

LETTER
OF
THOMAS FOSTER, OF MINNESOTA,

IN RELATION TO

The proper management and civilization of the Indian tribes.

JANUARY 21, 1873.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives of the United States :

The undersigned having had, during a twenty-four years' residence in Minnesota and on the Indian frontier, a large and varied official and other experience in reference to the proper management of the Indian race; and having been a student of their history, philology, ethnology, and archæology, and, to some considerable extent, a writer thereon; and happening here at a time when the general public and Congress have had their attention directed to Indian matters, deemed it not intrusive to contribute of his special knowledge on the subject to assist to a proper solution of the most difficult problem of our interior government. Under this view he hastily prepared and had printed for private circulation, anonymously, a few copies of the subjoined "hints," embodied in a dialogue or interlocutory form; and inasmuch as he has reason to believe that the President, and Senators and Representatives, and others who have given the "hints" a reading, were favorably impressed with them, he has felt encouraged to take the present step of communicating the paper to Congress, trusting that it will be referred to the consideration of an appropriate committee and printed for general perusal.

HINTS BY DR. THOMAS FOSTER, OF MINNESOTA, AS TO THE TRUE METHOD OF MANAGING AND CIVILIZING THE INDIAN RACE OF THE UNITED STATES.

Question. What system or policy would you, with your knowledge of Indians and experience in Indian affairs, advise to be pursued in the conduct of the Indian Bureau of the Government?

Answer. I have no hesitation in giving in my adhesion to the *policy* already adopted, and now being pursued, or attempted to be pursued, by the present National Administration, which policy I understand to be, to control the Indians, yet preserve them from extermination; to treat with them for their lands on the basis of equity, yet not suffer a few hunters to preserve thousands of square miles for deer or buffalo

parks, when God has appointed it to be tilled by millions; to aid the Christian denominations in civilizing them, affording them special opportunities for doing so, alike by judicious appropriations for the Indians, material welfare, and by well-considered Laws, from time to time to protect them *from each other*.

Question. What do you consider the main difficulties or obstacles to the civilization of the Indians apart from those incident to their ignorant and barbarous training?

Answer. The grand trouble in doing anything reformatory or elevating for the Indian Race, is the Community-of-Goods principle which controls their civil and social polity, so to speak. While they have all the passions of selfishness in their natural and barbarous forms, that civilized selfishness which recognizes the distinctions of *meum* and *tuum*—of mine and thine—is unorganized and to a great degree inoperative amongst them. The industrious and the lazy are on a common footing—the former has no advantages over the latter—indeed, is at a disadvantage—for, while his being a worker depreciates his influence and position in the tribe, the fruits of his industry, he will be expected to distribute amongst the idlers or suffer their odium, and it may be from their damaging assaults. LAW is the greatest boon that could be conferred on the Indian race—the Law that protects the good and punishes the evil; Law that stimulates industry and defends its proceeds inviolate in the hands that have accumulated it; Law that no longer leaves to the tribe or the injured, or his relatives, capricious retribution upon the criminal; but that inflicts an adequate deterring penalty, *certainly* and with all the impressive majesty of regular and unimpassioned forms. Until there are such Laws enforced amongst them, the progress of the Indian from the barbarous hunter state into that of civilized and regularly rewarded industry will be slow, if not altogether impracticable—at best, our utmost effort will eliminate but isolated cases of improvement, achieved under much difficulty, and maintained only by constant and wearisome vigilance.

Question. Don't you think there is a *wild nature* in the Indian which is irrepressible, and which under *all* circumstances *will* crop out, and render him of little account as a civilized man—making him but an inferior forever in the human scale; in other words, that he is as incapable of being tamed as the wild buffalo or bison?

Answer. By no means. Any such theory is entirely untenable. In my residence amongst them in their villages, with a view to their improvement and not for trade or profit, I have studied their nature and character pretty closely. They are of all dispositions and temperaments—just as whites display differences and aptitudes. Some are *inclined* to be better than others; there are grades of the good and the bad. Some are industrious in their way, and would be in ours, if they had the *chance*. Some are thoughtful; some passionate; some calm; some ingenious; some dull and stupid. You can find in an Indian tribe all the varied marks of humanity; all the various dispositions of humanity; all capacities for improvement that white humanity displays. Were the experiment tried of taking all the children of a tribe away from their parents early in life, and training them up in a New England village, they would evince all the varied characteristics of the Yankee race: in a lesser degree probably—for I hold that cultivation improves a race; that successive educated generations build upon the higher and higher platforms of their fathers; that the brain grows; that the faculties most cultivated expand within certain limits; in fine, that Education from generation to generation elevates a Race, as con-

stant Degradation and Ignorance for generations depresses and brutifies a Race.

Question. You say LAW is the greatest boon we can give to the Indian race. Have you determined what forms of Law? Have you fixed with any precision upon the Indian Code?

Answer. Certainly not. I have some glimmering, and but glimmering, ideas of what *some* of them should consist of. But in the Indian country, and out of the Indian country, are many men of intelligence and experience who could be summoned by circulars, issued by the Indian Bureau, to give their opinions on the subject—to suggest provisions to meet the various exigencies of police and of protection demanded by the peculiar status of the Race: for their protection from each other; for the proper control of their present savage adults; and for the education and civilization of their children. These Circulars should be framed carefully from the data of experience, so as to obtain answers to the point. When received, they should be filed, collated, and compared with each other, and the wisest selected for use and adoption. It is not to be doubted that such a Legislature of Correspondents would make the most valuable suggestions, and furnish the basis, and even the details, of Laws suited to the Indian Race, in a manner far superior to any other mode of procedure.

Question. Would you impose the same Code, invariably, on every tribe alike?

Answer. That would require consideration. It might be that some tribes, more advanced or less civilized, being in a richer or a poorer country, might require, at first, variations in their style of being ruled.

Question. It is all very well to talk of giving the Indians LAWS; but how would you ENFORCE your Laws?

Answer. That very question is one that should be submitted to his correspondents by the Commissioner of Indian Affairs. Whoever occupies that position should endeavor to direct inquiry on this head partly in a certain line of suggestion or thought. Doubtless it is the greatest obstacle in doing anything substantial for the Race—the immense difficulty in the way of *enforcing* Laws amongst them. When I was in the Winnebago Nation as Superintendent of the Treaty Manual-Labor Schools, we gave each child that attended school *rations* of provisions for every day they attended. The system worked admirably so far as obtaining a pretty regular and full attendance of the children, and in mere “a-b-c” learning much progress was made, and in acquiring, besides, the English language. But it all amounted to but little in permanent good; for the home influences, in the wigwam or cabin, neutralized the education received. The parents, in their ignorance, saw no use in encouraging their children in their school pursuits beyond urging their attendance merely to obtain the food given them; and they did not hesitate, on the slightest pretexts, especially when game was plenty, to keep them away. In addition to this, the male Indians, especially the “Soldiers,” trained in savagery to value nothing but war or the chase, discountenanced the schools by ridicule, (a most potent weapon with the Indians, to which they are very sensitive,) and occasionally by force and blows to the children. So it was in regard to male scholars who might be learning to follow other civilized avocations of life; ridicule and violence, and robbery were the opposing forces, rendering all civilizing efforts through *work* completely nugatory. In reflecting upon the difficulties thus presented in civilizing the Indians, I was led to the opinion that the *Laws* for their government must, in great part, be suggested or adopted and enforced *by the Indians themselves*, under a proper

guidance and tutelage. In pursuing inquiries in this branch of the subject, I would direct attention to the expediency of constituting, in every band or sub-band, a sort of Select and Common Council, as the Law-Making Power, with the U. S. Indian Agent to act as a sort of Governor; the first body to be composed of the Chiefs and Elders, the last of the Braves, or of that which is now known in every tribe as the "Soldiers' Lodge." This lodge is the ruling power in each tribe or sub-tribe; Chiefs are but figure-heads, or the mouth-pieces of this "Lodge," and they seldom dare do otherwise than as the "Soldiers" direct. From this Lodge, it may be mentioned, emanates their well-known tyrannous *police*, regulating the chase and the conduct of war. I repeat, it is emphatically *the Power* in the tribe. In ruling any people it is statesmanship to take them as they are, and not as we would have them; avail ourselves of their existing habits, prejudices, or institutions to control them wisely *in the present*, and for their greatest good under all the circumstances; and yet not omit to lay the foundations for a higher improvement and for better things for them, intellectually and physically, *in the future*. Now, in this very Soldiers' Lodge I think I see the possibility of organizing the means for enforcing the Indian Code—the Laws which, under the direction of the Indian Bureau, may be suggested to the two Councils by their Agent, to be by them voluntarily adopted, under proper persuasion or inducements; or the Laws which may be suggested by themselves and concurred in by the Agent. It must be readily perceived that the Indians will be much more apt to enforce laws *which they themselves pass or agree to*, than measures, however good, in which neither their will nor their prejudices have been consulted. Then suppose it was arranged that the Soldiers' Lodge should appoint (changing them at intervals) about half a dozen of Braves to act as a tribal or band *Police*, to be under the direction of the Agent, he having the privilege of appointing another half dozen independently, the two to act together; and then suppose these were paid by the Agent, and that they had, in addition, certain perquisites, say so many rations a month in proportion to the number of children in regular attendance on the schools or on the school-farms, with fees conceded them for every marauder or interferer with other people's avocation or property they arrested or brought to punishment—do you not see that an adequate Police for the enforcement of Law will have been instituted; one which, though it may work imperfectly at first, must grow in efficiency and importance? Suppose we add to this System of Civilization and Law rewards and prizes for intellectual and physical culture, such as we see adopted amongst civilized man, and yet another element of success in ruling and improving the Race will have been adopted. I repeat, the civilization of the Indians *by means of Law and the enforcement of Law*, must come, measurably, *from within themselves*. They, or the Soldiers' Lodge, must be made *personally interested* in the success of the system.

Question. What do you think of Indian Traders, and the propriety of permitting them to remain as at present amongst them?

Answer. Indian Traders are like the Indians, good and bad; but their constant temptation is to be bad, and to take advantage of their customers. Not that I think they can do so to the extent many people seem to think, for the Indian is no fool in a trade; and it is only when he is necessitous, and probably never intends paying, that is, paying as an *individual*, that he ever permits a Trader to impose upon him in the prices or as to the qualities of the goods he buys. I say "individually," and the point is here, that both the Trader and the Indian understand perfectly that some day or other a Land Treaty will be made with the

United States, and then the Trader will expect the Indian to cancel his debt by helping to cause a provision to be inserted in the Treaty to pay the trader a large sum in the lump; and that is exactly the way in which the United States—not the Indians—have been fleeced by the present and past system of licensed Indian Traders; for, until these debt provisions are consented to by the Treaty Commissioners on the part of the United States, it always has been in vain to expect the Indians or their Chiefs to sign a Treaty: the Soldiers' Lodge freely threatening death to any Chief who signs before they gave him the word to do so; which assent would not be given by the Soldiers' Lodge until the Traders were satisfied with the debt-paying provision of the instrument. I have been Secretary of the Treaty Commissions at several Indian Treaty Councils, and know whereof I am speaking. I would therefore—the other reforms I have suggested adopted—abolish entirely the present Licensed Trading System, and in lieu thereof adopt the Sutler System of our military posts, with a Council of Administration, consisting of the U. S. white officials in the tribe and a Committee of the two Indian Councils, to fix prices: guaranteeing the Sutler a fair but not exorbitant profit, with security upon the U. S. annuities due each individual Indian: the whole system to be under proper regulations, and the ultimate determinations of the Inspectors of the Department at their annual or semi-annual visits.

Question. But to carry out your ideas on this subject—your reforms—must not the present theory that the tribes are Independent Nations under our guardianship be abandoned, leaving Congress free to change their locations, (as, for instance, to group them in the Indian Territory, or on Reservations anywhere,) and free to make greater or less appropriations in their behalf to suit their exigencies, regardless of Treaties made long ago with "Roll-off-the-log," to use a Senator's recent apposite figure of speech?

Answer. Not necessarily so—the reforms *might* be managed, to some extent, under the present *statu quo*. But it is nearly time for the Supreme Court of the United States to revise its old and inconsiderate decision, which has inflicted so much trouble and cost upon our nation, and been a chief bar in the way of the practical improvement of the Indian Race. I have thought that the tribes speaking cognate dialects of the same language, and having nearly or remotely the same origin, might be advantageously grouped together in separate counties, (say in the Indian Territory,) or on their Reservations, where *inalienable* homesteads might be granted each *family*, and Government and Law could be instituted over them in some such manner and form as I have glanced at. There are comparatively but few Original Tribes after all; less than a dozen east of the Rocky mountains; though the prevalent opinion is that there have been hundreds of distinct Indian Nations within the precincts of the United States. Indeed, there is no subject upon which the common and even the more cultivated minds of the country err so greatly or so constantly as in their comprehension of Indians, of their nature, their manners and customs, their separate and aggregate histories; even their names, their relationships to each other and to the whites, past and present, are misunderstood, and exaggeration either elevates them into heroes of romance, or unjustly classes them all with devils, assigning them the attributes of fiends incarnate. Even grave Senators and Legislators display a want of knowledge on the subject which, while it amuses, does not surprise me in the least; inasmuch as *reliable* sources of information are either not extant, or if extant, are not in an accessible and convenient form. Unless a man makes Indian

matters and concerns the study of years, the chances are that in attempting to speak or write on the subject, he will blunder egregiously.

Question. You allude probably to the recent debates in Congress, and especially to that touching the "Tetons." What is your understanding on this subject?

Answer. I do allude, in part, to this last-referred-to debate. Several members even disputed the tribal relations of the Tetons with the Sioux Nation; one gave their name as being derived from some certain "Teton Mountains;" another vouched that they were troublesome intruders into the United States, having come from British Columbia as late as 1866! And all this talk was in reference to the greatest of the Seven Council Fires of the Sioux Nation, constituting probably a majority of that nation, the band having a wider-spread hunter and warlike occupancy of lands on the Upper Missouri than are probably so possessed by any tribe of the United States. It is not that accurate official knowledge on the subject is unwritten that these blunders are made; but that such knowledge is not collected in a form that suggests and permits of ready reference to it. In Schoolcraft's too-extended volumes; in the elaborate comparative Indian Philology of Albert Gallatin; in the Collections of the Ethnological Society, better information might have been gained, if members had but known where, and possessed the time, to hunt it up. The printed records of the Indian Department even, (see exhaustive Report of Governor Ramsey, of Minnesota, in 1849, as ex-officio Superintendent of Indian Affairs,) would have shown that the Tetons were the principal sub-band of the Sioux; that their name was derived from the Dakota-Sioux word *tepe*, a lodge, and that they are literally "The People of the Lodges," and by their habits are the nomads of the plains, whose dwellings to this day are their movable buffalo-skin lodges; and that so far from having recently come from British Columbia, they have for two hundred years, by white men's records, occupied or roved through the very country on the Missouri which they now hunt or war through; the most warlike, indomitable, apparently untamable Indians that trouble our borders with their almost unmitigated, but I trust not irretrievable, native savagery.

Question. Have you any suggestion to make to bring about a better understanding of the subject?

Answer. None, except the same that I made years ago in a conversation with Schoolcraft—in 1850, I think, in Washington City—and that was, that the Indian Bureau of the Government, possessing such peculiar facilities for this work, should prepare an Encyclopedia of the Indian Race, in size not exceeding an octavo dictionary, in which should be shown their early history from their own traditions in part, and from our earliest records; their different nomenclatures; their own, that of other Indians for them, and those which the whites have applied to them; their cognate relations with other tribes; their past and present financial and other relations to the Government; their ethnology, archæology, and philology; all in a condensed and most reliable form, in Monographs of each Tribe, to serve as authority, and as a sort of Hand-Book, for the use of Congress and officers of the Government, and for the enlightenment of the public generally; which last, also, needs it greatly, when even such a man as the poet Longfellow, in naming his Hiawatha and locating the scene of his Poem amongst the Ojibway-ugs (or Ochippewais) and the Dakotahs, committed the error of putting in it the "ih," a sound utterly unknown to the languages of those tribes.

Question. Have you any other suggestions to offer touching the solution of this most difficult governmental problem of the day?

Answer. Nothing, except some general remarks. Whatever is done, or to be done, should be on a SYSTEM—one elaborated with great care and singleness of purpose—not a cast-iron plan from the beginning—but with flexibility for consistent changes, as time and experience points out their expediency. I am glad to observe the aroused attention of the country to wipe out the opprobrium of our present System, or the No-System of Indian management, and to bring about a reform of honesty and practical benefits for the Race. While these demonstrations give pleasure, I deplore the *argument* of some, which in its legitimate sequence suggests *extermination* as the best and only possible fate for the Indian. Those who do this seem to classify him with the beasts that perish; yet he is a *man*, with all the rights of humanity, its passions and its capabilities for virtue and for elevation. Our common humanity demands he should be given and invited by judicious aid to take the *chance* to rise; that he should have help and encouragement to become our equal. It is not so many ages ago that the ancestors of the British race navigated only their “coracles” or canoes; dressed in skins; tattooed their flesh like the Picts; and instead of burning their prisoners, sacrificed them on druidical altars of Stonehenge magnitude, in the recesses of their dark oak woods. Looking at the giant stride upward progress has made for them since those dim ages, shall we despair of saving in all civilization and enlightened humanity the red druids of our forests and prairies? Let a man understanding the Indian character, possessing enthusiasm, practical capacity, and honest intent, be placed at the Head of the Indian Bureau. Let him work cordially with the Indian Commission—which should be preserved in its purely benevolent form—not overslaughed by salaried “Big-Indian-me” Inspectorships. Let two or three or four *secret* inspectors be appointed by the President to move alternately in different orbits of observation and supervision over the Indian Agencies, and let them go without sound of trumpet or beat of drum, unexpectedly, into the heart of every Indian tribe, and report the actual condition of the administration of its affairs. Prepare gradually and laboriously a System, some such as that I have indicated, to throw over the Race the mantle of *enforced* Laws. Abolish the Treaty, and the Independent-Domestic-Nation humbugs; merge and capitalize by conventions the finances of the Race into a common pool, for universal benefit; make these Children of Nature truly and altogether the Wards of the American People. Simplify the business of Indian management and administration, so that fewer and better paid white officials will eventually be required, and temptations to dishonesty proportionably removed. Such are, hastily thrown together, the ideas of one who has lived amongst Indians, and whose experience of years weighs the difficulties to success, but believes in the eventual triumph of honest, faithful, and wise efforts for the disenthralment of the Race from barbarism, and its preservation as a monument of enlightened Civilization’s Prowess.

All of which is respectfully submitted.

THOMAS FOSTER,
of Minnesota.