take from the Indians the sums due them, and thereby deprive them of the benefits of the same, and thus reduce them to want, but it made them despondent, and led them to indulge in the use of whisky, with which they were liberally supplied.

On the 3d of March, 1847, with a view to correct these abuses, which had become formidable, Congress, by law of that date, enacted—

That all annuities or other moneys, and all goods stipulated by treaty to be paid or furnished to any Indian tribe, shall, at the discretion of the President, or Secretary of War, instead of being paid over to the chiefs, or such persons as they shall designate, be divided and paid over to heads of families, and other individuals entitled to participate therein; or, with the consent of the tribe, be applied to such purposes as will best promote the happiness and prosperity of the members thereof, under such regulations as shall be prescribed by the Secretary of War, not inconsistent with existing treaty stipulations; and no such annuities, or moneys, or goods shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquors, nor while there are good and sufficient reasons for the officers and agents, whose duty it may be to make such payments or distribution, for believing that there is any species of intoxicating liquors within convenient reach of the Indians; nor until the chiefs and headmen of the tribes shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in the country; and all executory contracts made and entered into by any Indian for the payment of money or goods shall be deemed to be null and void, and of no binding effect whatever.

The provisions of the law, from which the foregoing extract is taken, were all wise and salutary, and were called for by the general disorder that prevailed at the time, and by reason of which the Indians were becoming degraded and decimated. The annuities, instead of being of value, by their use in such a way as to aid in the social and moral improvement of the tribes, were perverted, and became a fruitful source of vice and profligacy. In many cases the chiefs were, by direct bribery, induced to assent to the payment of large and unfounded claims, and thus the provident members of the tribe were robbed of the portion due them, and by such means they were discouraged, and general discontent spread among the whole tribe, and relief was sought in the intoxicating draught. So deep-rooted had these abuses become, growing as they did

apace for more than half a century, without any vigorous attempt on the part of the military disbursing officers to correct them, that traders and other claimants held that to pay the annuities as required by the law of 1847 to the heads of families was an innovation upon past usages, and an invasion of their vested rights.

This detail has been deemed necessary because of a prevalent error that obtains at this time in reference to the management of our Indian relations prior to the transfer of the Indian Bureau from the War to the Interior Department, which took place in 1849. Military officers, from the highest to the lowest, are in the habit of stating that while the bureau was in the War Department, and Army officers were the disbursing agents, all business was conducted fairly and faithfully, and that it is doubtful whether any military officer in the Indian service was ever accused of unfaithful conduct. The Military Committee of the House of Representatives had, in the winter of 1876, the question of the restoration of the Indian Bureau to the Department of War under consideration, and took the testimony of a large number of the officers of the Army. The committee recommended the transfer. Their report is dated the 9th of March, 1876 (No. 354, First session 44th Congress). The committee state that the testimony contains the views of the General, Lieutenant-General, the major-generals, all the brigadier-generals but one, thirty-one colonels, and twenty-nine lieutenant-colonels, all of whom, but two, united in urgently recommending the transfer, as a measure of expediency, wisdom, and economy. The conclusion of the report of the committee is in these words :

Previous to the transfer of the Indian Bureau from the War to the Interior Department in 1849, the disbursements to the Indians were generally made by Army officers under the direction of the commanding officers of the posts, who were acting Indian agents; and as the disbursing officers' commissions, their reputation, and the means of support for themselves and families were at stake, this was sufficient to prevent any attempt at fraud and dishonesty; and the result of this system was what might have been anticipated. It is doubtful if the Army officers were ever accused of defrauding the Indians.

In view of all the evidence adduced, we are of the opinion that the conduct of Indian affairs under civil administration, after a practical working of twenty-seven years, has proved fraudulent, expensive, and unsatisfactory to the Indians, provoking them to hostilities that have cost the government many millions, besides the lives of thousands of citizens and the destruction of their property; whereas the affairs of this bureau of the public service, while under the control of the War Department, were honestly, economically, and firmly administered.

It is admitted that the testimony of the fifty-eight Army officers examined by the committee justified it in reaching the conclusion it did, provided no rebutting testimony was produced. But the facts of history and the legislation enacted to cure the evils and abuses that grew up under the administration of military officers do not justify the statements made by these officers when before the Military Committee, and had they been known to the House Committee on Military Affairs, it is not seen how the conclusion it reached could have been arrived at.

The Secretary of War, in his report of February 3, 1826, said that in the management of Indian affairs "the history of the past presents but little on which the recollection lingers with satisfaction." He said further, "The future is not more cheering unless resort be speedily had to other counsels than those by which we have heretofore been governed."

The admonitions of the Secretary were unheeded, and abuses grew from that time forward, and notwithstanding the reformatory legislation of March 3, 1847, they continued to grow up to the last hour in 1849, in which the War Department had control of the Indian population, and so little had been done toward Indian civilization under the

War Department management that public opinion had acquiesced in the assumption that the Indians were not susceptible of civilization and progress.

THE PROBLEM.

Since October 18, 1539, the day on which De Soto battled with the Indians at Marilla (now Mobile, Ala.), the Indian problem has been a vexed question. To review further the advancement of civilization on the American continent and the consequent decline of the savage is not deemed within the province of your committee. To take the matter as it *now* presents itself, seems to be the more *practicable* way of arriving at a solution.

We find a quarter of a million of aborigines (Alaska Indians excepted) scattered over twelve States and nine Territories, and by far more than one-half of these are semi-civilized, while not more than 50,000 (scattered as they are) can be classed as the genuine savage, more prone to hostility than inclined to peaceful pursuits. It is estimated that if all the fighting Indians of the country could be got together they would not muster more than 15,000; and the idea of their ever concentrating for warlike purposes is simply preposterous, because it is impossible. The Indian wars, on a large scale, are over; and we may reasonably hope that that portion of our national history is in the past.

THE TESTIMONY.

On the 25th of September the committee met in the city of Saint Louis, and during the session there a number of witnesses were examined. A visit was then paid to the Indian Territories, and while there the committee held consultations with the chiefs and headmen of the Five Nations, and also Young Joseph, chief of the Nez Percés; Bogus Charles, of the Modocs; the chiefs of the Shawnees, Peorias, Wyandottes, Senecas, Poncas, and others.

The committee then proceeded to the Northwest. At Omaha the statements of Brig. Gen. George Crook, General Robert Williams, Lieut. J. W. Lee, Maj. A. S. Burt, and others, were received. The Omaha and Winnebago Agencies in Northern Nebraska were visited. The opinions of the chiefs of these tribes and other witnesses were heard. At Salt Lake City, Utah, at Carlin, Nev., and at San Francisco, Cal., a number of persons were examined.

After the return of the committee to Washington numerous sessions were held. Among the witnesses examined were Hon. Carl Schurz, Secretary of the Interior, General Sherman, General Meigs, General Macfeely, Hon. E. A. Hayt, Commissioner of Indian Affairs, Hon. Lot M. Morrill, and many others well informed on the subject.

The testimony and accompanying papers will be found printed in full in the documents subjoined to this report.

A RÉSUMÉ.

Your committee find that the general expressions of the Indians and the civilians, with a few exceptions of the latter, are in opposition to the change of control, while the officers of the Army give many reasons why the transfer should be made, yet invariably express a personal disapproval of the transfer, because, as they allege, it would devolve upon them onerous and thankless duties. A brief *resumé* of the statements

of a few important witnesses shows their preferences as above indicated, as follows:

Brigadier-General Crook states that he thinks "there can be no question but the management of the Indians should be placed under the control of the War Department, and that there is no comparison at all between the advantage that will accrue to that of the present management"; and yet he further says, "I hope the transfer will not be made, because I expect they will want me to take some position or other in it, and I do not want it; I have had enough of the Indians"; "and that," said he, "is the general idea that prevails among the Army officers; we would get no extra compensation, only additional responsibility." If, then, the proposed change is made, and this distasteful duty is forced upon these officers, it is very evident they would not give the subject, in all its details, that careful attention it demands, such as persons from civil life selected with special reference to their willingness and fitness to serve would render.

General Sherman, in expressing his opinion (in his testimony before your committee) in favor of the transfer, says that nearly every officer of the Army shrinks from the amount of labor rendered necessary by the transfer. He seems to think that a number of civilian agents should be retained in service, viz, "that civilian agents be employed for the peaceful tribes, and military agents for the warlike tribes." Your committee cannot see why this could not be done under the present management, and we most certainly agree with him that "the question of transfer should be one of economy and efficiency."

Major-General Meigs in his testimony states that he thinks "the transfer would be well for the Indians, but ill for the Army," thus showing that this renowned officer shrinks, as do the others, from the new duties sought to be imposed. He said that in his opinion \$20,000,000 a year are necessary to feed 250,000 Indians, and that "it is cheaper to feed an Indian than to fight him. His appetite is as good as a soldier's, and if it cost 24 cents for a white man's rations to be carried to him and delivered to him, it will cost 24 cents to pay for it for the Indians."

Major-General Macfeely, Commissary-General of Subsistence, says, "the transfer would be well for the Indians, but would not be of any advantage to the Army, however; and, therefore, I do not desire to see the transfer made."

Capt. J. B. Campbell was of the opinion that the transfer would be a benefit to the Indians, but had grave doubts as to whether it would be beneficial to the Army.

Col. A. V. Kautz, in not desiring the transfer, said "that there is a certain taint connected with the management of the Indians that would not redound to the Army."

Capt. M. T. Miller says:

My opinion about the transfer to the War Department is that the transfer would be beneficial to the Indians and to the detriment of the Army. It will benefit the Indians in that they would get better and more responsible treatment. They will get all their supplies. They respect the Army officer. His word would be almost the same with them as law. On the contrary, the Army would be injured in this way; companies would be deprived of officers who would have to act as agents, and now we do not have as many as we require; and then there are certain temptations to officers acting as agents which would probably redound to their discredit. I have known cases where there have been improper alliances made, especially with squaws, that reflect upon the Army. That is particular. It is particular when it will occur. I have known it to be so. We do not want anything of that kind. Therefore we would rather keep away from the Indians.

Thus, throughout the testimony given by the Army officers, their disapprobation was stated. This leads the committee to seriously consider the question whether, if the transfer was made, the Army would not be much injured thereby, and without any corresponding good result to the Indians.

THE INDIANS AGAINST THE TRANSFER.

The sentiment of the Indians who were visited by the committee (as their testimony will show) was unanimously against the transfer, except in the case of Young Joseph, chief of the Nez Percés, who was found a prisoner in the Indian Territory. He would make no choice, but said, "I think both of them could be set aside," and that "we should have one law to govern us all, and we should all live together." In reference to the sentiment of the Indians on the subject, the Secretary of the Interior transmitted to the committee a statement giving the views and votes of the various tribes, which gives an average vote of 26 to 1 against the transfer, nearly all of the tribes being unanimously opposed to the proposition. (This statement will be found in the annexed printed documents.)

THE TESTIMONY OF THE SECRETARY OF THE INTERIOR.

The Hon. Carl Schurz, Secretary of the Interior, testified at length before the committee. His statement is replete with interesting information. He gave in detail an account of the reform and improvements in the administration of Indian affairs under the present management. During the progress of his testimony he said:

It is, perhaps, proper for me, as the head of the department of which the Indian Bureau forms at present a part, to say that, in the opinions which I have formed and the statements which I have to make, the desire or ambition to keep the supervision of Indian affairs in my hands has no part whatever, for, as you are probably all aware, there is no duty more burdensome, more perplexing, and more thankless than the management of Indian affairs. Whenever things go well, nobody takes any notice of it; but whenever anything goes wrong, it is charged to the account of the department, with severe censure, and sometimes with vituperation. So, if a man has any ambition to distinguish himself, he ought not to seek this line of duty. If I were convinced that the transfer of the Indian service to the War Department would be for the good of the Indians, or would serve the best interests of the government, I should be the first man to advocate it.

Likewise I desire emphatically to disclaim any unkind feeling toward the Army, in which I have a great many friends.

For the gentlemen at the head of military affairs I entertain the most respectful and cordial feelings. There is probably not in any branch of the government a gentleman with whom it is pleasanter to have social or official intercourse than General Sherman. We are friends to-day, as we have ever been.

I might say, since I have been charged with my present duties as the head of the Interior Department, I have given careful attention to Indian affairs, more perhaps than to any other branch of the service under my supervision. The opinions, therefore, which I formed were formed with great care.

I am firmly convinced that the Indian service should be controlled by the civil administration; that it is best for the Indians; that it is best for the government, and that of all branches of the public service the military is the one to which the control of the Indians should not go. I think that the demand for the transfer of the Indian service to the military administration is based upon assumptions and upon reasons which in the greater part, at least, are not founded on fact.

There are two methods of Indian management. One is to herd or corral the Indians under the eyes of a military force, so as to watch them; the other is to set them to work upon lands which, in the course of time, they may call their own; to start them in pastoral or agricultural pursuits, and educate and civilize them. In the nature of things, the first would be the military method, for the simple reason that it is their usual business to prevent or repress trouble and mischief by a show or the application of force. The second is the line of policy which the civil administration has been endeavoring to carry out. I think it is evident that this latter policy—setting

the Indians to work, educating, and civilizing them—is not only the most humane (and surely they are entitled to humane treatment), but that, in the long run, it is also serving the interests of peace best.

As long as the Indians remain wild, roaming tribes, going from one place to another, and coming in unfriendly contact with the whites, we shall always be liable to have trouble. When they have settled down to work and have private property to take care of, they will become conservative and peaceable. The more usefully occupied and educated they become, the less potent will be their warlike instincts and propensities. Hence the civilizing policy is undoubtedly the one which will prove most conducive to peace.

It is also the most economical in the long run. The sooner they become able to provide for their self-support the more the government will be relieved of its burden. We frequently hear doubts expressed as to the possibility of setting Indians to work. It certainly appears at first sight very difficult. That the Indian is originally disinclined to work is conceded. But when we look at some of the tribes in the Indian Territory and some other tribes elsewhere, we see many of them working, perhaps not as efficiently as the whites, but yet they do something toward their own sustenance, and some of them positively are self-supporting. What these Indians have accomplished others can accomplish. If the Indians cannot be raised to the degree of civilization of the whites, they are at least capable of rising to a higher level than they occupy now, and it is our bounden duty to raise them up to it.

We can set them to work as farmers or herders; we have been trying the experiment at various agencies of using them as teamsters, to haul their own supplies, by which, in the first place, in the course of time money will be earned by them and saved to the government; and, in the second place, it imbues them with a sense of responsibility for their own provisions, which they convey to their camps and settlements. It seems to me that for the work of civilizing them and setting them to work, for educating them, for gradually raising them up in the industries and moral habits of civilized life, the military branch of the government is not the fittest instrument.

The testimony of Hon. E. A. Hayt is very comprehensive, while the statement of citizens, Indian agents, inspectors, members of the Board of Peace Commissioners, traders, merchants, and others make instructive reading.

THE INDIAN TERRITORIES.

While in the Indian Territory, your committee were enabled to attend an agricultural and mechanical fair held by the five nations at Muskogee, and had opportunities to converse with the governor and leading men of the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles, as also of the leading men of other tribes who are now permanently located in the Territory. In no case did any of these men express any desire to be placed under the management of the War Department. The five nations are without an agent at this time. There are, however, eight agents of the Indian Bureau in the Territory, having charge of the twenty-nine other tribes who are not included with the five nations. We saw no indications among any of these people of a desire to change. There were 20,000 people present. It was a temperate and reputable gathering. Their exposition building presented to the visitor the handiwork of the women and children of the various tribes. The mechanical department was very creditable. The arts and sciences, of course, had little or no attention. The display of cereals, vegetables, and fruits was excellent; while the stock exhibit was equal, if not superior, to many county fairs in the States.

There are 73,715 men, women, and children in the Indian Territory, 56,715 of whom are comprised in the five nations. They seem to be progressing rapidly toward civilization; and while constant improvement in their condition is desirable, yet to place them under military rule does not seem to your committee as the proper method to attain the end.

The total number of Indians in this country are now reported at about 252,000. This includes only those who are directly under the management of the Indian Bureau. It will be seen that nearly one-third of the

whole number are now permanently in the Indian Territory, and their views and sentiments ought to have some weight in reference to a question of such vital interest to them.

THE CHRISTIAN VIEW.

The Christian world are watching with intense interest the results of the humane treatment of our Indians under the present peace policy, while all the religious denominations in this country are absolutely opposed to the proposed change of management. Are we not to hope that these denominations comprise at least a large majority of the citizens of the United States? Their opinions and behests deserve and should receive respectful consideration. "What are we going to do with the Indian?" is the every-day question. "Exterminate him," say the thoughtless. "Civilize, christianize, and put him to work," exclaim the larger number. In these last sentiments your committee heartily join, with the opinion that it is the bounden duty of the government to teach the Indian that labor, morality, and honesty are the three chief tenets of civilization; and also to show him that there is something better to live for than the war-dance, the tawdry war-paint, and the murderous tomahawk.

THE INDIAN CAN BE CIVILIZED—THE SCHOOL ATTENDANCE.

That the Indian has rapidly advanced in civilization whenever he has had a fair chance is shown by actual facts and figures. Out of the 252,000 we find that over 16,000 are attending school. Say that there are 50,000 children, this shows that about one-third of them are now attending school. Should not the blanket, the scalping-knife, and the war-whoop be as novel and repulsive to these children as to the children of the whites? The force of educational training promises to insure this result. When blanket Indians enter the Indian Territory, they soon learn to doff their unsightly gear and don more civilizing habiliments. To be respected or honored they must do this, and the force of example is a great incentive to an Indian. If this is the case with the men and women, it will prevail with the children at school. We may reasonably hope that it soon can be asserted, with the example now before them, that we may soon learn of a much larger percentage in attendance than that which is now reported.

EXAMPLES OF PROGRESS.

That the Indian can be Anglo-Saxonized is proven beyond all cavil in the case of the Winnebagoes and Omahas, who reside on reservations in the State of Nebraska. They live in comfortable houses, have good barns, cultivate their land, and raise as good wheat, corn, and potatoes as are produced through the labor of the white man. They have churches and schools, and no more orderly community can be found than on these two reservations. They are petitioning to become citizens; a question of such vital importance in their case that it must soon be solved. Is it necessary to place these people under military management? We think not.

The Rev. James H. Wilbur gave the committee an exhaustive and interesting review of the advancement of the Yakimas towards civilization. There are ten tribes composing this agency. They reside in Washington Territory. They were wild and savage in 1866. In thir-

teen years they have become to a considerable extent civilized and christianized. They number about 5,000; have houses, farms, workshops, and schools. They are industrious, self-supporting, and law-abiding. Although Joseph with his Nez Percés were at war with our Army just across the Columbia River, yet he received no aid or assistance from these Yokiwas. It would be very humiliating to these people to be placed under military rule, for such they would regard it, if the management of their affairs were transferred to the Army; and so we might say of many other tribes who have become partially or wholly civilized under the more humane treatment received in the past few years.

THE TRIBAL RELATIONS.

If the tribal relations had not always been observed, and if the aborigines had not been treated as foreigners instead of men "to the manor born," it would have been better. The facts above alluded to show what "might have been." Instead of thousands needlessly slain, there would be with us to-day a race of men and women, in mind and physique, equaled by few, if any, of the races of people who have come to our shores "as to a place of refuge."

SOME OF THE WARLIKE TRIBES SHOULD BE PLACED UNDER MILITARY RULE.

The proposition that 250,000 men, women, and children, out of a possible 50,000,000, must be governed and controlled by the military arm of this great nation seems absurd, and to the European *savant* is a source of much comment and ridicule whenever he alludes to our institutions. That we have among these quarter of a million of Indians some unruly tribes is a lamentable fact, and to this your committee would especially call the attention of Congress. We are of the opinion that, in such special cases, the military should have temporary control, and that the President have power to place such warlike or unruly tribes under military discipline the same as he would a city or State terrorized by mob-law or revolution. If the officers and soldiers of our gallant Army bring order out of chaos and redeem the savage, and make a peaceful and industrious citizen of him, their praises will doubtless be sung by every lover of peace and justice.

It is proposed by your committee to submit a bill embodying these views, and it is to be hoped that Congress will take early action in relation thereto.

UNITED STATES COURT TO BE ESTABLISHED.

Whether the management of the Indians remains where it is or is relegated to the War Department, the general system of reform and improvement should continue, and among the most important things commanding immediate attention is to provide that the civil law of the United States be extended over all Indians who will agree thereto, with a code of laws applicable to them, defining crime, and providing a judiciary, especially in what is known as the Indian Territory. In the opinion of the committee such legislation is imperatively needed, and no time ought to be lost in making the necessary provisions therefor.

THE INDIAN AGENTS.

The Indian agent seems to be the objective point to which all those opposed to the present policy of the government point in scorn and de-

rision. They assert that "Indian agent" is synonymous with "fraud and corruption." The committee made diligent inquiry into the present system of conducting the agencies, and are of the opinion that, as a general rule, the agent is more sinned against than sinning. There are now 74 agents employed, and at every opportunity, as we learn, the department proposes to reduce this number, by consolidation of agencies and the lessening of reservations, where it can be done with justice to the tribes. The work of reform in this branch of the service should continue in good earnest, and the services of the very best men as agents be procured, and a fair and living compensation be allowed, so that the agents may be placed above want and temptation, as well as to compensate them for their estrangement from more congenial walks of life.

The salaries of Indian agents should be more liberal than now. Few men who are both competent and honest can afford to travel thousands of miles to an Indian agency and then serve the government honestly for the pittance of \$1,500 per annum. Men of integrity who are competent to administer the affairs of an Indian agency successfully can, in most cases, earn larger salaries at less sacrifice nearer their homes. The salary should be large enough to employ honorable men of decided executive ability, and to enable them to take their families with them to their agencies and to support them there. The pay ought to be more liberal, and the tenure of office should be secure for a term of years, provided the agent should prove worthy.

The laws providing for the punishment of wrong-doers in this branch of the service ought to be exceedingly severe. The guilty should be punished with an unmistakable earnestness that will convince all others of the firm purpose of the government. We are assured that this policy has been inaugurated, and that already the good results are felt, as the Commissioner of Indian Affairs testifies there has not been a single defalcation under the present administration.

ECONOMY—THE COMPARATIVE EXPENSE, ETC.

While contemplating the feasibility of making the transfer, economy in the expenditure of government moneys is a part of the subject to be well considered, and yet in no way should it supersede the consideration of questions of humanity and the progressive civilization of the Indians. Your committee requested the Secretaries of War and Interior to furnish all the data in their possession in relation to their manner and means of purchasing supplies, one for the Army and the other for the Indians; and also as to the modes and means of testing and inspecting the goods delivered by contractors, and the manner of transporting said goods and supplies, together with the comparative cost thereof. The system of each department, as to the letting of contracts, is also given. These statements and explanations are voluminous, and doubtless cover all the information sought on the subject. They show that both departments have excellent systems of purchasing, inspecting, forwarding, and receiving goods and supplies.

The cost of transporting Indian goods seems to be at a less rate generally than are those of the Army; but in the matter of purchasing there appears little or no difference. Commissioner Hayt, General Meigs, General Macfeely, and General Marcy make exhaustive statements on these subjects in their testimony, and lead the committee to believe that their efforts at economy show a rapid stride toward long-needed reform in this direction. The committee cannot find in the tabular statements

and verbal explanations on this point any good ground for the statement that the War Department is more economical and efficient than the Interior Department in the purchase of supplies and their transportation and inspection. (The statements and comparisons are printed with the annexed documents.)

THE INDIAN POLICE.

The Indian police system has proven very efficient, and the increasing of the number to 800 for the ensuing year meets with our hearty commendation.

General Sherman, the best of authority on the subject, says that the Indian makes a true scout and vigilant policeman or conservator of the peace. The experience of the government shows that this experiment has been a success thus far, and therefore the increase in the force is deemed advisable.

HOW THE INDIANS ARE SCATTERED.

It is interesting to note the wide extent of territory over which the quarter of a million of Indians are scattered. It is as follows: In New York, about 5,000; North Carolina, 2,200; Kansas, 1,000; Michigan, 10,000; Minnesota, 16,287; Nebraska, 5,651; Iowa, 341; California, 8,000; Colorado, 4,100; Nevada, 4,900; Wisconsin, 8,526; Oregon, 6,346; Arizona, 16,751; Idaho, 4,700; Montana, 18,825; New Mexico, 21,607; Wyoming, 1,998; Utah, 1,029; Washington, 9,280; and the Indian Territory about 74,000.

Not one-third of these have any military surveillance at this time, and this number is becoming daily lessened. The idea of placing them all under military government, as they were thirty years ago, is, in our opinion, a retrogressive step, not in keeping with the progress of this enlightened age.

REFORMS IN THE INDIAN BUREAU—COMPARATIVE STATEMENTS.

It is contended that the expense incident to the conduct of the Indian Department is greatly diminished, owing to care and economy in the disbursements. The number of Indians who are continually being added to the self-supporting list also aid in the reduction of the appropriations required. The improvement in the management of the Indian Bureau is marked, as compared with the past. The organization of the Bureau is as follows: A Commissioner, chief clerk, five chiefs of divisions, a stenographer, forty clerks and copyists, ten messengers, and one laborer. The manner in which the business of the Indian Bureau is carried on in these five divisions is given in detail in the accompanying documents to this report, and shows that the system in the department is very efficient, and should be a bar to all outside irregularities. From this statement, showing the methods of conducting business in the Bureau, the following facts are elicited:

Until the fiscal year of 1876 and 1877, each Indian agent had charge of the disbursements of the funds which were appropriated for his agency. At the present time the total disbursements of Indian agents for other purposes than the payments of cash annuities and the salaries of employes do not exceed \$100,000.

Formerly almost all the money expended for the Indian service was spent in payment for open-market purchases. Now almost all expenditures are made by payments through the Treasury Department for goods purchased under contracts made by the Commissioner of Indian Affairs.

Formerly agents were the sole judges of the necessities for making purchases. Now

they must submit their proposals and estimates and give satisfactory reasons to the Commissioner of Indian Affairs, who, if he approves, must ask the Secretary of the Interior for authority to make the purchases.

Formerly there was nothing to prevent contractors putting in straw bids, or withdrawing after a contract had been awarded to them, in order that a bidder at a higher price (oftentimes the same party under another name) might receive the award. Now bidders are obliged to deposit certified checks upon some national depository for five per cent. upon the amount of the contract to be awarded, which checks will be forfeited if, upon the award being made, the party fails to enter into contract.

Formerly contracts were so drawn that those to whom beef and flour contracts were awarded could and did habitually take advantage of the necessities of the Indians to force agents to accept grades inferior to those called for by the contracts. Now these contracts are so drawn that if a contractor fails to carry out his agreement in good faith he is subjected to a heavy loss.

Formerly agents hired as many employés as they saw fit and paid them such salaries as they chose. Now all employés must be approved by the Secretary of the Interior, and legal limits are fixed to the amounts which may be expended for agency employés.

Formerly agents' accounts ran on for years without settlement. Now their accounts are settled quarterly.

Formerly funds were remitted quarterly to agents, even though their accounts might not have been sent in for two or three years. Now remittances to agents are not made, and the salaries of their employés cannot be paid until their accounts for the preceding quarter have been received in the Indian Office.

Formerly the unexpended balances of funds which remained in the hands of agents at the end of a fiscal year were carried over by them to succeeding years until their retirement from the service. Now balances are covered into the Treasury at the end of each fiscal year.

Formerly agents expended government property in such manner as they thought best. Now sufficient reasons must be given for the disposal of any government property, and authority must be obtained from the Secretary of the Interior before any expenditure can be made.

Formerly supplies issued to Indians by Indian agents were receipted for by the chiefs. Now each head of a family and each individual Indian who is of age must receipt for himself.

Formerly when annuity moneys were paid to Indian tribes in fulfillment of treaty stipulations a large percentage of the whole sum was divided (or supposed to be) among a few prominent chiefs. Now each individual Indian, including chiefs, receives his *per capita* share.

Formerly flour was accepted at an Indian agency without any inspection. Now it is inspected before shipment and again upon its arrival at the agency.

Formerly when beef-cattle were delivered at agencies, two or three head were selected by the contractor's herder and the agent, and by their weights an estimate was made of the weight of the whole herd. Now the agent must render a certified weigher's return for all animals received.

Formerly Indian traders were permitted to charge whatever prices they might elect to put upon their goods. Now their prices are controlled by the Indian Office.

Formerly a trader might charge an Indian two or three times the price charged a white man for the same kinds of goods. Now traders are forbidden to make any distinction in prices, under pain of the forfeiture of their licenses.

Formerly the Indians were imposed upon through a system of brass checks, tokens, and store-tickets. Now traders are forbidden to use anything but money.

Formerly contracts were made with Indians for collecting claims against the government, by which attorneys took from one-half to two-thirds of the sums which were collected. Now all contracts made with Indians must be approved by the Commissioner of Indian Affairs and the Secretary of the Interior before attorneys can have any standing in the Indian Office; and if contracts are approved, attorneys are obliged to show what services they have rendered before any payments can be made.

THE RESERVATIONS—THEY SHOULD BE LESSENERD.

There are at present 143 reservations, comprising 150,326,915 acres of land. Your committee are of opinion that there are too many reservations, and that the number should be rapidly lessened. The smaller bands of Indians, who decline to take land in severalty and also refuse to become citizens, should be moved on the large reservations. In this connection your committee would suggest that the present large reservations in the northern part of Dakota, bordering on the Canada line, ought to be set apart by the government as a permanent reservation

for all those northern tribes whose smaller reservations will be abolished under this system of consolidation. The northern tribes should not be moved south, nor those of the southern portion of our country to the northern reservations. Humanity dictates this course, for it appears that attempts at acclimating those from the north in the southern reservations has proved a failure. These 143 reservations are scattered over twelve States and nine Territories. A number of them are in the midst of civilization, and the lands therein should be taken by the tribes occupying them in severalty. We find that the modes by which these 143 reservations have been created and their boundaries defined are as follows:

First. By treaties, conventions, and agreements with various tribes.

Second. By acts of Congress.

Third. By Executive orders.

Fourth. By order of the Secretary of the Interior.

The Indian should have his land allotted, and the permanent title thereto given, with the precaution provided that he is not despoiled of his rights; and in addition to this, a law should be enacted which will virtually prevent the Indians from selling or disposing of their lands and houses to sharp and designing persons for not less than twenty-five years. On this subject the peace commission of 1868, in their report, very forcibly argue as follows:

If the lands of the white man are taken, civilization justifies him in resisting the invader. Civilization does more than this, it brands him as a coward and a slave if he submits to the wrong. Here civilization made its contract and guaranteed the rights of the weaker party. It did not stand by the guarantee. The treaty was broken, but not by the savage. If the savage resists, civilization, with the ten commandments in one hand and the sword in the other, demands his immediate extermination. We do not contest the ever-ready argument that civilization must not be arrested in its progress by a handful of savages. We earnestly desire the speedy settlement of all our Territories. None are more anxious than we to see their agricultural and mineral wealth developed by an industrious, thrifty, and enlightened population. And we fully recognize the fact that the Indian must not stand in the way of this result. We would only be understood as doubting the purity and genuineness of that civilization which reaches its ends by falsehood and violence, and dispenses blessings that spring from violated rights.

The same commission (among the members of which were Generals Sherman, Harney, Terry, and Augur) very pertinently says:

If it be said that the savages are unreasonable, we answer, that if civilized they might be reasonable. At least they would not be dependent on the buffalo and elk; they would no longer want a country exclusively for game, and the presence of the white man would become desirable. If it be said that because they are savages they should be exterminated, we answer that, aside from the humanity of the suggestion, it will prove exceedingly difficult, and if money considerations are permitted to weigh, it costs less to civilize than to kill. * * * But one thing, then, remains to be done with honor to the nation, and that is to select a district or districts of country, as indicated by Congress, on which all the tribes east of the Rocky Mountains may be gathered. For each district let a territorial government be established with powers adapted to the ends designed. The governor should be a man of unquestioned integrity and purity of character; he should be paid such salary as to place him above temptation; such police or military force should be authorized as would enable him to command respect and keep the peace; agriculture and manufactures should be introduced among them as rapidly as possible; schools should be established which children should be required to attend; their barbarous dialects should be blotted out and the English language substituted. Congress may from time to time establish courts and other institutions of government suited to the condition of the people. At first it may be a strong military government; let it be so if thought proper, and let offenders be tried by military law until civil courts would answer a better purpose. Let farmers and mechanics, millers and engineers be employed and sent among them for purposes of instruction; then let us invite our benevolent societies and missionary associations to this field of philanthropy nearer home.

The object of greatest solicitude should be to break down the prejudices of tribe among the Indians; to blot out the boundary lines which divide them into distinct

nations, and fuse them into one homogeneous mass. Uniformity of language will do this; nothing else will. As this work advances each head of a family should be encouraged to select and improve a homestead. Let the women be taught to weave, to sew, and to knit. Let polygamy be punished. Encourage the building of dwellings, and the gathering there of those comforts which endear the home.

THE INDIANS UNDER A DISTINCT DEPARTMENT.

It has been frequently urged, by many of those who have given the Indian problem much attention and long study, that the entire government of the Indians ought to be placed under a separate and distinct department, the chief of which should be a member of the Cabinet. Your committee coincide with such views, and deem that this branch of our government is of such importance that its chief officer ought to be in a position to have direct communication with the President. If he be a member of the Cabinet, he can at all times gain access to the President, and advise and counsel with our Chief Magistrate as to the welfare of the Indians. In times of peace, neither the War nor Navy Department have so much complicated business as comes under the Indian Bureau.

Your committee, however, do not urge immediate legislation on this subject, but do wish to call the attention of Congress to its importance, with the hope that in the near future some change may be made that will give the prominence to this great and grave national question that its importance demands. We think it is a leading, prominent feature in the great interest and welfare of the country, and that it should be given a rank in the executive branch that is commensurate with its importance. This is due alike to the Indian and the white man.

SUMMARY OF OPINIONS AND RECOMMENDATIONS.

Your committee have carefully considered all the data, testimony, and arguments submitted to them, and have made much personal inquiry. They found warm advocates on both sides of the question, to all of whom a patient hearing was given.

Your committee think that the President should be empowered, in the case of actual or threatened hostilities, to place the tribe or tribes that may be hostile or unmanageable, immediately under the control of the military, and to remain so until permanent peace is assured. We think that the Sioux might be placed under such control at once, and thus avoid war, which is being continually threatened by these Indians.

Your committee are of the opinion that the reservations should be decreased, and that as rapidly as possible the small tribes or parts of tribes be placed on the large reservations, unless they take land in severalty, do away with their tribal relations, and prepare for citizenship.

We are of opinion that the Indian Bureau should be a distinct department, with the chief a member of the President's Cabinet. This will aid much in the solution of future complications in Indian affairs.

The Indian should be protected in his rights to his land, and a safeguard ought to be thrown around him so as to prevent designing persons from filching his homestead or induce him to sell it for a trifling compensation. He should not have the right to sell his land, without consent of the department, under twenty-one years.

Your committee can discover no one reason why the proposed change should be made. They believe that harm rather than good to the red

man would result from the change, and that no possible advantage could result to the government from it.

Your committee are therefore of the opinion (pursuant to the extended reasons given above on all the points involved) that it is not expedient to transfer the Indian Bureau to the War Department.

Respectfully submitted.

ALVIN SAUNDERS,
RICH'D J. OGLESBY,
On the part of the Senate.

J. H. STEWART,
N. H. VAN VORHES,
On the part of the House of Representatives.

AN ACT to authorize the President temporarily to transfer the custody, control, and management of certain Indian tribes from the Interior to the War Department, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be authorized, and he hereby is authorized, to transfer the custody, control, and management of any of the Indian tribes from the Interior to the War Department temporarily, whenever in his judgment he shall deem it advisable so to do, either on account of actual or apprehended hostilities on the part of the Indians against the United States, or in case of difficulties between such Indians and settlers.

SECTION 2. The President is hereby authorized to detail any officers of the Army to act as Indian agents or inspectors, or in any other capacity, in the Indian service as in his judgment he may deem advisable, such officers to exercise the same powers and be subject to the same rules and regulations as are now provided by law for officers in the Indian service, and when so detailed, such officers shall be entitled to traveling expenses.

SECTION 3. To pay the traveling expenses of officers of the Army while serving on detail, as above provided, there is hereby appropriated, for the fiscal year commencing July 1, 1879, and ending June 30, 1880, the sum of fifteen thousand dollars.

SECTION 4. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.