

LETTER
FROM
THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In obedience to a resolution of the Senate of the 30th of January, information in relation to the late massacre of United States troops by Indians at or near Fort Phil. Kearney, in Dakota Territory.

FEBRUARY 5, 1867.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 5, 1867.

SIR: In obedience to a resolution of the Senate of the 30th ultimo, requesting the Secretary of War and the Secretary of the Interior "to furnish to the Senate all official reports, papers, and other facts in possession of their respective departments which may tend to explain the origin, causes, and extent of the late massacre of United States troops by Indians at or near Fort Phil. Kearney, in Dakota Territory," I have the honor herewith to transmit a report of the Commissioner of Indian Affairs, dated the 4th instant, with accompanying papers—twelve in number—containing all the information now in possession of this department on the subject.

Very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

Hon. L. F. S. FOSTER,
President of the Senate.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, February 4, 1867.

SIR: I have received from you the resolutions of the Senate and House of Representatives in relation to the recent outbreak at Fort Phil. Kearney. These resolutions contain three distinct propositions, to each of which a separate answer is necessary. It requires this department to furnish all the information in its possession in relation to the late massacre at Fort Phil. Kearney; secondly, the causes which produced the same; and thirdly, the causes which have led to the present alarming condition of our relations with the Indian tribes of the interior.

In answer to the first question, I will say that we had, prior to the occurrence of this disaster, very reliable information of the temper of the Indians in that section of the country, and although this temper did not amount to a positive feeling of hostility, yet I know from the various sources of information at the command of this bureau that there was a feeling of dissatisfaction growing out

of the treaty of Fort Laramie of last summer. That the tribes occupying the Powder river country had great cause of dissatisfaction with the provisions of this treaty is not singular. From the extracts which I here furnish from the special report of Agent Chandler, (marked No. 1,) it will be easily understood why this dissatisfaction existed. Knowing that this feeling existed among these Indians, it was my intention to recommend the appointment, at an early day, of a commission of good men to visit their country and consult with the leading chiefs and headmen of these tribes and ascertain what their condition really and justly required. It seems to me to be unreasonable to require these people to abandon their hunting grounds, while the chase is their only means of support, until some other means of existence is provided for them. That another means of support can be provided is beyond any doubt. The country is extensive enough to give them a home and at the same time remove them from the highway of the travel of the whites. It is due, however, to the cause of truth to say that, however injudicious the provisions of this treaty are, most of the bands of Sioux Indians occupying that country were determined to abide by it, and I have positive information that these well-disposed Indians have faithfully adhered to this determination. Hence many of the chiefs of different bands, such as Spotted Tail, Swift Bear, One That Walks Under the Ground, and many others, have actually moved to the south side of the Platte, where they are at this time, to keep out of the way of any trouble. They are yet friendly. Another leading chief, by the name of Iron Shell, is, with his band, in the Sand Hills, north of the Platte, and friendly. With proper management, these friendly disposed bands can be used to the best advantage by the government, and I am anxious that nothing should occur to drive them from us. Although these bands are friendly, it is nevertheless but too true that it is more policy than anything else that makes them so. They feel as if they were unjustly treated, and this feeling is universal among them. From all the information I can get—and it is, I think, pretty reliable—none of these chiefs had anything to do with the affair at Fort Phil. Kearney. An order issued by General Cooke, at Omaha, on the 31st day of July last, (herewith sent, marked No. 32,) in relation to arms and ammunition, has had a very bad effect. I am satisfied that such orders are not only unwise, but really cruel, and therefore calculated to produce the very worst effect. Indians are men, and when hungry will, like us, resort to any means to obtain food, and as the chase is their only means of subsistence, if you deprive them of the power of procuring it, you certainly produce great dissatisfaction. If it were true that arms and ammunition could be accumulated by them, to war against us, it certainly would be unwise to give it to them; but this is not the fact. No Indian will buy two guns. One he absolutely needs, and as he has no means of taking care of powder, he necessarily will take, when offered to him, but a very limited quantity. It is true that formerly they hunted with bows and arrows, killing buffalo, antelope, and deer with the same; but to hunt successfully with bow and arrows requires horses, and as the valleys of that country are now more or less filled by white men prospecting for gold and silver, their means of subsisting their horses have passed away, and they now have but few horses. I mention these facts so as to place before the country, as briefly as possible, the condition as well as the wants of the Indians.

I herewith send copies of two letters (marked 3 and 4) and my report on same (marked 4½) from the surgeon at the post of Phil. Kearney, giving an account of the first difficulty on the 6th of December, and of the last one, on the 21st of the same month. Although these letters are written by an officer at the post, with all his sympathies for his comrades, it is very evident, from a careful perusal and a just understanding of them, that these Indians did not come to that fort in any very great force, nor with a view of making war. To say that a wagon train was attacked by three hundred Indians, and yet no one killed, is simply ridiculous. There were, perhaps, some five or six men with this train,

and if three hundred Indians had really attacked them it is not doubted that one or more of them would have been killed. But the report was made of an attack by three hundred Indians; this led to a *sortie* from the fort, and even then, it appears, the Indians did not wish to fight, as they retreated, and no soldier was killed until several Indians had been dispatched by our soldiers. It seems that then some Indians hovered around the fort till the 21st, the day of the fatal disaster. To say that they came to the fort to challenge the force at that point to a fight, is simply absurd. Nevertheless a fight did take place, and the facts are all set forth in the letter marked No. 4, dated 1st of January of this year.

Now, I understand this was the fact: These Indians being in absolute want of guns and ammunition to make their winter hunt, were on a friendly visit to the fort, desiring to communicate with the commanding officer, to get the order refusing them guns and ammunition rescinded, so that they might be enabled to procure their winter supply of buffalo. It has been currently reported that some 3,000 to 5,000 warriors were assembled to invest this fort. This is not, and cannot by any possibility be true, as this would pre-suppose a population of 21,000 to 35,000 Indians in that section of country (being one warrior in seven.) This number of Indians is not there, nor could that number of warriors feed themselves and their horses at this season of the year in that latitude. The whole is an exaggeration; and although I regret the unfortunate death of so many brave soldiers, yet there can be no doubt that it is owing to the foolish and rash management of the officer in command at that post. Nevertheless, there is a band of Sioux Indians in that country, of the Ogallalla tribe, headed by a chief of the name of Red Cloud, that are badly disposed. This is the only band, so far as I am informed, that is hostile as a band; but I have no doubt that around him and under his banner are gathered all the badly disposed Indians of the country. They flock to his standard as individuals, not as tribes, and I think this band with its adherents should be severely chastised by the military. With this view, I have recommended to you the appointment of the commissioners whose names you have presented to the President, to proceed to that country at as early a day as possible, with the view of finding all the facts which have led to the affair, and of separating, if possible, the friendly from the unfriendly tribes. By doing so we would be doing justice to those who are innocent, and also avoid a general Indian war, which, if once started, will extend over the entire country, from the Missouri river to the Rocky mountains, and from the mouth of the Yellowstone to the Mexican line. This war should be avoided, if possible, as it would cost millions of dollars, and last for many years.

I submit to you a letter from the War Department, (No. 5,) enclosing the extract from the report of General Sherman, (No. 6.) Such an order, in my opinion, would lead to the very result it is designed to obviate. I submit to you the copy of my report on this subject of the 23d of January, being document No. 7 herewith sent.

It cannot be doubted that the Indians have many just causes of complaint. The policy heretofore pursued, I think, has been a bad one; and bad as it was, it has not been justly carried out. Homes should be provided for them, and we have territory enough to give them; their annuities should be greatly increased, and goods of a good quality and adapted to their wants should be furnished them, and also at the proper season of the year. It is a notorious fact that very inferior goods have for some years been given to them, and also at a period too late.

In conclusion, permit me to say that I know of but one remedy for all the evils now existing in our Indian relations. It is the appointment of commissioners, without regard to the politics or religion of the persons appointed, to be composed of men of high character, to proceed to all the States and Territories containing an Indian population; one commission, say of five persons, for each

of these States and Territories, to study the Indian question in each one, viz., to ascertain the number of Indians, their present status, and how many can be aggregated on one or two reservations, and to select these reservations, which should be ample, and report to this department next fall. These commissions should take all the time necessary to master the subject, and, if necessary, spend months in mastering it. The Indians should be then made to go on these reservations, and when there, furnished with stocks of cattle and sheep to raise. At first the cattle and sheep would be eaten by them; but it would not be long before they would find out that the milk of the cow, and the wool of the sheep, and the meat of the beef, as well as the hide and tallow, are all very good things; and in place of giving them large quantities of light and useless goods, paints, and beads, give them a reasonable allowance of heavy goods until they can make them themselves, and furnish them with spinning and weaving machines. Near this reservation, but not on it, I would advise the location of a military garrison; not too near, for well-known reasons, but within a distance which would secure to the garrison all power to suppress and control the occupants of the reservation, with a resident agent on the reservation, and in the midst of them. After they are thus localized and made to depend on their own care in raising their flocks of sheep and herds of cattle, I would then introduce the schoolmaster and the missionary, and not before. It is worse than useless to attempt to educate and to christianize a few members of a tribe of barbarians. Elevate the whole tribe together; it is slower, but every step taken is maintained.

I have, perhaps, gone beyond the requirements of the resolution submitted to me; nevertheless, I think the views herein suggested are germane to the subject. The question is of the greatest importance, and well worthy the attention of statesmen.

Since writing the above my attention has been called to one of the city papers of to-day, containing what purports to be the action of the military in relation to the question of furnishing in limited quantities, to friendly Indians, arms and ammunition. I enclose a slip from one of these papers, and if it be true that the military has interfered in the way there stated, it accounts fully for most of our Indian troubles, and this strengthens my previous views, that it is owing to the unwarranted interference of the military that we have the numerous conflicts with these people. How anybody, military or civil, could possibly object to the order given by Special Agents Irwin and Bogy to the trader Butterfield, is indeed surprising. The law authorizes traders to deal in arms and ammunition with tribes at peace, and this is all that these special agents say. Their order is correct according to law and reason, and the military should not be allowed to interfere. In this case, as in all other cases coming under my observation, this interference has been imperious, and unless it is checked it will lead to the most disastrous consequences; nothing less than the destruction of our entire western settlements, including Nebraska, Kansas, Idaho, Montana, Utah, Colorado, New Mexico, Dakota, Nevada, and Arizona, and the entire column of western emigration. This I wish to avoid.

I enclose you copies of the letter of Governor Edmunds of the 26th September last, enclosing report of Agent Hanson of the 15th of the same month, being document No. 8; also copy of letter of Governor Faulk of the 9th January last, enclosing report of the 31st December, being document No. 9.

Permit me to call particular attention to these reports. The reading of them will satisfy any one of the cause of our present difficulties. All can be traced to the order of General Cooke of the 31st of July, forbidding the traders from dealing in arms and ammunition; and if we have any trouble with the Cheyennes and Arapahoes, now or very recently perfectly quiet, all newspaper reports to the contrary notwithstanding, it can be traced to the action of Major Douglass, sustained by his superior officer. The special commissioners who visited

these Indians last fall were discreet and prudent men, and I am satisfied if their action had not been interfered with that no trouble whatever would exist there. As it is I look for an outbreak every day. The newspaper reports daily seen are generally false. One of them yesterday, connecting the name of Mr. Comstock, is known to be one of the meanest and most worthless fellows on the frontier, although reported to be an interpreter, scout, and guide, all of which is false; he is neither one of these things, but a gambler and thief.

I also enclose you extracts from a letter of General Hancock to Agent Leavenworth, as an evidence of the animus actuating these military commanders, being document No. 10.

It is due to me, in final conclusion, to say that I entertain for these different distinguished military officers the very highest regard, and no one would go further to defend and protect them in the discharge of their proper duties, but I honestly believe that in relation to our Indian affairs and the tremendous efforts to get possession of this branch of business they are wrong; and, so believing, I am willing to declare it unhesitatingly.

With great respect, your obedient servant,

LEWIS V. BOGY, *Commissioner.*

Hon. O. H. BROWNING,

Secretary of the Interior.

Extracts from the report of Special Agent E. B. Chandler to Superintendent H. B. Denman.

FORT LARAMIE, January 13, 1867.

SIR: I have the honor to report my arrival at the Upper Platte agency on the 29th ultimo.

I find in the immediate vicinity of Fort Laramie three hundred and twenty Indians of various tribes and bands, and of whom the greater part are squaws and children. Of the latter many of them are half-breeds.

Ten miles from this place is an encampment of one hundred and sixty-five Ogallallas, of the Bad Face band, whose chief is known by the name of Big Mouth. Other small bands of the same Indians, said to number one hundred and thirty persons in the aggregate, are encamped at various places within a distance of fifteen miles from the fort, who, together with those referred to above, receive subsistence from the government. I have been unable to visit all the camps of these small bands; therefore, of my own knowledge, cannot definitely state their numbers; but from observation and from information received from Agent Patrick and Mr. Scott, the government interpreter for this agency, I have no doubt that the whole number of professedly friendly Indians here of all ages amount to six hundred persons.

Of the other friendly bands of Sioux who participated in the late treaty, made at this place in June last, are those led by Spotted Tail, Standing Elk, Swift Bear, The Man Who Walks Under the Ground, and perhaps others of less reputation. I have been informed by traders, who have been recently among them, that they are encamped on the Republican river, at a point about one hundred and forty miles from Fort Sedgwick, in Colorado Territory, and that their numbers do not exceed eight hundred persons of all ages, old men, women, and children largely predominating. Their conduct is represented to be good, and, the game in that vicinity being abundant, they live comfortably without present need of aid from the government.

In compliance with your instructions to report upon the terms and character of the treaty concluded by the late peace commissioners at this place with the Sioux Indians, I have to say that I have been unable to find a copy of that in-

strument at this post. A treaty prepared and signed by said commissioners for the Arapaho Indians is in the possession of Agent Patrick, and said to be identical in terms with the Sioux and Cheyenne treaties, with the only variance of different amounts of annuities to each. The amount stipulated in the treaty with the Sioux tribe (as I have been told by Mr. Patrick and others who heard the original treaty read) is seventy thousand dollars annually for twenty years; the Cheyennes fifteen thousand dollars for the same length of time annually. This large amount was paid in consideration of the provisions of article 3 of that instrument, which, if my information be correct, is as follows:

"The said tribe represented in council shall withdraw from the routes overland already established, or hereafter to be established, through their country, and in consideration thereof the government of the United States agree to pay to the said tribe the sum of seventy thousand dollars annually for twenty years, payable in such articles as the Secretary of the Interior may direct: *Provided*, That the said tribe shall faithfully conform to the provisions of this treaty."

The "routes overland" spoken of in said article 3 referred *really* to the Powder river road to Montana, the Indians, as I am informed, being willing to concede the use of all others now open through their country without remuneration. This they claimed led through their best hunting ground, and they believed the use of the same by the whites would result in driving out the game, leaving them without the means of future subsistence, and for a long time seemed indisposed to comply with this, the main and most important condition of the treaty, upon any terms. At the opening of the council, however, Colonel E. B. Taylor, in a speech, promised the Indians that the travel on said road should be confined strictly to the line thereof, and that emigrants and travellers generally should not be allowed to molest or disturb the game in the country through which they passed. With this promise, impossible of performance, well calculated, and, as I believe, designed to deceive them, the distribution of a large amount of presents, and the obligation of the government to pay an extravagant annuity, the treaty was at length concluded with parties holding subordinate and irresponsible positions in the tribe, and representing inconsiderable numbers. That they were unable and did not control the action of the bands which they assumed to represent, will be clearly proven by subsequent facts.

That Red Cloud, Red Leaf, and the Man Afraid of His Horses were the principal, leading, and most influential chiefs of the tribe, was well known and acknowledged by residents of the country generally; that the commissioners considered Red Cloud the most prominent chief of the Sioux tribe was clearly proven by the pains taken to procure his attendance at the treaty, and the distinguished consideration shown to him more than to any other chief after his arrival, as well as by public acknowledgment of the fact by one of said commissioners; that these commissioners were determined to make a treaty upon *some terms*, either with or without the consent of the tribe, was clearly apparent from all their official acts; that Commissioner Taylor repeatedly asserted that he was sent here by the government for the purpose of making a treaty, and it should be accomplished if made with but *two Indians*, can be proved by numerous officers and citizens at and near this post who heard him.

Within two weeks after the conclusion of the so-called treaty, Spotted Tail, Standing Elk, (and all others of the professedly friendly Indians now on the Republican,) then on their way to that place, told ranchmen and traders of their acquaintance whom they met, that many of their young men had determined to go to war, and had left them and gone to the Powder river country, and they advised all who had occasion to go far from home to "go prepared, and look out for their hair."

At their crossing of the South Platte river, some days subsequently, parties who met and conversed with these Indians report their numbers to be less than one hundred lodges, and their party made up principally of old men, squaws,

and children. The statement of their chiefs at this time, in explaining the absence of these young men, was substantially the same as given before.

I am informed by Captain Besbee (late of Fort Philip Kearney) that early in the month of July last the troops at that place, while pursuing hostile Indians who had stolen stock from the fort, captured from them a horse loaded entirely with Indian goods which had been distributed and brought from the Fort Laramie treaty. He further states that, from information obtained from scouts and mail-carriers, he believes there is a very large body of hostile Indians in Tongue River valley, many of whom are Sioux, and that for a long time past he considers the fort to have been in a state of siege by them.

From the foregoing facts, and the statements of various parties who were present at the treaty, and were well acquainted with the facts and circumstances attending the same, giving to each the weight which I believe it justly entitled to receive, I have arrived clearly to the opinion that the so-called treaty with the Sioux Indians, concluded at Fort Laramie in June last, was little better than a farce, entitled to no consideration from the government, and ought not to be ratified.

In relation to the treaty made with the Cheyennes, by order of Colonel E. B. Taylor, on the 11th day of October last, I am of the opinion that it ought not to be ratified by the government, it having been made with but an inconsiderable portion of the tribe, and signed by parties who were not then principal chiefs and headmen.

Respecting the tribes and bands of Indians now at war with the United States, I think all north of the North Platte river may be considered hostile. From information received by a friendly Indian sent from here to the Powder river country, (and who started home from the encampments of the hostile bands on the day of the massacre at Fort Philip Kearney,) I learn the names of the different tribes and bands then at war to be the Minne Conjous, Brules, Ogallallas, Crows, Unepapahs, Blackfeet, Sans Arcs, Arapahoes, a portion of the Cheyennes, and some others whose names I have now forgotten. His estimate of their strength at that time was eleven thousand six hundred warriors. Later estimates have been much higher, but I think his the most reliable up to the present time. Since he was there, however, it is probable that these Indians have been re-enforced. Red Cloud, Red Leaf, and The Man Afraid of His Horses, are supposed to be the principal instigators and leaders in the war.

Respecting the friendly Indians belonging to this agency, I would recommend, with a view to justice alone, that they receive protection and the necessary subsistence from the United States. Their situation is such that I deem it hardly possible for them to live upon their own resources for a considerable length of time without returning north of the Platte river, where they would not be permitted to maintain a neutrality, were they otherwise so disposed. The hostility to the whites has become so general among all the tribes in this portion of the country, and their warriors are so numerous, that no small body of friendly Indians will be tolerated within their reach. In my opinion, then, the alternative of feeding or fighting them must soon be chosen, as economy, as well as justice, would indicate the adoption of the former policy. I have no hesitation in recommending its adoption.

Besides the foregoing considerations in favor of liberal treatment to them, the precedent of kindness and liberality, as the reward of honesty and good faith shown to those now hostile to the government, would be eminently favorable to an early and satisfactory peace.

Although I am fully satisfied that an extensive Indian war is inevitable, and that severe chastisement must be inflicted before they will make or abide a treaty, the conditions of which would be acceptable to the government; yet, if a reservation should be provided affording protection and subsistence, I have no doubt that the comparatively small number who would now consent to be put upon it would be rapidly and largely increased.

From the information which I have been able to obtain upon this subject, I believe that two hundred lodges would come into this arrangement at once. I am also equally certain that unless they are provided for in a manner satisfactory to themselves, all will soon be at war.

I would therefore earnestly recommend that a temporary reservation within the protection of a military post be chosen at an early day, and all Indians belonging to the Upper Platte agency then at peace with the United States be invited to come upon the same, subject to such rules, regulations, and instructions as the honorable Secretary of the Interior Department shall see fit to impose.

[General Order No. 10.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska Territory, July 31, 1866.

On information received that unauthorized persons sell arms and ammunition to Indians, the Commissioner of Indian Affairs has instructed Indian agents to prohibit traders from selling these articles to the Indians, and all commanders of troops within the department will co-operate in the enforcement of these instructions, and will take vigilant and decisive measures for the prevention of all sale, barter, or gift of arms or ammunition to Indians within reach of their power.

By order of Brigadier General Cooke.

FORT PHIL. KEARNEY, DAKOTA TERRITORY,
December 15, 1866.

DEAR JOHN: I am in the enjoyment of good health at this time. Lieutenant Wands and family are in good health. I mess with them.

A few days ago a wagon train had gone up to the mountain five or six miles from this post for the purpose of cutting pine timber for buildings. On their return they were attacked by about 300 Indians. We have a mounted guard on post on top of a very high point near the fort, who telegraphed to us by means of a flag of the condition of the wood train. The mounted cavalry and infantry were immediately ordered out to relieve them. They started in two parties, Colonel Carrington and fourteen men going in one direction, and about thirty in another. The larger party, among whom was Captain Brown, Lieutenant Wands, (Lieutenant Grummond was with the colonel,) Captain Fetterman, and Lieutenant Bingham, who was a cavalry officer, came upon the Indians suddenly, and charged them. The fight continued for a distance of eight miles or more. Wands killed a horse and probably some Indians at one time while dismounted; and in the fight the cavalry broke and were brought back (some of them) by Captain Brown and Lieutenant Wands levelling their guns at them, and telling them that they would shoot them. Most of the men and officers had breech-loading guns. While the fight was going on, Lieutenant Bingham, of the cavalry, called out to the others, "Come on," beckoned, and went off with some of the men in the direction of the colonel, who was seen approaching at the distance of half a mile. This was just what the Indians wanted. Captains Brown and Fetterman, and Lieutenant Wands, with ten or eleven men, remained and fought the whole of them, and whipped them. Wands was slightly wounded in a finger. Lieutenant Grummond left the colonel's party, and meeting Lieutenant Bingham, they and three or four men started in the pursuit of about thirty Indians, who were apparently retreating; an Indian's horse had almost given out, and Lieutenant Bingham wounded the horse by a pistol-shot, (Lieutenants Grummond and Bingham had nothing but pistols.) The Indian

then took to his heels, they following him, cutting at him with their swords. Bingham lost one pistol, and after firing the other, so excited did he become that he threw it away. At this time they saw two large bodies of Indians flanking them, when they concluded to run through them; drawing their swords, they laid about them right and left. Lieutenant Bingham did not follow the rest and was killed, stripped and scalped; two sergeants and one more were wounded. Lieutenant Grummond ran against the Indians, and cutting right and left with his sword, got through with the balance. After a while they were surrounded again by a large number of Indians, drawn in a circle around them with spears, at a charge, and firing upon them; they halted, and Lieutenant Grummond then told the rest to follow him; they did, he using his sword as before. All got through; but Sergeant Bowens no doubt turned around and fired upon his pursuers; they overtook and put an arrow in him and split his skull open above the eyes. They did not scalp him. Our people found him a short time afterwards; he was living and in great agony, but died in a short time. We buried Bingham with masonic honors so far as we could. There were seven masons, one an enlisted man, in the cavalry.

C. M. HINES.

FORT PHIL. KEARNEY, D. T., *January 1, 1867.*

DEAR JOHN: * * * * *

Matters in this part of the country do not suit me. I have written to you before that the treaty at Laramie did not amount to anything; the three posts, Reno, Kearney, and C. F. Smith, are really in a state of siege. All the Sioux, including those that committed the atrocities in Minnesota, are in our neighborhood. Fort Reno has a garrison of three companies of infantry, (not full,) one piece of artillery; Fort Phil. Kearney, four pieces of artillery, five companies of infantry, (one-half effective,) and a few mounted men—all together, soldiers and employés, about 400 men, (effective;) Fort C. F. Smith, two pieces of artillery, two companies of infantry (not full) and twenty-eight mounted men. So you can perceive that these forts are in a state of siege. The mass of the Indians are on Tongue river about fifty miles from this post. Our communications with Fort Smith are entirely cut off. There are 1,500 lodges of Indians at that point, and their confederates, Blackfeet, Cheyennes, Arapahoes, &c. The whole number of warriors must amount to four or five thousand, well mounted and armed. They have several times attacked the wood trains of ours. Once we whipped them badly. For some time back they were in the habit of coming on the bluffs near this fort, calling out to us and challenging us to the fight. Colonel Carrington shelled them, at one time killing a poney. On Friday morning, 21st of December, they made their appearance in small numbers near the fort, challenging us in the usual manner. Colonel Carrington shelled them, killing the poney I have mentioned, and driving about thirty Indians from their covert. Captain and Brevet Lieutenant Colonel Fetterman, Captain Brown and Lieutenant Grummond were ordered out by the colonel to protect our wood train, which had been attacked. Captain Fetterman commanded the infantry, Lieutenant Grummond the cavalry, (twenty-seven men,) and Captain Brown some mounted teamsters and citizens, the whole amounting to eighty-one men, about fifty of whom were armed with the Spencer carbine and pistols, one or two with Henry rifles, and the balance with the Springfield musket. No men were better armed. Instead of obeying orders, these officers (than whom there were none better or braver in the service) allowed themselves to be decoyed from the position ordered to be taken, and the whole command were butchered, (eighty-one officers and men.) I was ordered by Colonel Carrington, with one man, to go out to the wood train, (five miles off,) and if I found them safe to join the other command. I went out about three miles, when

I saw that the wood train was in no danger. I then, obeying orders, attempted to reach the party under fire, and found it impossible. At that time I had four men with me; sent to the fort for re-enforcements; forty men, under the captain, were sent out, and we reached the field just in time to see the last man killed. If I had obeyed my instructions I would have been killed. These poor fellows when killed, the greater number, were in one heap. We brought in about fifty in wagons, like you see hogs brought to market. I have no more to write at present. I will write more in detail by next mail. * * * * *

I remain, your brother,

C. M. HINES,
A. A. Surgeon U. S. A.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
Washington, D. C., January 31, 1867.

SIR : Referring to a recent report from this office, dated 23d instant, upon the subject of the existing disturbances in Western Dakota, I have the honor to submit herewith, as confirming the views therein set forth, a copy of a letter under date of the 1st instant from Acting Assistant Surgeon C. M. Hines, on duty at Fort Phil. Kearney, giving an account of the reported massacre of United States soldiers on the 21st ultimo. A previous letter of Dr. Hines, written, like this, to his brother in this city, had given an account of a slight skirmish with the Indians on the 6th of December. It is proper to state that the letter herewith is by the writer authorized to be given to the public, so that its statements, being those of an officer present at the time and familiar with the circumstances, but written to a friend and unofficially, and without any coloring beyond that which appears to have affected the minds of the whole command, may be fairly taken as representing the true state of feeling at the time and place. If I am correct in this view of the case, then I feel justified in commenting freely upon the facts presented.

And first, I notice that the military authorities appear to have had very little idea of their real condition. With a respectable force in garrison, well armed and well supplied, and with the "mass of the Indians on Tongue river, fifty miles from" the post, the garrison felt itself besieged. The tribes of Indians at hand are described as the Sioux and "their confederates, Blackfeet, Cheyennes, Arapahoes," &c., while, from the information obtained from parties familiar with the tribes, their habits, and ordinary ranges, I do not hesitate to express the opinion that not a single warrior from the Blackfeet bands is or has been among the Sioux; and as to the Arapahoes and Cheyennes, if there are any of them in that quarter, they are isolated individuals only. Further, as to the tribes represented, the writer says that the "Sioux that committed the atrocities in Minnesota" are in the neighborhood of the post; while, if the truth is ever known, it will be found that not one of those bands of Sioux was at the time less than about 500 miles distant.

As to the *numbers* of the Indians thus holding the posts under siege, the 1,500 lodges mentioned by the writer would represent a population of some 9,000, while the "4,000 or 5,000 well mounted and armed warriors" would represent a population of 24,000 to 30,000 Indians; an enormous exaggeration of the number which could by any possibility be in that country, showing the terrible state of demoralization into which the minds of the most intelligent men must have fallen. If we note other items of the account, as the alleged attack upon the wood train, which, after all, as would appear from another portion of the letter, was *not* attacked, or, if attacked, nobody was hurt, the challenge by the Indians, and the result of the shelling by Colonel Carrington, being the dislodging of some thirty Indians from their covert, and other circumstances, the

whole affair seems incredible, but for the sad certainty of the bringing back to the post of the bodies of officers and men killed in the conflict, and I find it difficult to account for the tragedy upon any other theory than that heretofore advanced by this office, to wit: that the Indians, almost in a state of starvation, having made repeated attempts at a conference, that they might make peace and obtain supplies for their families, and the rescinding of the order prohibiting them from obtaining arms and ammunition, were rendered desperate, and resorted to the stratagem which proved too successful. It seems as if the officer commanding could have avoided the catastrophe; and it seems also that men thus armed could have repelled an attack by all the Indians in Western Dakota. I do not wish to justify the Indians in their hostilities; but they are but men, with the necessities of life for themselves and their families staring them in the face; and if their overtures for peace are continually and wantonly repelled, they go to war, and they wage war after their own savage fashion.

I have felt it my duty to express frankly my opinions in transmitting the within letter; and having done so, I have only to say that I see no surer or better means of preventing such occurrences in the future than by such measures as I have already recommended—a commission of judicious men to visit the region in question, with proper powers and instructions.

Very respectfully, your obedient servant,

LEWIS V. BOGY,
Commissioner.

WAR DEPARTMENT,
Washington, January 18, 1867.

SIR: I have the honor to transmit herewith a copy of a report from General Grant, in relation to an official communication made by Lieutenant General Sherman, having in view the restriction of the Sioux Indians to districts lying north of the Platte, west of the Missouri, and east of the new road to Montana; of the Arapahoes, Cheyennes, Comanches, Kiowas, Apaches, and Navajoes to the region south of the Arkansas and east of Fort Union.

This recommendation, as the Lieutenant General states, is made with a view to keep open the great routes to the mountain territories, to render safe the prosecution of work on the Pacific railroads, and to prevent apprehension of Indian depredations. General Grant approves the proposition, if it does not conflict with treaty obligations.

I will thank you for an expression of your views upon the subject, in order that if the course proposed shall be determined upon, the necessary measures may at once be commenced.

I have the honor to be, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. O. H. BROWNING,
Secretary of the Interior.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., January 15, 1867

SIR: In a report by General Sherman, forwarded with my annual report, dated November 21, 1866, the following passage occurs:

"I propose the coming year, (with your consent, and with that of the Secretary of the Interior, in whose control these Indians are supposed to be,) to restrict the Sioux north of the Platte, west of the Missouri river, and east of the new road to Montana, which starts from Laramie to Virginia City by way of Forts Reno, Philip Kearney, C. F. Smith, &c.

"All Sioux found outside of these limits without a written pass from some military commander defining clearly their object, should be dealt with summarily. In like manner I would restrict the Arapahoes, Cheyennes, Comanches, Kiowas, Apaches, and Navajoes, south of the Arkansas and east of Fort Union. This would leave for our people exclusively the use of the wide belt east and west, between the Platte and the Arkansas, in which lie the two great railroads, and over which passes the bulk of travel to the mountain Territories. As long as these Indians can hunt the buffalo and antelope within the described limits, we will have the depredations of last summer, and, worse yet, the exaggerations of danger raised by our own people, often for a very base purpose. It is our duty, and it shall be my study, to make the progress of construction of the great Pacific railways that lie in this belt of country as safe as possible, as also to protect the stage and telegraph lines against any hostile bands; but they are so long that to guard them perfectly is an impossibility, unless we can restrict the Indians as herein stated. I beg you will submit this proposition to the honorable Secretary of the Interior, that we may know that we do not violate some one of the solemn treaties made with these Indians, who are very captious, and claim to the very letter the execution on our part of those treaties, the obligation of which they seem to comprehend perfectly.

"I approve this proposition of General Sherman, provided it does not conflict with our treaty obligations with the Indians, nor between the Platte and Arkansas rivers. The protection of the Pacific railroad, so that not only the portion already completed shall be entirely safe, but that the portion yet to be constructed shall in no way be delayed either by actual or apprehended danger, is indispensable.

"Aside from the great value of this road to the country benefited by it, it has the strongest claims upon the military service, as it will be one of its most efficient aids in the control of the Indians in the vast regions through which it passes."

I respectfully request that I may be informed at an early day whether this proposition is approved by you and the Secretary of the Interior, that measures may be taken to carry it into effect.

Very respectfully, your obedient servant,

U. S. GRANT, *General*.

Hon. E. M. STANTON,
Secretary of War.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,

January 23, 1867.

SIR: The letter of the Secretary of War of the 18th instant, containing extracts from the report of General Sherman to General Grant, with the approval of the same by General Grant, having been referred to me for a report thereon, I beg leave to say:

General Sherman says, "that he proposes to restrict the Sioux Indians to the district of country between the Platte, the Missouri river, and the road to Montana, which starts from Laramie for Virginia City, by the way of Forts Reno, Phil. Kearney, and C. F. Smith, and that any Indian found outside of these limits without a written pass shall be summarily dealt with." He proposes also to restrict the Arapahoes and Cheyennes, Comanches, Kiowas, Apaches, and Navajoes south of the Arkansas and east of Fort Union; the object of this arrangement being, to leave open the wide belt of country between the Platte and the Arkansas.

That the belt of country lying between the Platte river on the north and the Arkansas river on the south should be opened to the whites by the removal of the Indians now occupying it, is a necessity which cannot be doubted. The fact that

railroads are now being built through this country, and that it is the highway for the thousands of emigrants going to our western territories, imposes on the government the necessity of affording to them complete protection. To effect this object, the removal of the Indians from this strip of country is, therefore, an absolute necessity. On this subject I agree with the view expressed by General Sherman, but I entirely dissent from the position he assumes in his report as to the mode of accomplishing this object. As already said, the time has come when these Indians must abandon this portion of country, and if they will not do so willingly, when other homes are provided for them, force will have to be used. The spread of our white settlements throughout this vast section of country cannot and should not be checked, as it cannot be prevented. The question now presenting itself is, how is this to be accomplished? Will the order to be issued by the commanding officer of the western department have this magical effect? On the contrary, will it not lead to resistance on the part of the Indians whom you thus undertake to remove from the hunting grounds over which they and their forefathers have roamed for generations? And will not this resistance lead to trouble and war with them, in which the lives of thousands of persons will be sacrificed, the railroads now already being far advanced in the country destroyed, the profitable trade of the prairies, even with these very Indians themselves, annihilated, and the government involved in millions of dollars of expense? This country yet belongs to these Indians; it has not been ceded by them. Now cannot a policy be adopted which will effect the same object without involving the disasters above enumerated? I think such a policy could be devised. There is one fact which cannot be denied by any one acquainted with Indians: it is, that their chiefs are all superior men; they are always their best men. No one becomes a chief until he has proven his valor in war and wisdom in council. These chiefs control their different tribes, with the exception of a few bad men found among them, as among us. With proper means, I am satisfied that these chiefs can all be made to see and fully understand their position, and the necessity imposed upon the government of securing this belt of country for the whites. Admitting you can satisfy them of this fact, the next question is, can you induce them to remove to another locality? I have no doubt that if proper steps are taken this can be done. It is true they may not entirely abandon this country this season, but they can be kept quiet—which is all that is wanted for the present—and their minds directed to the new home which you will provide for them. That this new home may be in the district of country described by General Sherman is very possible. In my opinion it is too late to abandon the system of treaties with Indians. With judicious management, I think they can all be made to abandon the country needed by our people, and to settle down on reservations, which should be larger than formerly made. Annuities ought to be increased, and stock, cattle, sheep, and horses given to them to raise. It is of little consequence to this government if a few hundred thousand dollars, more or less, per annum be expended, provided these people are kept quiet, and, at the same time, means of subsistence be furnished to them to support themselves for the few years which, in all probability, they will yet exist.

I would therefore suggest that you, as the officer of the government having the Indians in charge, inform the military authorities of your disapproval of this contemplated order. I would also suggest that one of the greatest difficulties, and, indeed, I think the greatest difficulty I encounter, in administering the affairs of this bureau, is the constant interference on the part of the military with all Indian affairs.

That there is a misapprehension on their part in relation to this matter is beyond doubt, otherwise such constant interference by them would not occur. The commanders of the different forts throughout the whole Indian country claim and exercise the right of controlling the Indian agents, and of issuing orders in

relation to the trade with the Indians by the licensed traders. From observation, both in this bureau and as a citizen of the west, I am, and have been for years, satisfied that this was the cause of most of our Indian wars. The military should be made to understand that they are in that country merely as a police, to aid the agent in the discharge of his duties, and not to control him. The law regulates the trade with Indians, and no military commander should be allowed to interfere. I am satisfied that the recent troubles at Forts Laramie and Phil. Kearney grew out of injudicious military interference. I am informed that General Cooke, commandant at Omaha, issued an order prohibiting the traders to sell to the Indians arms and ammunition. Such prohibitions I believe to be unwise, as the Indian has to depend upon the chase for his subsistence and that of his wife and children. Arms and ammunition are of absolute necessity; he will therefore, if possible, and no matter at what cost, procure them. Then, again, it is perfectly idle to say that he will accumulate them to make war on the whites. No Indian will buy two guns; one he will and ought to have; nor will he lay up any large quantity of powder, as he has no means of keeping it. He needs one gun and a little powder, and this is his only means of subsistence.

In conclusion, I will take this occasion to say that, in my opinion, the time has come when all the Indians throughout the country should be taken on large reservations, with fair annuities honestly paid them, and stock of cattle and sheep furnished them to raise. In this way the country needed by the whites can be relieved from their occupation, Indian wars prevented, vast expenditures to the government thereby saved, and a future, although limited, provided for these poor people.

If this system is not adopted, I see nothing for them but total and speedy destruction; and if this be the policy, it should be avowed openly and carried out with energy. Either destroy them at once, or do for them that which their necessities plainly require.

Very respectfully, your obedient servant,

LEWIS V. BOGY,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

Extract from letter of ex-Governor Edmunds, of Dakota, dated September 26, 1866, transmitting Agent Hanson's report of September 15, 1866.

* * * * I also have the honor to enclose a letter from Agent Hanson, in relation to the military order prohibiting the sale of ammunition, &c., to the Indians under his charge, and beg leave to recommend that you give this matter early attention, as it is one of great importance to those Indians. I am clearly of the opinion*that those Indians ought not to be included as among those to whom arms and ammunition are prohibited, and am fearful that it will have a tendency to complicate and embarrass their management. * * *

Your obedient servant,

NEWTON EDMUNDS,
Ex-officio Superintendent Indian Affairs.

CROW CREEK AGENCY,
Dakota Territory, September 15, 1866.

SIR: My attention has recently been called to military General Order No. 10, dated Headquarters Department of the Platte, Omaha, Nebraska, July 31,

1866, being, in brief, an order prohibiting traders and others selling or disposing of, in any manner, arms of all description and ammunition to Indians.

It has been only a few days since I was made aware that the sale of ammunition to these Indians had been prohibited. My instructions from the superintendent, received 22d ultimo, in relation to this subject, did not include ammunition, but only mentioned "arms of all description."

I have now the honor to object to the enforcement of such an order within this agency. There never has been a time, to my knowledge, when the Indians of this agency have given more satisfactory evidence of friendship and complete acquiescence in the authority of the government than since I have been their agent. The sincerity of their cause has been tested by the most trying of all ordeals—actual starvation. The history of the white race scarcely furnishes a parallel instance of such a body of people enduring such an amount of misery with such forbearance. What better evidence does the government ask before it is willing to cease treating these Indians as alien enemies, and deal with them as with a people in amity with its authority? Since the formation of the new treaties have they committed any overt act of hostility? If not, is it right to treat these often-abused people as enemies purely upon speculation as to their further intentions? That the order is well enough when applied to some sections of the military district, where war still exists, is apparent, but that the Indians of this agency should be held responsible or made to pay any share of the penalty for the continued hostility of the Indians of the Platte, or elsewhere, is not just.

The government has furnished many of these Indians with double-barrel shot-guns. This spring I distributed eighteen, and the commission about as many more. These went into the hands of Indians who always have been friendly to the government, and to now refuse to permit them to purchase ammunition for these same guns is, under existing circumstances, without any sufficient reason that I am able to observe.

A large delegation of the Lower Brulé, Lower Yanctonais, and Two Kettle bands called on me yesterday, and asked me to have this matter changed; I have therefore to request that the order above referred to may be so far modified as to place the sale of ammunition within this agency to Indians within my control. In this way none but reliable ones will get such, and only in such quantities as in my judgment they may need for their hunting purposes.

I desire to draw your attention to one other military order, now being enforced at Forts Sully and Rice, which prohibits Indians and traders stopping in these reservations. This order I have not yet been able to see; but the Indians have counseled with me concerning it, and they complain that it does not allow them to camp within eight or ten miles of Fort Sully, and thus excludes them from the timber along the Missouri, where they have been for many years accustomed to seek shelter from the freezing winter blasts of this region.

While I am of the opinion that the military forces within this agency should be as far separated as possible from the Indians, for reasons of a moral nature, if no other, I see no necessity, and but gross injustice, in this military order. Surely, a military reservation extending from fifteen to twenty miles along both sides of the Missouri river, embracing all the best timbered lands between Forts Sully and Rice, is large enough to spare to these Indians a wintering place, and I trust your department of the government is generous enough to accord to them this right

Very respectfully, your obedient servant,

J. R. HANSON,
United States Indian Agent.

Extract of report of Governor Faulk, of January 9, 1867, transmitting monthly report of Agent Hanson of December 31, 1866.

* * * * *

The question of supplying the friendly Sioux Indians with the small amount of ammunition necessary to procure their subsistence is also worthy of your attention. My own experience in the Indian country leads me to favor such a course. When they have the arms and ammunition necessary for ordinary hunting purposes, they are more contented and friendly, and are more self-sustaining. I have no doubt that the order referred to by Major Hanson, prohibiting the sale of arms and ammunition, should be revoked or in some way modified so as to relieve friendly tribes from the danger of starvation on that account, and from the necessity of carrying their peltry to British traders to exchange for such purposes. The whole subject seems to be worthy of your early attention.

I have the honor to be your obedient servant,

A. J. FAULK,

Governor and ex-officio Superintendent Indian Affairs.

Hon. LEWIS V. BOGY,

Commissioner of Indian Affairs.

Extract from monthly report of Agent Hanson, of December 31, 1866.

* * * * *

During my recent trip to Fort Sully and Fort Rice, I found the universal complaint of friendly Indians to be regarding the prohibition of the sale of ammunition. Under date of 15th September last, I wrote the Hon. Commissioner of Indian Affairs upon the subject. I have the honor to again draw attention of the Commissioner to that communication. I have advised with all the military officers within this agency from Crow creek to Fort Rice, and I have not yet found one not in favor of setting this order aside. The Indians who gather at these different points are friendly to the government and enemies to the hostile Indians, and fear them as enemies. They say they are willing to help protect the whites if they can only be permitted to purchase the means with which to do it. The Indians inimical to the government procure all the ammunition they desire from traffic with the Red River half-breeds. This the friendly Indians understand, and tell me this prohibition has driven many of their young men into the hostile camp; and again, it is now approaching the season of the year when the Indians, settled along the Missouri river, must subsist to a great extent upon such small game as cannot be successfully hunted with bows and arrows. Justice to these Indians requires that the order be immediately abrogated. I think it a very dangerous order to enforce among these Indians. At this place, Fort Sully and Fort Rice, the Indians of known friendship should be permitted to purchase ammunition in small quantities, sufficient for hunting purposes. An arrangement as to the quantity and manner of purchase can easily be made between the commander of the district, with whom I have conferred upon this subject, and the agent. I trust this subject may be regarded of sufficient importance to command immediate attention.

J. R. HANSON,

United States Indian Agent of Upper Missouri Sioux.

Extract from a letter to Colonel J. H. Leavenworth, United States Indian agent, from Winfield S. Hancock, major general commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, January 17, 1867.

It is not unlikely that a demand will be made before long upon the Cheyennes to redress some grievances. When that time arrives you will be notified of the fact.

They will be allowed some time to consider and talk over the matter. If you have any fear of the result leading to hostilities, you had better place yourself at Fort Larned or Fort Dodge, as you may think best.

If you can get any evidence concerning the reported murder of the Kaw by Bent's band of Cheyennes, please furnish the same to me, as I am collecting all the evidence I can in relation to the outrages committed by that tribe.

Your remark that Indians should not be allowed to visit military posts save on business is perfectly correct as a rule, and I will call attention to that matter.

I am, sir, very respectfully, your obedient servant,

WINFIELD S. HANCOCK,
Major General Commanding.

[From the Washington Chronicle, February 4, 1867.]

Sale of arms under authority of the Indian Bureau.—Interesting correspondence. —Opinions of Generals Grant and Sherman.—Necessity of transferring the bureau to the War Department.

The Secretary of War has addressed a communication to Representative Schenck, chairman of the Committee on Military Affairs, enclosing, for the information of the committee, a copy of a letter from Major Douglass, commanding Fort Dodge, dated January 13, in relation to the issue of large numbers of arms, with ammunition, to the Kiowas and other Indians, and expressing his apprehension of Indian hostilities in consequence thereof. The anxiety of the Indians for such articles is not caused by the lack of supply, because they have plenty to last for some time, but everything tends to show that the Indians are laying in large supplies preparatory to an outbreak.

Major Douglass represents the Indians to be in an unsettled condition, with much dissatisfaction on account of the unequal distribution of presents.

General Grant, on the 1st instant, enclosed a letter from Lieutenant General Sherman to the Secretary of War. General Grant says the letter shows the urgent necessity for an immediate transfer of the Indian Bureau to the War Department, and the abolition of the civil Indian agents and licensed traders. "If," he says, "the present practice is to be continued, I do not see that any course is left open to us but to withdraw our troops to the settlements, and call upon Congress to provide means and troops to carry on formidable hostilities against the Indians, until all the Indians or all the whites on the great plains, and between the settlements on the Missouri and the Pacific slope, are exterminated. The course General Sherman has pursued in this matter, in disregarding the permit of Mr. Bogy and others, is just right. I will instruct him to enforce his order until it is countermanded by the President or yourself. I would also respectfully ask that this matter be placed before the President, and his disapproval of licensing the sale of arms to Indians be asked. We have treaties with all tribes from time to time. If the rule is to be followed that all tribes with which we have treaties and to which we pay annuities can procure such articles

without stint or limit, it will not be long before the matter becomes perfectly understood by the Indians, and they avail themselves of it to equip perfectly for war. They will get arms either by making treaties themselves or through tribes who have such treaties."

General Sherman's letter is dated January 21 last, and addressed to General Hancock, commanding the military division of the Missouri, in which he says: "We, the military, are held responsible for the peace of the frontier, and it is an absurdity to attempt it if Indian agents and traders can legalize and encourage so dangerous a traffic." He says he regards the paper enclosed, addressed to Mr. D. A. Butterfield, and signed by Charles Bogy, W. R. Irwin, J. H. Leavenworth, and others, as an outrage upon our rights and supervision of the matters, and authorizes General Hancock to disregard that paper, and at once stop the practice.

This paper, addressed to Mr. Butterfield, is as follows :

"SIR: You having requested verbally to be informed in regard to your right to sell arms and ammunition to Indians, we have to state as follows: You, as an Indian trader, licensed for that purpose by the United States government, are authorized to trade or sell arms and ammunition to any Indians that are at peace with and receiving annuities from the United States government. This rule of course applies to any other regularly licensed trader as well as yourself."