

## Report of the Commissioner of Indian Affairs (1869)

Department of the Interior

Office of Indian Affairs, Washington, D.C., December 23, 1869

Among the reports of the superintendents and agents herewith, there will be found information, which should command the earnest attention of our legislators, and all others who are concerned for the future welfare and destiny of the remaining original inhabitants of our country. The question is still one of deepest interest, "What shall be done for the amelioration and civilization of the race?" [ . . . ] The measures to which we are indebted for an improved condition of affairs are, the concentration of the Indians upon suitable reservations, and the supplying them with means for engaging in agricultural and mechanical pursuits, and for their education and moral training. As a result, the clouds of ignorance and superstition in which many of this people were so long enveloped have disappeared, and the light of a Christian civilization seems to have dawned upon their moral darkness, and opened up a brighter future. Much, however, remains to be done for the multitude yet in their savage state, and I can but earnestly invite the serious consideration of those whose duty it is to legislate in their behalf, to the justice and importance of promptly fulfilling all treaty obligations, and the wisdom of placing at the disposal of the department adequate funds for the purpose, and investing it with powers to adopt the requisite measures for the settlement of all the tribes, when practicable, upon tracts of land to be set apart for their use and occupancy. I recommend that in addition to reservations already established, there be others provided for the wild and roving tribes in New Mexico, Arizona, and Nevada; also, for those more peaceable bands in the southern part of California. These tribes, excepting the Navajoes in the Territory of New Mexico, who, under their treaty of 1828, have a home in the western part of the Territory to which they have been removed, have no treaty relations with the government, and if placed upon reservations it will be necessary that Congress, by appropriate legislation, provide for their wants, until they become capable of taking care of themselves.

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By the timely supplies of subsistence and clothing furnished, and the adoption of measures intended for their benefit, the tribes from whom the greatest trouble was apprehended have been kept comparatively quiet, and some advance, it is to be hoped, made in the direction of their permanent settlement in the localities assigned to them, and their entering upon a new course of life. The subsistence they receive is furnished through the agency of the commissary department of the army, with, it is believed, greater economy and more satisfaction than could have resulted had the mode heretofore observed been followed. In this connection I desire to call attention to the fact that the number of wild Indians and others, also not provided for by treaty stipulations, whose precarious condition requires that something should be done for their relief, and who are thrown under the immediate charge of the department, is increasing. It is, therefore, a matter of serious consideration and urgent necessity that means be afforded to properly care for them. For this purpose, in my judgment, there should be annually appropriated by Congress a large contingent fund, similar to that question, and subject to the same control. I accordingly recommend that the subject be brought to the attention of Congress.

With a view to more efficiency in the management of affairs of the respective superintendencies and agencies, the Executive has inaugurated a change of policy whereby a different class of men from those heretofore selected have been appointed to duty as superintendents and agents. There was doubtless just ground for it, as great and frequent complaints have been made for years past, of either the dishonesty or inefficiency of many of these officers. Members of the Society of Friends, recommended by the Society, now hold these positions in the Northern Superintendency, embracing all Indians in Nebraska; and in the Central, embracing tribes residing in Kansas, together with the Kiowas, Comanches, and other tribes in the Indian country.

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I am pleased to have it to remark that there is now a perfect understanding between the officers of this department and those of the military, with respect to their relative duties and responsibilities in reference to Indian affairs. In this matter, with the approbation of the President and yourself, a circular letter was addressed by this office in June last to all superintendents and agents defining the policy of the government in its treatment of the Indians, as comprehended in these general terms, viz: that they should be secured their legal rights; located, when practicable, upon reservations; assisted in agricultural pursuits and the arts of civilized life; and that Indians who should fail or refuse to come in and locate in permanent abodes provided for them, would be subject wholly to the control and supervision of military authorities, to be treated as friendly or hostile as circumstances might justify. The War Departments concurring, issued orders upon the subject for the information and guidance of the proper military officers, and the result has been harmony of action between the two departments, no conflict of opinion having arisen as to the duty, power and responsibility of either.

Arrangements now, as heretofore, will doubtless be required with tribes desiring to be settled upon reservations for the relinquishment of their rights claimed by them and for assistance in sustaining themselves in a new position, but I am of the opinion that *they should not be of a treaty nature*. It has become a matter of serious import whether the treaty system in use ought longer to be continued. In my judgment it should not. A treaty involves the idea of a compact between two or more sovereign powers, each possessing sufficient authority and force to compel a compliance with the obligations incurred. The Indian tribes of the United States are not sovereign nations, capable of making treaties, as none of them have an organized government of such inherent strength as would secure a faithful obedience of its people in the observance of compacts of this character. They are held to be the wards of the government, and the only title the law concedes to them to the lands they occupy or claim is a mere possessory one. But, because treaties have been made with them, generally for the extinguishment of their supposed absolute title to land inhabited by them, or over which they roam, they have become falsely impressed with the notion of national independence. It is time that this idea should be dispelled, and the government cease the cruel farce of thus dealing with its helpless and ignorant wards.

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[G]reat injury has been done by the government in deluding this people into the belief of their being independent sovereignties, while they were at the same time recognized only as its dependents and wards. As civilization advances and their possessions of land are required for settlement, such legislation should be granted to them as a wise, liberal, and just government ought to extend to subjects holding their dependent relation. In regard to treaties now in force,

justice and humanity require that they be promptly and faithfully executed, so that the Indians may not have cause of complaint, or reason to violate their obligations by acts of violence and robbery.

While it may not be expedient to negotiate treaties with any of the tribes hereafter, it is no doubt just that those made within the past year, and now pending before the United State Senate, should be definitely acted upon.

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With regard to the tribes who have long been on reservations, the reports of the superintendents and agents show that for most of them the prospect is brighter for future advancement and prosperity than it has been for several years past. Recovering from the ravages of war and the blighting effects of rebellion, and accepting their situation, those who suffered most are now making commendable progress in industry, education, and a practical knowledge of the pursuits of civilized life.