

NATIVE AMERICAN COLONIZATION

A Thesis by

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Bachelor of Arts, Wichita State University 2020

Submitted to the Department of History
and the faculty of the Graduate School of
Wichita State University
in partial fulfillment of
the requirements for the degree of
Master of Arts

May 2022

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The following faculty members have examined the final copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirement for the degree of Master of Arts, with a major in History.

Robin Henry, Committee Chair

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DEDICATION

To all the people who have not had their history accurately represented and whose voices have not been heard.

ACKNOWLEDGMENTS

We, as historians, know that the narrative that has been widely accepted is often not the full story. I chose to write about the colonization of Native Americans because the truth about their history has only recently been included in the larger narrative of United States history. I have always been interested in including as many voices in our history as possible because not everyone's story is the same. I learned this at a young age and my interest in Native American history actually dates to about the same time.

I grew up less than a mile away from Standing Bear Lake, and as I got older, I ran on the trails around the lake almost every day. There was a Standing Bear Elementary School not far from my childhood home, as well. Standing Bear and his story were part of my everyday life, so I assumed everyone knew about his struggle to be recognized as a United States citizen. It was not until I got to college that I learned Standing Bear was not a household name – in fact, hardly anyone knew his story.

In fourth grade, I was assigned a project in which I had to pick a famous person from Omaha, research them, dress up as them, and give a speech as if I were them. I chose Andrew J. Poppleton, Standing Bear's lawyer in his trial for citizenship. So, I knew about the discrimination against Native Americans and understood their battle for citizenship and sovereignty as much as a fourth grader could – which is actually more than most people give fourth graders credit for.

Growing up in Omaha, a city named after a Native American tribe, we learned surprisingly little about Native American history. However, it always intrigued me. I continued to learn more on my own time, and my senior year of high school I wrote a paper about the Indian Congress in the Trans-Mississippi World's Fair in 1898. That being said, I was very

excited when Dr. Henry assigned *Empire's Tracks* by Manu Karuka during my first semester as a Master's student.

In his book, Karuka uses the building of the transcontinental railroad to emphasize the role that corporations and infrastructure played in colonization, as well as the interaction and experiences of two groups greatly impacted by the railroad—Indigenous Nations and Chinese workers. The experiences of both groups expose the truths of Westward Expansion. Karuka uses the term “countersovereignty” to describe how the federal government simultaneously recognized Native American sovereignty and land ownership through treaties and land grants but continued to build infrastructure that extended into Native land. I was baffled at how this was possible. Karuka’s compelling theoretical argument piqued my interest.

I knew the mistreatment of Native Americans did not stop there based on my own experiences and prior knowledge. I was familiar with the boarding schools because we learned about them briefly in grade school, but this was also around the time the mass graves were being discovered so it was all over the news. This was the topic that I chose to explore next, but as I found more answers I was only left with more questions. How did the relationship and power dynamic between Europeans and Native Americans become so skewed? How did Europeans and Americans justify their settler colonialism? Was all of this legal? Ultimately these questions led me to the main argument of my thesis.

My thesis would not have been possible without the support of many. A huge thank you to Robin Henry for guiding me through this process, growing my love of history, and always believing in me. Her willingness to teach the challenging histories, let those voices that have not be heard shine through, and treat her students with care and understanding have helped shaped my own philosophies for teaching and for life – she is truly an inspiration. The entire history

department at Wichita State University has created an unbelievable atmosphere and college experience. They made it an extremely easy decision to return for my Master's degree after completing my Bachelor's.

I would also like to thank my family. Through the ups and downs of COVID, my college running career, and balancing the workload of a Master's program, they have always supported me and helped me work toward my goals. I want to give a special thanks to my Grandpa Pat who first introduced me to the world of history. His love of history and knowledge was contagious, and he is a major reason I have made it as far as I have in this field. To everyone else who has listened to me brainstorm and helped me edit these pages – thank you, I could not have done it without you.

ABSTRACT

The United States launched a multi-pronged genocide against the Native Americans in order to achieve Manifest Destiny. It was not political manipulation nor economic dependency nor cultural genocide alone that forced the exploitation of Native Americans—but all of them as a unified front. European powers first practiced exploitative colonialism, but it gradually transformed into settler colonialism under the United States. The federal government justified their actions with European imperialist policies and myths of savagery and “Noble Savages.” The Marshall Trilogy validated these justifications. Progressive reformers of the later nineteenth century deemed the previous treatment of Native Americans too harsh, so they misguidedly created boarding schools to Americanize the Indigenous population. This paper dissects the collective effort and intricate methods of economic, political, and cultural colonization in North America, and also includes a deep analysis of the moral and legal justification of settler colonialism.

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CHAPTER 1

INTRODUCTION

Students in the United States recite the Pledge of Allegiance every day before classes begin. The words of the “Star Spangled Banner,” the US Constitution, and the Declaration of Independence resonate with all Americans, connecting everyone through a sense of national patriotism and uniting people from “sea to shining sea” into “one nation under God.” From humble beginnings as thirteen British colonies, the United States rose above tyranny, expanded to the West bringing along civilization and salvation as it went, and built one of the most powerful countries in the world. Everyone loves a good underdog story – it is impossible not to root for them.

This is the narrative that has been widely accepted in our society, the narrative that was taught to us in elementary school and that we continue to teach our children. However, it is not the full story. It exaggerates the perspective of a minority of people living in America at the time and dismisses the complex and interconnected relationships between European settlers and Native Americans. From the perspective of Native Americans, the United States of America is an empire just as controlling—if not more so—as the British they rebelled against. Once under colonial rule themselves, the United States switched roles and began colonizing others to create their own empire, taking away the very freedoms that colonists fought for in the Revolution and are said to be the cornerstone of the country.

From the first step on to the soil of the New World, European settlers have invaded Native American land—this is the foundation on which the relationship between Natives and the federal government was built. Despite contradicting pretenses and what Native Americans may have been led to believe, the goal was always colonizing the entire North American continent. A number of

European nations controlled the Americas, but their goals were often transferable. This thesis begins before the United States was established, but rather than trace the power struggle for the Americas, I will catalogue the interactions these European nations had with Native Americans and how they built the foundation for the relationship between Native Americans and the United States.

In order to control the continent, European settlers did not simply have to ‘move West’ on to free land. They knowingly pushed Native Americans off their lands, exploited their resources, and committed mass genocide. Not all historians agree with this, but the numbers more than speak for themselves:

Within no more than a handful of generations following their first encounters with Europeans, the vast majority of the Western Hemisphere’s native peoples had been exterminated. The pace and magnitude of their obliteration varied from place to place and from time to time, but for years now historical demographers have been uncovering, in region upon region, post-Columbian depopulation rates of between 90 and 98 percent with such regularity that an overall decline of 95 percent has become a working rule of thumb. What this means is that, on average, for every twenty native alive at the moment of European contact – when the lands of the Americas teemed with numerous tens of millions of people – only one stood in their place when the bloodbath was over . . . The destruction of the Indians of the Americas was, far and away, the most massive act of genocide in the history of the world.¹

I specifically chose to use the word genocide because Europeans and later Americans knowingly and deliberately killed Native Americans and invalidated their identity in an effort to rid North America of its indigenous population so they could gain control of the land and its resources. The racist and discriminatory US policies and actions related to Indigenous peoples are a classic case of imperialism and settler colonialism. As anthropologist Patrick Wolfe said, “The question of genocide is never far from discussions of settler colonialism. Land is life – or, at least,

¹ David E. Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992), x.

land is necessary for life.”² The word genocide often brings to mind images of concentration camps during World War II, which was where it originated. Raphael Lemkin was a Polish-born lawyer who had fled the persecution of the Holocaust and felt no word could describe the mass murder the world was witnessing. He came up with a word for this crime – genocide – and defined it as “the destruction of a nation or an ethnic group.”³ It combines the Greek word *genos* meaning race or tribe, and the Latin word *cide* meaning killing. While the US policies and actions toward Indigenous peoples were not as blatant or as intentional as the Holocaust, they ultimately resulted in the destruction of Indigenous nations. Genocide that is subtle, perpetual, and not easily recognized until it is viewed on a large scale across centuries and generations is arguably more insidious.

There is no doubt that Europeans and later the United States colonized and mistreated Native Americans—that would even be an understatement. Most historians that have studied US interactions with the indigenous population look at one specific area or means of colonization. However, there were multiple factors at play, all working together over centuries to colonize Native Americans. Native Americans were attacked politically, economically, and culturally, by the United States so they could build an empire and rule North America.

In this thesis, I argue that the United States launched a multi-pronged genocide against the Native Americans in order to achieve Manifest Destiny. It was not political manipulation nor economic dependency nor cultural genocide alone that forced the exploitation of Native Americans—but all of them as a unified front. Understanding the interconnectivity of colonization tactics offers a deeper insight into the deceit and depravity of European settlement in America, as

² Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*, (London: Cassell, 1999), 387.

³ Julia Rappaport, “Where Did the Word ‘Genocide’ Come From?” Facing History & Ourselves, November 3, 2014.

well as the resilience and unification of the Native American experience. As the country grew more powerful, the policymakers' greed for land and minerals increased, and they became more willing to blatantly exploit and manipulate Native Americans. This inhumane subjugation was justified not only through Eurocentric values, but the legal system itself. A closer look at the efforts to legally justify the colonization of Native Americans will reveal the racism and corruption so deeply embedded in society.

Native Americans prospered for centuries without the intervention of European powers. They possessed their own form of sovereignty, the supreme power and authority of a state to govern itself without outside interference.⁴ Therefore, the United States' claims to land and resources in America were claims of counter-sovereignty. To maintain stability, United States colonization required recognition of Indigenous nations. Maintaining an amiable relationship with Native Americans was a priority for colonists. European settlers were in a foreign land, many lacking the skills necessary to build their own infrastructure, grow their own food, and ultimately found a permanent settlement. Native Americans showed them the ways of the land and how to develop a thriving community in America. These were not weak, dependent communities easily overtaken by the 'superior' Western powers.

In the first chapter, I argue that the introduction of European goods and capitalist economic values originally benefitted the Native Americans, but eventually created a dependency that established the foundation for settler colonialism. When Europeans first arrived in the New World, they initially practice exploitative colonialism which is an economic policy that involves conquering a country to exploit its natural resources and potentially its population for labor. Once

⁴ Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Berkeley: University of California Press, 2019), 61-79, 105-144.

the United States controlled North America, it transformed into settler colonialism in which a new society of settlers seeks to replace the original population. European capitalist economy originally allowed Native Americans to earn individual wealth instead of contributing to the traditional tribal exchange economy. However, this opened the door for reliance on the European economy and subjection to European values. It also created a power imbalance between tribes who had access to European goods and those who did not. The upheaval of previous Native traditions and gradual territorial encroachment dismantled the economic system created by Native Americans that had thrived for centuries. Diplomatic efforts were increasingly motivated by profit and the competition for dwindling resources increased warfare.

Diplomacy between European settlers and Native Americans began to shift as the settlers established themselves on the continent. In order to survive, settlers originally had to approach relations with Native Americans submissively. However, as colonies gained power, they became more comfortable asserting dominance over Native Americans and leveraging their control through colonizing infrastructure. The fluid relationship between Europeans, and eventually Americans, directly correlated with the capacity and the authority of the respective governments. As they did with other colonized peoples, Europeans utilized treaties as steppingstones to empire and a medium to take Native land.

In the second chapter, I argue that the United States carried on a treaty system established by European settlers to manipulate, coerce, and deceive Native Americans. All future relations between white settlers and Native Americans were extensions of this treaty system. I will highlight how the system transformed from generally amiable agreements to the one-sided, paternalist institution it became. This transition paralleled the growth of the United States—as the United States gained political and economic power; they increasingly asserted more dominance in their

treaties with Native Americans. European and American policymakers also used number of legal justifications to transfer Indian land including the treaty system, the Doctrine of Discovery, and the Constitution itself. Morally, they justified taking Native American land with Manifest Destiny, the safety of the American public, and the inferiority and savagery of Native Americans.⁵ Treaties themselves are what originally acknowledged Native tribes as sovereign—there is no need to treat with entities under your own jurisdiction, treaties are used to establish relations with foreign, sovereign nations. But what was once the identifier of sovereignty, slowly became the very thing that diminished Native sovereignty and was used by the US government to colonize Native Americans.

In the nineteenth century, a series of US Supreme Court cases known as the Marshall Trilogy justified all Euro-American methods of settler colonialism. In the third chapter, I argue that the Court validated the treaties, doctrines, and legislation used to oppress and colonize Native Americans with two landmark cases, *Johnson v. McIntosh* (1823) and *Cherokee Nation v. Georgia* (1831). In a third case, *Worcester v. Georgia* (1832), the Supreme Court attempted to absolve themselves of the “Indian Problem” and reverse their previous decisions, but due to the extenuating political circumstances and the Court’s inability to enforce their decrees nothing came of their final ruling in the Marshall Trilogy. The Marshall Trilogy became the Court’s

⁵ Donna L. Akers, “Decolonizing the Master Narrative,” *Wicazo Sa Review* 29, no. 1 (Spring 2014): 58-76; Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making In American History* (New York: Oxford University Press, 2014), 2; William W. Quinn, Jr., “Federal Acknowledgment of American Indian Tribes: The Historical Development of a Legal Concept,” *The American Journal of Legal History* 34, no. 4 (Oct. 1990): 331-364; Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (New York: Cambridge University Press, 2013); Arthur Spirling, “U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911,” *American Journal of Political Science* 56, no. 1 (Jan. 2012): 84-97; David R. Wane, “Indian Treaties and the Democratic Idea,” *The Wisconsin Magazine of History* 70, no. 2 (Winter 1986-1987): 82-106.

foundational cases for Indian affairs and set the tone for the future status of Native Americans in the United States. The court cases established federal primacy in Indian affairs, excluded state law from Indian country, and established the dual sovereignty of Indian nations that still exists today.

With Native Americans defined legally as wards of the government, the final step of colonization was education to civilize the Native Americans and erase their culture by forcing them to assimilate into American society. In the fourth chapter, I will examine how Native American education was merely an extension of the US governments' attempts to eradicate Indigenous life within the country's jurisdiction. I delve into the nineteenth century American perspective to explain how they justified Native American acculturation. Lastly, I detail the experience of the students to reveal the lengths the government took to replace their tribal identities.

The colonization process started with land disputes. The US government secured dominance over Native American land through infrastructure and military force. Gradually, Native Americans involuntarily became dependent on the United States economy and political system through treaties and trade agreements. After they had gained political dominance over Native Americans and secured jurisdiction over their land, there was one final step to achieve complete colonization and subjugation—eradicate their culture. The United States was not going to let Natives stand in their way of American Progress. They were going to achieve Manifest Destiny one way or another.

CHAPTER 2

HISTORIOGRAPHY

History is not the past—it is a representation of the past. There is no way to completely replicate what happened in the past; even the people that were alive at the time had completely different experiences. The only way to paint a semi-accurate picture of the past is to include as many perspectives as possible that contribute to the larger narrative. It is the job of the historian to assemble as many histories as possible and each history adds a missing piece of the story. That is why the historians' job is never complete—there are always pieces missing and new perspectives that could contribute to a more comprehensive history overall. It was not until recently that Native American history has started being incorporated into US history, the absence of which left gaping holes in our nation's history. In the 1980s, greater interest in filling the gaps emerged, but there are still areas that need to be explored. There is yet to be a piece that explores the collective effort and intricate methods of economic, political, and cultural colonization in North America, that also includes a deep analysis of the moral and legal justification of settler colonialism.

Originally, the role of Native Americans in US history was limited to contact with settlers on the frontier. Indian Wars and Indian removal clogged/oversaturated the diffusion of Native American history. Frederick Jackson Turner laid the groundwork for frontier history with his "Frontier Thesis" in 1893. However, Turner's original work is only one perspective which many historians have gone back and revised to edit and refine the story of America that fosters a more complete vision of the continent.

Turner presented his "Frontier Thesis" during the summer of the Columbian Exposition in Chicago which promoted American Expansion and Progress to catapult the United States on to

the international playing field as a world power. This nationalist perspective clearly seeps into Turner's thesis. He argues that the frontier has closed according to the 1890 census, but the frontier was what defined the American identity and distinguished us from European countries. The popular ideology at the time was known as the germ theory which revolves around the idea that political habits are inherited, and Americans acquired their adaptability and self-reliance from Germanic and Anglo-Saxon peoples. Turner dismisses this theory and argues that it was the frontier that made us uniquely American. The progress of civilization can be seen in the settlement of the frontier, but it is still open enough for people to experiment, become self-sufficient, and define what is truly American. People were drawn to the frontier because there was an excess of land—the Homestead Act, railroads, preemption, and land runs all incentivized moving west. The untamed land transformed settlers into Americans; and since then, the agrarian landscape and yeomen farmers would continue to be the heart of America.⁶ As picturesque as this perspective appears, there are many factors that Turner did not consider. One of the largest blunders is the 'excess of untamed land.' This land was occupied by Native Americans, and the fact that the US government displaced Native Americans, exploited the land, and monopolized the resources, is conveniently left out of Turner's analysis of the frontier. Turner's original "Frontier Thesis" is very close-minded and puts the United States not only at the forefront of North and South America, but the world.

Since Turner presented his "Frontier Thesis" historians have revised his work, but it was widely accepted as the leading US narrative until the mid-twentieth century. Turner's 'Old Western History' has been supplemented with a 'New Western History,' pioneered by Patricia

⁶ Frederick Jackson Turner, "The Significance of the Frontier in American History," *Annual Report of the American Historical Association*, (1893), pp. 197-227.

Nelson Limerick. The new school of thought emerged in the 1980s and retold the story of the American frontier by focusing on race, class, gender, and environment.⁷ It takes off the United States' rose-colored glasses and acknowledges the conquest and manipulation Westward Expansion required. The New Western History added to Native American studies, as well as Hispanic and women's histories.

The message that historians like Patricia Nelson Limerick and Richard White hope to share is that it was not just white men who settled the Old West—women, Blacks, Hispanics, and Asian Americans were there, too. The West was not the mythic, pristine wilderness conquered and civilized by rugged cowboys and small farmers; it was pestilent and defeated the settlers far more often than they succeeded. In their process of 'settling the West,' Europeans carelessly plundered the land, slaughtered Native Americans and laid the groundwork for environmental disasters a century later. Turner's idea of the West is racist, sexist, and romanticized. Even the word 'frontier' itself draws a stark "meeting point between savagery and civilization" and establishes an us-versus-them relationship.⁸

The efforts of New Western Historians to provide the most inclusive, complete history as possible have continued to the present day. Roxanne Dunbar-Ortiz, Manu Karuka, and Susan Sleeper-Smith, highlight the pivotal roles of women, Native Americans, and Asian Americans in the development of the West. Roxanne Dunbar-Ortiz updated the history of the United States with her book, *An Indigenous Peoples' History of the United States*. She makes the claim that the history of the United States is a history of settler colonialism and revolves around land—who has

⁷ Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the West*, (Manhattan: W.W. Norton & Company, 1987), 17-32.

⁸ Frederick Jackson Turner, "The Significance of the Frontier in American History," *Annual Report of the American Historical Association*, (1893), pp. 197-227.

control of the land, who cultivated it, how it became a commodity. Settler colonialism is never far from genocide,- define both - and we have been taught a myth that embraces both of those malefactions. She says, “The source of the problems has been the refusal or inability of US historians to comprehend the nature of their own history, US history. The fundamental problem is the absence of the colonial framework.” Therefore, Dunbar-Ortiz challenges the nation’s founding story by presenting an antithesis rooted in lust for land and power.⁹

Manu Karuka expands on Roxanne Dunbar-Ortiz’s assertion of settler colonialism in the United States when he introduces his idea of railroad colonialism. In his book, *Empire’s Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*, Karuka uses the building of the transcontinental railroad to emphasize the role that corporations and infrastructure played in colonization, as well as the interaction and experiences of two groups greatly impacted by the railroad—Indigenous Nations and Chinese workers. Both the experiences of the Chinese workers and the Indigenous Nations expose the truths of Westward Expansion. For the Indigenous nations, the railroad interrupted their modes of relationship and sectionalized their expansive domain, corralling them on to reservations where it was easier to keep an eye on them and impose European way of life.¹⁰ For the Chinese, colonization took the form of exploited labor and racial violence as they were used as a medium to expand the empire and sustain estrangement between racial groups.¹¹ The transcontinental railroad paved the way for American colonization in the West by enabling the establishment of infrastructure, and splitting the population along geographical and racial lines.

⁹ Roxanne Dunbar-Ortiz, *An Indigenous Peoples’ History of the United States* (Boston: Beacon Press, 2014), quote from 7.

¹⁰ Manu Karuka, *Empire’s Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Berkeley: University of California Press, 2019), 61-79, 105-144.

¹¹ Karuka, *Empire’s Tracks*, 82-104.

Karuka coins the term “railroad colonialism” to describe how the United States built railroads as infrastructure to control the future of its colonies with a police function and circulation of capital and commodities throughout the empire.¹² He also introduced a new term, “countersoveriegnty,” to describe the land claims of the United States. The federal government recognized Native American sovereignty and land ownership through treaties and land grants but continued to build infrastructure that extended into Native land. Therefore, any claim from the United States on that land was one of countersovereignty.

Manu Karuka offers a completely new perspective to United States’ interactions with Native Americans in one of the most compelling theoretical arguments about the colonization of Native Americans. It was his book that piqued my interest in Native American history. However, I knew the mistreatment of Native Americans did not stop there, so I was left with the question, how did the United States continue their colonization efforts after the railroad was built? David Wallace Adams was able to answer that question.

David Wallace Adams provides the only comprehensive account of the Native American boarding school experience. In his book, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*, Adams reveals the last attempt to exterminate Native Americans with an assault to their identity. He not only reviews US Indian policy but catalogues the day-to-day experience of the Indian youth attending these boarding schools designed for acculturation. New names were assigned to the youth, their hair was cut, they all wore the same European-style clothes, they were not allowed to speak their native tongues, and they were trained to work in the industrial sector. Any semblance of individuality or Native heritage was obviated. Student resistance contributed to the decline of boarding schools, but it was ultimately

¹² Karuka, *Empire’s Tracks*, 40, 2.

the morally complicated motivation behind the schools that led policymakers to lose interest in the schools. David Wallace Adams contributes immensely to Native American history with his history of the boarding schools.¹³ He ultimately sees through the humanitarian guise and reveals the schools for what they truly are—yet another genocide waged on Native Americans.

Karuka and Adams drew me into the world of Native American history, but as I found more answers I was only left with more questions. How did the relationship and power dynamic between Europeans and Native Americans become so skewed? How did Europeans and Americans justify their settler colonialism? Was all of this legal?

Susan Sleeper-Smith tells a story of Native American success and prosperity before Europeans arrived. It is no secret in American history that colonists settled on land previously occupied by Native Americans, which entailed conflict and violence that continued for decades. However, until recently, there has been little interest in exploring the intricacy of Native American life before Europeans arrived. We usually imagine a world of nomadic tribes, wrought with tribal warfare. Most Americans have blindly accepted the story that settlers brought peace and civilization as they moved west. Susan Sleeper-Smith challenges this idea in her book, *Indigenous Prosperity and American Conquest*.

Instead, Sleeper-Smith presents a new perspective on Native American life that has been obscured by the Indian Wars of the late-eighteenth and nineteenth centuries. Focusing on the villages in the Ohio River valley, Sleeper-Smith reveals a prosperous, sedentary settlement that peacefully incorporated a variety of tribes and Europeans. Native Americans established a functioning society that adapted to the changing world on their terms, not Europeans'. The

¹³ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995).

success of this society rested on Native American women whose involvement in agriculture and the fur trade made them invaluable. Sleeper-Smith traces the rise of an Indian agricultural world largely dependent on women, and the eventual disruption from settlers and the United States government.¹⁴ Women's role in the opulence of the Ohio Valley Native American communities has been undermined by European ethnocentrism, sexism, and the Indian Wars. New Western Historians have paved the way for a more inclusive western history and provided opportunities for Native Americans' stories to be told.

Along with the New Western History movement, the Red Power Movement also piqued emerging historians' interest in exposing the truth of Native American history. In the late 1960s and early 1970s, the mistreatment and oppression of Native Americans culminated into the Red Power Movement. The Red Power Movement had a dual goal of achieving the civil rights of Native peoples as American citizens as well as the sovereign rights of Native nations. The three most prominent protests of the Red Power Movement were the Occupation of Alcatraz, the Trail of Broken Treaties, and the Occupation of Wounded Knee. Each contributed to the break from diplomatic negotiations and adoption of direct action as a way to advocate for self-determination. While it did not completely undo all of the government's wrongs, the Red Power Movement issued in a new era of Native American pride and recognition, and convinced historians to include the Native American experience in the larger narrative.

The most renowned—and arguably comprehensive—history of interactions between the United States government and Native Americans emerged from this period, *The Great Father: The United States Government and the American Indian* by Francis Paul Prucha. Such a complex

¹⁴ Susan Sleeper-Smith, *Indigenous Prosperity and American Conquest: Indian Women of the Ohio River Valley, 1690-1792* (Chapel Hill: University of North Carolina Press, 2020), 15, 27-41, 56-65, 70-103.

relationship is extremely difficult to capture in its entirety; therefore, most historians choose one smaller component to dissect. Francis Paul Prucha realized the need for a comprehensive history of the relations between the United States and the Indians. In *The Great Father*, Prucha tackles this daunting task of outlining the full scope of American Indian policy from the Revolutionary War to 1980. Aptly named, *The Great Father* refers to the name Indians used for the President of the United States which reflects the paternalistic relationship between the federal government and the Indians. The United States dealt with Indians from a position of dominance—taking on the responsibility of ‘protecting’ the Indians and often making decisions without input from tribal chiefs.¹⁵ As Prucha delves into the comprehensive history of United States and Indian relations, a pattern within the government’s policies reveals itself. For the entire duration of Native American and European settler contact there has been an obvious dichotomy between assimilation versus separation.

From the Revolutionary War to the 1980s, Indian policy attempted to address the question of Native American sovereignty—should Indians be politically and culturally independent or should they be covered under the jurisdiction of the Great Father? The United States is still undoing the complex web of dependency the federal government used to entangle Native Americans. Prucha’s contribution to the history of Native American relations with the United States government is hugely important, but he tended to assume that government officials had the best interest of Native Americans at heart—a criticism he received even during his lifetime. Furthermore, his argument focused on the opposing policies of assimilation and separation. This pattern reveals the governments’ inability to agree on a solution to the “Indian

¹⁵ Francis Paul Prucha, *The Great Father: The United States Government and the American Indian* (Lincoln: University of Nebraska Press, 1986), 9-12.

Problem,” but it omits the majority of economic and cultural colonization because it focuses on government policies and bureaucratic decisions. The United States colonized Native Americans on more levels than just the executive level. They attacked Natives Americans from all directions, and this needs to be acknowledged to understand the full magnitude of settler colonialism.

It was not until 2014 that another contribution to the field compared to Prucha on a similar scale. Stephen Rockwell approached Native American interaction with the United States government from the opposite perspective in his book, *Indian Affairs and the Administrative States in the Nineteenth Century*. He argues that the pattern of incompetence from Indian Affairs officials was so common that it must have been intentional manipulation. Scholarship on the nineteenth century either focuses solely on Native American policies and experiences or ignores Indian affairs all together, focusing on administrative eras without considering the effect Natives had on the administration. Stephen J. Rockwell attempts to meld the two narratives into one, complex, vibrant overview of nineteenth-century politics and highlight the bureaucratic inadequacies.

Rockwell’s book, *Indian Affairs and the Administrative State in the Nineteenth Century* offers a unique perspective on the interactions between Native Americans and the federal government throughout the 1800s. He transports the reader back in time and immerses them in nineteenth century politics by weaving an intricate web of decisions and consequences rather than alienating a specific topic and studying it as a stand-alone event. In this sense he is able capture the complexities of the administrative state in the nineteenth century. Studying history from an outside perspective, in the bubble of the current day, the connectivity between each sector of society is often forgotten. Rockwell reminds us that Native American affairs impacted

other political decisions outside of their immediate realm of influence. Native Americans lay at the heart of social, economic, and political development in the years of the early republic, but history often oversimplifies the Indian affairs and the role they played in shaping the United States government.¹⁶

Rockwell argues that Indian policy manifests itself in three distinct eras that can be simplified to pacification, relocation, and containment. Although this offers a more realistic perspective than Prucha, Rockwell does not connect the eras to economic, political, and cultural attacks. By incorporating different aspects of society, Rockwell creates a more complete picture. However, it is still very top-down, synthetic, and does not explain the justification of settler colonialism.

Rockwell and Prucha approach the history of Native American interactions with the United States government with a very broad perspective. Most historians prefer to focus on one aspect of the complex relationship. Colin G. Calloway published groundbreaking work on treaties between the United States and Native Americans. European settlers utilized treaties as steppingstones to empire, gradually taking away Native land; and was a tradition carried on by the United States federal government when they gained independence. In his book *Pen and Ink Witchcraft: Treaties and Treaty Making in American History*, Colin Calloway delves deeply into three treaties to emphasize the turning points in the history of treaties between Europeans and Native Americans—or what Native Americans called “pen and ink witchcraft.”¹⁷

¹⁶ Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (New York: Cambridge University Press, 2013), 2-7, 15-22, 39-45.

¹⁷ Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making In American History*, (New York: Oxford University Press, 2014), 2.

The transition of power between European settlers—eventually Americans—and Native Americans is the underlying theme that Calloway follows, and he reveals how treaties contributed to this exchange. He wrote, “As time went on, power relations became increasingly lopsided. The contradictions, flagrant abuses, and hypocrisies in treaty making became glaringly apparent when the United States adapted, and applied processes and procedures developed in the colonial era to fuel national expansion with the rapid acquisition of Native lands. Tracing the evolution, application, abolition, and resurgence of treaties illuminates shifts in power, changing attitudes about the place of Indian people in American society, and contested ideas about indigenous rights in a modern constitutional democracy. Treaties are a barometer of Indian-white relations in North America.” Calloway introduces treaties by explaining the protocols, practices, and precedents of Native American diplomacy in colonial America. Then, he delved into the shifting treaty relationships by focusing on three main treaties—The Treaty of Fort Stanwix in 1768, The Treaty of New Echota in 1835, and The Treaty of Medicine Lodge in 1867.¹⁸ By adopting this narrative, Calloway clearly revealed the role treaties played in the shift of power between Native Americans and the United States. Though Calloway presented a very intriguing argument, it was still very top-down; adding in a bottom-up perspective from the Native Americans would have strengthened his argument and offered a new perspective on Native American history.

As the discipline of Native American history continues to advance and expand, Native American voices are included more and more frequently. In her book, *The Name of War: King Philip’s War and the Origins of American Identity*, Jill Lepore points out that Native American history often only illuminates the colonial or United States perspective because Native

¹⁸ Calloway, *Pen and Ink Witchcraft*, 1-11, quote from 3.

Americans did not prioritize any written language—especially English—like European descendants; therefore, their version of history is not as accessible. The white population took advantage of this and monopolized the documentation of information, memorializing conflict and interactions in a way that would and shine a light on their civility separate them from the ‘savage’ Indians.¹⁹ However, in the twenty-first century, historians are starting to turn the tables and incorporate Native American voices.

We still see the ramifications of the mistreatment of Native Americans today. Land has always been central to Indian affairs. Often through deceitful tactics, the United States has sought to control Native American land since the beginning of the republic in the name of Manifest Destiny. The land itself gives the United States a dominant position, but the resources on the land are what truly allow the federal government to colonize the Native Americans. In her book *As Long As Grass Grows: The Indigenous Fight for Environmental Justice, from Colonization to Standing Rock*, Dina Gilio-Whitaker argues that colonization was not just the invasion and eventual domination of Native Americans, but that the structure that colonization created began as environmental injustice. She asserts, “The underlying assumptions of environmental injustice as it is commonly understood and deployed are grounded in racial and economic terms and defined in norms of distributive justice within a capitalist framework.”²⁰ Therefore, in order for Natives Americans to achieve complete justice in the US framework, environmental justice—or “Indigenized” EJ—needs to be the focal point of activist groups. Furthermore, for that environmental justice to be successful and responsive to the needs of

¹⁹ Jill Lepore, *The Name of War: King Philip’s War and the Origins of American Identity* (New York: Vintage, 1999).

²⁰ Dina Gilio-Whitaker, *As Long as Grass Grows: The Indigenous Fight for Environmental Justice, from Colonization to Standing Rock* (Boston: Beacon Press, 2019), 12.

Indians it must consider the indigenous perspective, their different histories, relationship to land, and political relationships to the state.

Until recently, the Native American perspective was completely absent from United States history. Even tribal artifacts can be found in natural history museums across the nation with fossils, dinosaurs, and woolly mammoths. What does that say about our perception of Native Americans? It is blatant evidence that the stereotypes and myths created about the indigenous population in the early years of the Americas have prevailed. Our society still places Native Americans in a category that is less than human. The legacy of Manifest Destiny continues to dominate Americans' view of our nation's past because the belief in our God-given right, American progress, and the resilience of the frontier settlers, has been so ingrained in the American identity. New Western History introduced the idea that the history of the western regions was one of conquest, and only by recognizing it as such could we fully understand United States history in its entirety. This emerging school of thought correlated with the Red Power Movement in the 1980s to increase interest in Native American history. Since then, historians have gradually worked to unravel the misconceptions about Native Americans, include their history in the larger United States narrative, and recast the role of European settlers as conquerors and colonizers.

CHAPTER 3

ECONOMIC COLONIZATION

Economics is the study of choices. It is a systematic and scientific way of looking at decision-making that can help us better understand a peoples' priorities and modes of relationship. When Europeans landed in the New World and pushed their way into the interior, they encountered an intricate web of economic systems established by generations of Native Americans based on their traditional modes of relationship. As they made their way toward what is known today as the Midwest and the Great Plains, Europeans were in unfamiliar territory, and therefore relied on these Native Americans and their economic systems. These were not weak, dependent communities easily overtaken by the 'superior' Western culture. In fact, Native Americans incorporated Europeans and their capitalist modes of relationship into the indigenous economic system. Nevertheless, the introduction of European goods and modes of relationship initiated the shift in Native American reliance on a subsistence economy to a commercial, capitalist economy. The new material culture provided an efficiency that allowed Native Americans to over-produce their commodities, and the competing capitalist empires created a demand for that surplus. This trade created a platform to earn individual wealth instead of contributing to the traditional tribal exchange economy. Furthermore, European goods allowed Native Americans to expand their influence and gain respect instead of being victimized. In this sense, Native Americans with access to European goods gained a material advantage over those who did not which ultimately created a power imbalance. But it was Native Americans who instituted the new political economy that would reign in the Arkansas Valley for the next two centuries.

These goods certainly had the potential to overturn Native Americans' traditional economy, but Indigenous populations creatively incorporated them into their own economy and modes of relationship. While the introduction of European goods did not completely transpose Native American modes of relationship, it did create a dependency that would eventually establish the foundation for settler colonialism. Persistent cultural change and gradual territorial encroachment were the ultimate consequences of contact and culminated after the United States gained control of the Great Plains. Diplomatic efforts were increasingly motivated by profit and the competition for dwindling resources increased warfare. In this chapter I argue that economic interaction originally benefitted Native Americans, but eventually became a steppingstone to colonization because Native Americans lost their power of choice.

Before Europeans arrived in the Americas, indigenous people had developed their own modes of relationship—diplomatic traditions, economic systems, and spiritual beliefs. The Native American world was a living organism, constantly changing, ebbing, and flowing in response to power struggles and peace time. Native Americans are usually spoken of as one entity with a single mind and body. However, innumerable tribes built their own communities, crafted their own languages and traditions, and ruled themselves as they saw fit. Some allied, some fought. There was no single Native American experience. Nevertheless, due to their origins as well as the adaptations required to thrive in the unforgiving environment, there are some overarching similarities that occurred across tribal boundaries, especially among the Great Plains tribes. The Great Plains tribes originated from the Dhegíia group that eventually migrated south along rivers from the Great Lakes region and divided as they spread across what are now Nebraska, Kansas, Missouri, and Oklahoma. The Quapaw, Osage, Kansa, Ponca, and Omaha

remained connected through a common Siouan dialect and shared traditions. In this chapter, I will focus on the tribes of the Great Plains and the Great Lakes Iroquois.

The Omaha borrowed from other cultures in order to adapt to the Plains; they incorporated earth lodges and corn from the Arikara, and horses from the Ponca. In 1775, the Omaha founded their village along the Omaha Creek which aligned with the majority of tribes in the Plains that established their communities along waterways due to the potential for trade and prime horticulture soil. Omaha women cultivated a 483-acre garden fructuous with corn, beans, melon, and squash. Their economy was based on the “Omaha round,” an event begun in May when the corn was planted. Women tended to it during June and July until almost the entire village left for the summer buffalo hunt and stayed in tipis that could be moved daily to follow the buffalo. In September, they returned to their permanent home for harvest. They hunted deer and fowl in small groups throughout November and December, buffalo again January through March, and returned in April to start the cycle again.²¹

This was a common economic model for tribes on the Great Plains—women farmed while men hunted. Men provided the animal protein that was essential to a healthy diet by hunting game and bison as well as fishing, but women used the land to produce almost unlimited food resources. Women usually stored two to three years’ worth of grains to supply the village in case of crop failure, but could produce sufficient food to sustain large, well-fed villages even in small gardens. This placed women at the center of the tribe because they provided the only consistent source of food—there was no guarantee the men would return with enough meat to

²¹ Kathleen Duval, ““A Good Relationship & Commerce”: The Native Political Economy of the Arkansas River Valley,” *Early American Studies* 1, no. 1 (Spring 2003), 61-89; Kurt E. Kinbacher, “Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808,” *Great Plains Quarterly*, no. (Summer 2012), 208-214.

feed the village. Even then, women were tasked with treating, cleaning, and scraping the hides. In the Great Lakes region, women created a complex agriculture based on three major crops—corn, beans, and squash. Native women passed down their knowledge about the cultivation of corn orally over hundreds of years, and that accumulation of knowledge allowed them to produce more corn per acre than Anglo-Americans.²²

Eurocentrism has masked women's preeminent role in Native American cultures and economies. Tribes and villages relied on women as their core producers of food and sustenance, but it was also women that brought Europeans and Native Americans into the same social sphere. One of the main ways French, English, and Spanish merchants assimilated into Indigenous villages was through marriage. At Green Bay, French traders relied on short-term relationships to secure acceptance into Native American villages during the early years of the seventeenth-century fur trade. These marriages were beneficial to both parties and were even encouraged by Native American headmen. Women bridged this gap between European and Native American culture as well as secured direct access to trade goods and enhanced their own power and prestige. They were used as interpreters within the villages, further expanding the trade network. Natawista which translates to Medicine Snake Woman who was from the Kainai tribe, married Alexander Culbertson, a chief trade at Fort Union. She became a crucial diplomatic intermediary and came to serve as a powerful voice and representative of her tribe. William Bent married a Cheyenne woman, Mistanta, which translated to Owl Woman. She is credited with facilitating peace on the Colorado plains due to her interpretation and insight into both tribal and imperial

²² Susan Sleeper-Smith, *Indigenous Prosperity and American Conquest: Indian Women of the Ohio River Valley, 1690-1792* (Chapel Hill: University of North Carolina Press, 2020), 6, 27-29; Neil Van Sickel and Evelyn Rodewald, *The Indian Way: Indians and the North American Fur Trade*. CreateSpace, 2012.

affairs.²³ The failure to understand women's role in Native American and European interaction has obscured a major factor in creating a prosperous Indigenous world that originally resisted European intrusion.

When the French put a ban on the fur trade, traders who ignored the ban found themselves increasingly reliant on Native Americans because they lacked support from the French government. The already common practice of marrying into a tribe or village in order to secure access to trade goods became a necessity. European traders became dependent on their Native American wives and her kinship ties that cemented alliances with other households and communities. By finding refuge in his wife's household, an illegal trader had to assimilate into Native American traditions and modes of relationship.²⁴ Upon initial contact, Europeans were incorporated into the economy and trade network already established by Native Americans.

The core of the traditional Native American economy was subsistence, not commercial. Nothing was traded for a profit, instead trade was based on necessity and alliances. Acquiring the rights to land and resources was important to Native Americans, but not for capital gain—the land represented spiritual power and social status, and the resources were used for subsistence and security. A reciprocal obligation existed in this gift-based economy both inside the community and among outside communities. Within society, women gave men and children their

²³ Sleeper-Smith, *Indigenous Prosperity and American Conquest*, 15, 27-41, 56-65, 70-103; Neil Van Sickle and Evelyn Rodewald, *The Indian Way: Indians and the North American Fur Trade*. CreateSpace, 2012; Thomas F. Schilz, "Robes, Rum, and Rifles: Indian Middlemen in the Northern Plains Fur Trade," *The Magazine of Western History* 40, no. 1 (Winter 1990), 5-8; Vera Parham, "'These Indians Are Apparently Well to Do': The Myth of Capitalism and Native American Labor," *International Review of Social History* 57, no. 3 (December 2012), pp. 447-470

²⁴ Sleeper-Smith, *Indigenous Prosperity and American Conquest*, 15, 27-41, 56-65, 70-103; Neil Van Sickle and Evelyn Rodewald, *The Indian Way: Indians and the North American Fur Trade*. CreateSpace, 2012; Schilz, "Robes, Rum, and Rifles," 4.

agricultural produce, men provided the products of the hunt. Between outside societies, alliances and friendly relations depended on the exchange of goods. For example, like many tribes, the Quapaws did not distinguish between trade and diplomacy. Exchanging goods even had the potential to create fictive kinship ties.²⁵ Before whites arrived, intertribal trade existed and centered on horticulture. While luxury goods were available, food was the primary commodity because traders were limited to what they could carry. Lacking the equipment to haul heavy loads as well as the communal activity involved in the accumulation of food created an egalitarian society.²⁶

Green Bay was the heart of pre-contact trade for tribes in the Ohio River valley and Great Lakes region. Native Americans from all over the continent followed trade routes stretching from Powhatan lands in the Chesapeake to the eastern Ohio River valley, along the Hudson River valley to Lake Champlain, and along the St. Lawrence River to the Atlantic. These pathways linked dispersed communities and facilitated a sense of a larger, interconnected Indigenous polity; therefore, they were central to diplomatic, political, and economic Green Bay was not only a crucial trading center, but it became a vibrant cultural hub where Native migrants interacted and shared ideas. Villages in the area were frequently multiethnic and utilized the gift-based economy to incorporate newcomers.²⁷

On the Plains, the Yanktonai, Sisseton, Yankton, and Teton met to trade at the Dakota Rendezvous at the mouth of the James River. Plains tribes like the Apache, Kiowa, and

²⁵ Duval, “ ‘A Good Relationship & Commerce,’ ” 71-72; Kinbacher, “Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808,” 210; Parham, “ ‘These Indians Are Apparently Well to Do’: The Myth of Capitalism and Native American Labor,” 447-470

²⁶ Schilz, “Robes, Rum, and Rifles,” 2-13

²⁷ Sleeper-Smith, *Indigenous Prosperity and American Conquest*, 68-72

Comanche traveled south to trade corn, squash, beans, and animal meat and hides with the Pecos and Zuni along the Rio Grande. Similarly, the Arikara and Mandan villages on the upper Missouri River were vital locations for trading horses, robes, meat, leather, and vegetables. The Cheyenne and Crow brought horses from the south to trade for vegetables. The Arkansas River fostered native trade networks from the Great Lakes to the Gulf of Mexico, the Ohio Valley to the Atlantic.²⁸ These extensive trade networks existed long before European contact with Native Americans and would continue for centuries. When Europeans arrived in the Americas, they entered the economy on Natives' terms and integrated themselves into the Native trade networks already in place. Native Americans had no intention of relinquishing their jurisdiction. They played the competing European empires off each other and used their own weapons and technology against them—the Native Americans had control.

Originally, incorporating Europeans into the economy was effortless because they simply added one more aspect to an already exceptionally diverse socioeconomic system. No one could have predicted the utter destruction that ensued. The first Europeans to arrive in the North America came with Francisco Vazquez de Coronado and Hernando de Soto in the early 1540s. Spanish conquistadors wanted nothing more from the Americas than to expand their empire, but, ironically, it was the Indigenous population that helped them survive. Obtaining adequate nourishment was a common concern for European explorers and traders in a new environment with unfamiliar plants and animals. To ward off starvation, Europeans often resorted to pillaging. Hernando de Soto wrote of the crops, as well as the surplus stores his men devoured on their journey through the Southeast. He often described the land through the language of food,

²⁸ Van Sickle and Rodewald, *The Indian Way: Indians and the North American Fur Trade*. CreateSpace, 2012; Schilz, "Robes, Rum, and Rifles," 4; Parham, "'These Indians Are Apparently Well to Do': The Myth of Capitalism and Native American Labor," 447-470.

discerning one tribe from another based on the quality and quantity of their harvests. These pillages saved Spanish explorers, but repeated raids reduced Indigenous villages to minimal subsistence levels and invigorated the spread of disease microbes which desolated the more vulnerable Indian populations.²⁹ Though this was devastating to many Native populations, de Soto's documentation captures how successful these Native American communities were before European contact. Since their very first encounter, Europeans have disrupted Native Americans' economic system.

Natives rejected glory-seeking Spanish explorers and did not allow them to stake any claims on Indigenous land. While it was only a short encounter, it had long-lasting effects—disease spread from Mexico through trading routes in the southwest, and warfare broke up the large cities of the Mississippian era. It would be another century until French traders began trickling into the Great Plains from the North, but the Plains tribes had already felt the effects of European contact. Many had been pushed off their lands on to the Great Plains from the East and North due to European settlement, and their populations had diminished in varying degrees due to disease and conflict. This decline in population amplified the importance of alliances. When Natives first encountered the French who were more amiable than the Spanish and sought trade partnerships rather than a vast empire, befriending them seemed like the obvious choice.³⁰

Ceremonies were vital in Native American diplomacy, in particular the calumet pipe ceremony. It served as a European passport into unfamiliar villages and involved rituals like

²⁹ Sleeper-Smith, *Indigenous Prosperity and American Conquest*, 81-83, 32, 47; Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making In American History*, (New York: Oxford University Press, 2014), 25-40.

³⁰ Kinbacher, "Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808," 207-215; Duval, "'A Good Relationship & Commerce': The Native Political Economy of the Arkansas River Valley," 61-62.

song and dance, the presentation of food, and finally the ritual smoking of the calumet, otherwise known as the peace pipe. In the Native American economy, gifts meant more than just a material exchange, they served to amplify a request, underscore a point, and seal an agreement. Alliances that were not built on the trust of gifts given and received were seen as fragile and were bound to fail. Military men like St. Luson [introduce him] interpreted these ceremonies to mean that Native Americans were being incorporated into the French Empire; however, Jesuits, like Father Allouez, and explorers, like Joliet and La Salle, made more of effort to understand the Indigenous world and realized that it was able to thrive because of the foundation of kinship created through these exchanges and ceremonies. Europeans learned these rituals and quickly came to understand their power to create alliances and quell ensuing conflict.³¹

Conflict was almost inevitable because the French, British, Spanish, and Americans were all competing for supremacy on the Great Plains. This competition between the four empires decreased the region's isolation and catalyzed social and political changes. The collision of Native American and European cultures produced new modes of relationship across the region and generated profound economic, political, social, and demographic upheavals that transformed traditional customs and ways of life. Native people and Europeans alike redefined their world views – their ongoing encounters taught the diverse peoples much about each other. Native Americans not only survived initial contact, but they also thrived because of it. European goods altered the norms of Native American prosperity. Traditional Native modes of relationship did not disappear, in fact they were originally elevated by European capitalism. Hunting and trapping became commercially profitable; Natives provided furs, pelts, robes, and food and in

³¹ Sleeper-Smith, *Indigenous Prosperity and American Conquest*, 81-83, 32, 47; Calloway, *Pen and Ink Witchcraft*, 25-40.

return received guns, alcohol, blankets, glass beads, and cloth. The traditional Native American subsistence, gift-based economy started to blend with the new commercial, capitalist economy introduced by the Europeans who were gradually infiltrating Native American villages and modes of relationship.

The French were the first to live among the Native Americans, learn from them, and adapt to their society. French priests were drawn into the gift-based economy because they viewed it as a way to spread their teachings of the Bible; while priests were welcomed into the economy, their teachings were not. Nevertheless, priests became individual Quapaws' adoptive fathers through the kinship ties that gifts create and established closer ties and more responsibility for reciprocal generosity than traders.³²

The Quapaw actively sought trade with the French, but their primarily agricultural commodities did not interest the French empire, which envisioned a large-scale trading network with luxuries like beaver pelts. However, the Quapaw had never hunted beavers and they did not produce enough deer and bison skins for a large-scale operation. The relationship with the French that the Quapaw anticipated did not require a trading empire, instead they merely wanted friendship and guns to protect themselves. Henri de Tonti, a French military officer, tried to convince the Quapaw to change their economy, but the Quapaw refused to enter into an alliance on anyone's terms except their own. Trade and relations with the French were originally part of a strategy for controlling the Great Plains themselves.³³

French voyageurs did what Tonti could not. They adapted to Quapaw ways to build a successful small-scale enterprise. The French voyageurs and the Quapaw hunted together which

³² Duval, "A Good Relationship & Commerce," 75-89.

³³ Duval, "A Good Relationship & Commerce," 61-62, 74, 79.

reinforced their friendship and allowed them to produce more hides. They produced 1,000 of the 50,000 deerskins that Louisiana sent to France. Adapting to Quapaw modes of relationship benefitted French voyageurs in more indirect ways as well. Voyageurs that were able to establish themselves in the Quapaw towns could exchange goods with surrounding peoples and use the Quapaw as negotiators. This allowed them to both expand their influence as well as their trade network. In this scenario, however, the French voyageurs were reliant on the Quapaw to negotiate; therefore, the Quapaw held the power. Like many other tribes, the Quapaw traded sporadically with the both the British and the French—they did not see it as a conflict of interest because they did not consider themselves under French command, they saw themselves as a sovereign nation allying with other sovereign nations.

In 1745, the Quapaw were not satisfied with the material recognition they were receiving from the French empire, so they gave French officials an ultimatum—either things get better or they ally with the British. By the 1750s, Quapaws received annual presents from the French to reaffirm their alliance and to compete with British bribes for alliance. When the Spanish took control of Louisiana, the Quapaws persuaded the new administration to be even more generous than the French.³⁴ The Quapaws show that Native Americans were not passive players in the intersectionality of the subsistence and capitalist economies. They keenly used European contact to their own advantage and benefit instead of succumbing to the pressures of the new European economic endeavors.

By the 1700s, the French recognized the Osages had the ability to establish large-scale trade, unlike the Quapaws. The Osage people were able to establish themselves as the primary economic and military power throughout western Louisiana because their land was in a strategic

³⁴ Duval, ““A Good Relationship & Commerce,”” 61-62, 74, 79-80.

location between the Mississippi River and the Great Plains. They were already a dominant force in the area due to their large population – they had been able to evade the worst of the pandemics because they were spread out into smaller bands for the majority of the year—their skillful hunting, and their warfare. Once they connected with the French trading network, the Osages became commercial hunters and raided nearby towns and villages for goods and slaves to trade. The Osage gave the French their bison and deer skins, horses, mules, and slaves in exchange for guns and ammunition to support their raids and warfare. Indigenous groups in Illinois complained, “the French traders carry their best goods to the nations of the Missouri.”³⁵

The guns and ammunition they received from the French amplified their power and enabled the Osage to violently expand their jurisdiction. They not only attacked Native Americans, but they also raided and killed voyageurs who attempted to trade with rival tribes. The French feared Osage violence but could not afford to object because they were surrounded by the British, Spanish, and other Indigenous tribes. The Osage eventually allied with the Quapaw in an attempt to restrict trade west of the Mississippi. The Osages used their violence and force, while the Quapaw used their diplomatic relations with the French and their monopoly of information about the region. Due to their alliance, the French learned about the area and the surrounding tribes from the Quapaw, and whatever the Quapaw said the French believed because they had no other references.³⁶ Their contact with the French gave the Quapaw and Osages an advantage that created a power imbalance between tribes. These two tribes did not resist ‘colonization’ because they believed they were molding European mode of relationships to

³⁵ Pierre François de Rigaud, Marquis de Vaudreuil, Order of Command for Macarty, August 8, 1751, in Theodore Calvin Pease and Ernestine Jenison, eds. and trans., *Illinois on the Eve of the Seven Years' War, 1747-1755* (Springfield: Illinois State Historical Library, 1940), 313.

³⁶ Duval, “ ‘A Good Relationship & Commerce,’ ” 80-82.

benefit themselves. Both gained power, prestige, and dominance on the Great Plains due to their alliance with France—a privilege some tribes did not have access to. The tribes were not dependent on European trade and goods, they incorporated them into their own economy. And Native modes of relationship continued to dominate throughout the eighteenth century.

Trading for profit was a foreign idea to Native tribes, but trade was also limited by the available transportation and tools. Waterways were crucial to trade, but in the Great Plains, some were not navigable. Bullboats eased this difficulty and were used largely by the Mandan on the Missouri River in the late eighteenth century. However, when traders reached the edge of the prairie, they needed to move through the mountains where canoes could not take them. Walking was the only option, so snowshoes and toboggans were invented and spread quickly among the Europeans. Dogs were also domesticated to pull a toboggan or a travois, but when the Plains people were first introduced to horses, their lives were forever changed. They could carry larger, heavier loads, travel at faster speeds, and take more direct trails to water sources. In less than one hundred years, horses spread from the Rio Grande to the Saskatchewan River and increased from eighteen thousand in 1835 to half a million by 1875.³⁷

Horses were one of the most disruptive commodities transferred from Europeans to Native Americans. On a surface level, horses did not completely alter the traditional Native American economy, but the increased efficiency that riding on horseback brought to hunting, traveling, and trading, required numerous adaptations and catalyzed the movement from a subsistence, gift-based economy to a European capitalist economy. Hunting buffalo from horseback allowed Native Americans to be more selective in their slaughter. Men could also hunt

³⁷ Van Sickle and Rodewald, *The Indian Way: Indians and the North American Fur Trade*. CreateSpace, 2012.

and kill more animals than was necessary to sustain their village because there was a high demand for fur and meat, but they also had the means to carry larger loads. Whatever the hunter could bring down and transport on his own was his for profit. Horses individualized hunting – wealth was no longer part of the tribal exchange economy; it became very personal and individual which established the basis for accumulating more. This is one of the first instances in Native culture that reflects the European concept of ownership and individuality. Horses were one of the main contributing factors in the shift in the Native American economy from subsistence to commercial because now men had the means to hunt and carry more than what was necessary to survive. Now they could earn a profit.³⁸

Incorporating the horse into the traditional economy on such a large scale introduced new stresses on the local resources and economies. On the Great Plains, grass-fed animals already competed for limited forage, but the addition of another large animal created a food shortage. If the horses survived the food shortage, the long, cold winters on the Plains hampered their health. The competition created by capitalism also increased raiding. The Omaha raided for horses and were in return raided for revenge. Neighboring tribes raided each other to maintain enough valuable animals for their own use as well as for trading, but the increased raiding resulted in more frequent intertribal war.³⁹

Economically, horses and guns pushed Native Americans away from their traditional economy and toward a commercial economy, but they disrupted the social hierarchy as well. Horses became a measure of wealth because they were expensive to both attain as well as

³⁸ Kinbacher, “Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808,” 207-212; Schilz, “Robes, Rum, and Rifles,” 2-13; Walter Prescott Webb, *The Great Plains*, (Boston: Ginn, 1931), 47-66.

³⁹ Kinbacher, “Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808,” 215- 217.

maintain, and the benefits of owning a horse made it easier to accumulate even more wealth. In other words, the rich got richer; and therefore, divisions in wealth became more apparent. Tribes and individuals who had access to horses quickly became dominant forces on the Plains.⁴⁰

The Pawnee lived in decentralized villages that were isolated from the main arteries of European expansion; therefore, they were vulnerable to attack and enslavement, and did not have access to the advantages that came with European contact. European missionaries and explorers knew of the Pawnee before they reached the Platte because they were sold as slaves to Europeans and other tribes. The Osage Nation led the slave trade that provided cheap labor for French agriculture, and specifically targeted the Pawnee. The word ‘Pani’ came to mean “a slave taken from the plains.” However, once European weapons and horses were introduced to the Pawnee, they reimagined their status on the Plains. By the time of American contact, Pawnee horsemanship was renowned. The horse improved their trading capabilities—they were more efficient and selective in slaughter as well their carry capacity increased immensely. This along with their access to weapons augmented their hunting productivity. They traded their yield for French guns and powder, and by 1771, they were receiving weapons from Britain as well. The Pawnee played the empires off each other to get the best economic advantage. Zebulon Pike’s expedition found the Pawnee wearing medals of both George Washington and the Spanish king. Alliances were not mutually exclusive, and raiding was approached in the same fashion – the Pawnee raided expeditions regardless of nationality. By 1785, they pushed the Apache off the

⁴⁰ Kinbacher, “Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808,” 217; Schilz, “Robes, Rum, and Rifles,” 4; Van Sickle and Rodewald, *The Indian Way: Indians and the North American Fur Trade*. CreateSpace, 2012; Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West*, (New York City: Open Road Media, 2012); Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America*, (Boston: Mariner Books, 2016), 7.

Plains. Zebulon Pike noted, “The Pawnees have much advantage of their enemies in the point of arms, having at least one half firearms, whilst their opponents have only bows, arrows, lances shields, and slings.”⁴¹ Although the Pawnee were a small tribe, they were not passive players in the fight for North America, and even used European goods to take the power into their own hands.

The Apache may have been the first indigenous group to ride horses, but the Comanche mastered the trade and dominated the market. The Blackfoot were the first to have both horses and guns. The Shoshone terrorized the northern plains from horseback. Warriors have always been highly regarded in Native American cultures, but they fought defensively and with weapons that were not nearly as deadly as a gun. Within this new hierarchy, there was an increase in warfare because now war meant profit. The new need to maintain personal wealth underscored all conflict, and success on the battlefield guaranteed an opportunity to raid the defeated community for goods and slaves to trade. Horses and guns created a power imbalance on the Plains that disturbed the traditional Native American economy and social status quo. Not only were Natives trying to fight off invasion from white settlers, but they were also fighting each other.⁴²

Warfare with European technology was more lethal than Native American conflict prior to European contact. The competitive capitalist economy encouraged warfare because individual wealth was now a priority over tribal wealth, and dwindling resources threatened the potential to

⁴¹ Kinbacher, “Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808,” 215-217, quote from 216 and 217.

⁴² Kinbacher, “Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808,” 217; Schilz, “Robes, Rum, and Rifles,” 4; Van Sickle and Rodewald, *The Indian Way: Indians and the North American Fur Trade*. CreateSpace, 2012; Brown, *Bury My Heart at Wounded Knee*; Reséndez, *The Other Slavery*, 7.

acquire individual wealth. In Native American's subsistence economy, resources were abundant because they did not need a surplus of commodities to support the extensive, large-scale trade networks fostering imperial agendas. The economic competition between the four empires proved to be too much for the land to sustain. The social environment and kinships that the French had established to facilitate exchange were stripped away by British military officers. The Quebec Act, passed in 1774, permitted the practice of Catholicism and Indigenous fictive kin networks transferred into a Catholic kin network based on baptisms. However, the Quebec Act was not protected by British officers who abhorred Catholicism, and the social link between French traders and the Indigenous population began to disintegrate. Citation?

The community and intricate networks that had taken centuries to build continued to deteriorate when the United States gained independence. The competing empires gradually receded from the Great Plains. In 1803, Thomas Jefferson purchased Louisiana and sent Meriwether Lewis and William Clark on a military expedition "to prepare Native Americans to increase their commerce with the United States and to accept American sovereignty." After the War of 1812, Europeans had no land claims in the Great Plains. Americans' mantra of Manifest Destiny fostered relations with Native Americans unlike any other European power. The French assimilated into the Indigenous world and used their alliance to cultivate a more symbiotic relationship. Americans recognized the power of the land, and only saw the Native Americans as obstacles rather than people who could help them through trade and alliance.⁴³ Land was power because land contained resources. The land itself gives the United States a dominant position, but the resources on the land are what truly allowed the federal government to colonize the Native

⁴³ Kinbacher, "Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808," 217.

Americans. Native Americans built their economy around these resources that Americans exhausted. Economics is all about choice, and when the United States destroyed the economy Native Americans had worked for centuries to create, they had no choice but to conform.

CHAPTER 4

POLITICAL COLONIZATION

The mechanism used by the United States to ‘legally’ appropriate Indian land was the treaty system. Thus, treaties became the steppingstone of the American empire. The term “treaty” implies the mutual agreement between at least two parties—specifically, an agreement based on negotiations between sovereign nations. The United States and European nations agreed upon universal practices and protocols for the international treaty-making process that they then forced on the Native Americans. Native Americans were treated as sovereign nations during the beginning of their interactions with Europeans, but as time progressed and the United States gained more power, the federal government gained more confidence to assert their dominance over Indians in order to expand their empire. Treaties define the relationship between two people, but their origins in the white historical-legal experience are advantageous for Europeans and Americans, not Indians.⁴⁴ Treaties themselves are what originally acknowledged Native tribes as sovereign – there is no need to treat with entities under your own jurisdiction, treaties are used to establish relations with foreign, sovereign nations. But what was once the identifier of sovereignty slowly became the very thing that diminished Native sovereignty and was used by the US government to colonize Native Americans.

⁴⁴ Donna L. Akers, “Decolonizing the Master Narrative,” *Wicazo Sa Review* 29, no. 1 (Spring 2014): 58-76; Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making In American History* (New York: Oxford University Press, 2014), 2; William W. Quinn, Jr., “Federal Acknowledgment of American Indian Tribes: The Historical Development of a Legal Concept,” *The American Journal of Legal History* 34, no. 4 (Oct. 1990): 331-364; Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (New York: Cambridge University Press, 2013); Arthur Spirling, “U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911,” *American Journal of Political Science* 56, no. 1 (Jan. 2012): 84-97; David R. Wane, “Indian Treaties and the Democratic Idea,” *The Wisconsin Magazine of History* 70, no. 2 (Winter 1986-1987): 82-106.

In this chapter, I argue that the treaty system that defined the relationship between the United States and Native Americans was at the core of American expansion and colonization. The United States' treaty system expanded upon the one originally established by European settlers. I trace how the system transformed into the one-sided, paternalist institution it became, as well as how the growth of the treaty system paralleled the growth and power of the United States. As the United States gained confidence and political and economic power, they increasingly asserted more dominance in their treaties with Native Americans. I also explore how the federal government justified transferring Indian land. Policymakers used the treaty system, the Doctrine of Discovery, and the Constitution itself, to justify "legally" taking land from Native Americans; but morally, they justified it under the pretense of Manifest Destiny, the safety of the American public, and the inferiority and savagery of Native Americans. To understand the complex legal system established by United States policymakers, we must first go back to the original point of contact between Europeans and Native Americans.

When Europeans first set foot in the New World, they encountered an indigenous population with different cultural, political, economic, and social values and traditions. The disparate lifestyles would prove to be difficult to overcome, and one of the leading causes of conflict. Originally, Europeans treated the Indigenous tribes as sovereign nations. In Europeans' eyes, negotiations and agreements between sovereign nations were solidified in treaties through a process originally derived from the Westphalian Peace agreement in 1648 to resolve differences or conclude warfare. The Westphalian Peace agreement set the precedent for ending wars through diplomatic congresses and established principles of political sovereignty. Instead of multinational empires, states became the main actors in international politics because the Peace of Westphalia recognized the full territorial sovereignty of the member states of the empire. The

concept of sovereignty became the determining aspect in how states would interact with one another, and a principle of non-interference made it possible to maintain a balance of power among sovereign states.⁴⁵

Therefore, the success of the treaty system relied on the Indian nations' sovereign status. The system established in Europe would have to be modified to accommodate the collision of cultures in the Americas, but the concept of treaties was not new to Native Americans. Tribes crossed intertribal language and cultural barriers to agree on treaties that maintain territorial boundaries, formed alliances, and kept the peace, long before Europeans arrived. Nevertheless, the two diplomatic systems never mixed seamlessly and allowed for loopholes leading to misunderstanding, deceit, and abuse.⁴⁶ These relations laid the foundation for the relationship between the United States government and Native Americans.

Originally, relations were amiable between European settlers and Native Americans. In Virginia, Powhatan's tribe traded corn and even tried to incorporate English into their domain. Indians held the power during the initial treaty making phase—the two parties met on the Indians' terms and incorporated Indian treaty rituals. Europeans had to learn indigenous traditions and rituals to ensure successful diplomatic endeavors. Native Americans preferred to meet away from disease infested colonial cities, but when they did congregate in a city, the colonists wined and dined them to show off their wealth and civilization. Gifts represented greetings, generosity, and goodwill, for Native Americans, and helped to seal an agreement. Alliances built without the exchange of gifts were fragile and subject to deteriorating. Europeans

⁴⁵ Akers, "Decolonizing the Master Narrative," 58-76; Calloway, *Pen and Ink Witchcraft*, 12.

⁴⁶ Akers, "Decolonizing the Master Narrative," 58-76; Calloway, *Pen and Ink Witchcraft*, 12.

typically gifted Indians with medals that signified alliance, but also Native American access to European resources.

Another essential element to Indian diplomacy were wampum belts and calumet pipes. They turned treaties into sacred commitments. The ritual smoking of calumet pipes opened communications and established friendships. Wampum belts solidified those communications and friendships. Wampum belts were made of colored shells that acted as an aid to memory as well as being gifts and records of agreements—the color, length, and design of the wampum belt symbolized the belts message and told a story. Words meant little without the accompaniment of a wampum. Although the peaceful coexistence of Native Americans and European settlers seemed possible at first, as more Europeans arrived, the number of diplomatic misunderstandings increased.⁴⁷

Europeans learned native traditions and incorporated them into the treaty process, and therefore expected Native Americans to reciprocate by learning about their culture. However, Native Americans continued to value oral tradition rather than written. Language was the leading contributor to treaty misunderstandings. Colloquial sayings and metaphors did not have exact translations from English to tribal languages and vice versa. Even the form of communication resulted in misunderstanding. Native Americans used storytelling and body language to communicate their point, while Europeans placed emphasis on writing. When the diplomatic discussion had concluded and the treaty was signed, Europeans understood they were only agreeing to what had been formalized in writing. However, Native Americans believed they were signing off on everything that had been discussed orally as well as in writing. Being unable to

⁴⁷ Calloway, *Pen and Ink Witchcraft*, 13-33; Wane, “Indian Treaties and the Democratic Idea,” 82-106.

read English also put them at a disadvantage because they could be misled in regard to what they were told a treaty said versus what was actually written. Furthermore, a translator was often used during diplomatic processes who might mishear, misunderstand, misremember, mistranslate, or misrepresent what was said. Even when Native Americans learned different languages, they still preferred to have an interpreter.⁴⁸ Therefore, misleading language in treaties and cultural misinterpretations were central to European colonization and imperialism in the Americas.

European nations were by no means obsequious in their interactions with Native Americans, but they acknowledged tribal claims of sovereignty and established a treaty system built on respect and standard procedures for international relations. Certain European nations were more amiable with the Native Americans others—notably the French due to their lack of colonists and soldiers compared to the British and Spanish, respectively. There is a reason why most Native Americans allied with the French in the fight for supreme jurisdiction over North America during the French and Indian War (1756-1763). However, with England's victory, the British began imposing their imperial rule over Americans—both Natives and colonists. France relinquished their North American territories east of the Mississippi River to Britain and west of the Mississippi River to Spain. The war opened the frontier to be flooded with settlers by removing the competing European powers that the Native Americans had been successfully playing against each other.⁴⁹ After 1763, treaty making was the power of the crown.

Five years later, in 1768, the Treaty of Fort Stanwix established the steppingstones that would transform the treaty system forever. Adopting a separatist approach to keep the peace

⁴⁸ Calloway, *Pen and Ink Witchcraft*, 13-45; Wane, "Indian Treaties and the Democratic Idea," 82-106.

⁴⁹ Calloway, *Pen and Ink Witchcraft*, 4; Wane, "Indian Treaties and the Democratic Idea," 82-106.

between colonists and Native Americans, Lord Hillsborough – the king’s secretary for America – sent a mediator to establish a new boundary line between Indian and white lands. The instructions were clear—fix the boundary line at the Kanawha River. However, the treaty, as engineered by Sir William Johnson, the Superintendent for Northern Indian Affairs, and a great land speculator, ultimately forced Native Americans to cede land 400 miles further than instructed in Pennsylvania, West Virginia, Kentucky, and Ohio. Tribes living on this land did not sign the treaty—the Iroquois agreed to the cession of the land to the United States. Between the conflict with settlers and the intertribal dissonance, the Treaty of Fort Stanwix did not accomplish amity as intended, the Treaty of Fort Stanwix only fueled more conflict – a telling pattern in Indian relations.⁵⁰ The most important consequence of the Treaty of Fort Stanwix was the shift in the purpose of treaties. Before Stanwix, treaties focused on issues of trade, maintaining peace, alliances, and criminal jurisdiction; but Stanwix spearheaded the movement to use treaties almost exclusively for transferring land as well as accelerated private land acquisition.

Around this same time, revolutionary stirrings dispersed throughout the colonies. Colonists declared independence to escape the controlling hand of the British Empire. The self-proclaimed United States of America won the Revolutionary War and established themselves as a sovereign nation. The Treaty of Paris in 1783 established the nation’s first borders and set the precedent for US relations with Native Americans by excluding Indian nations within the territorial limits from the discussion. Declaring independence did not only mean Americans now had to establish their own government and policies, but the United States also assumed the

⁵⁰ Calloway, *Pen and Ink Witchcraft*, 9, 71-95.

responsibilities and problems that the British faced in North America.⁵¹ The new nation was left alone with a host of issues to solve from scratch, and quickly.

While colonists broke away from the empire because they disagreed with British governance, many Americans still possessed English values and analyzed the world from a Eurocentric perspective. Therefore, revolutionaries built the foundation of their new nation on European ideals and a legal system strikingly similar to England's. The same can be said for Indian affairs. When the United States won their independence, government officials perceived Native Americans through a similar lens as their British counterparts; therefore, they just expanded upon the system that had been instituted by prior European settlers. Why would they fix something that was not broken? But the Treaty of Fort Stanwix set the precedent of ceding land through treaties which opened the door for the United States to appropriate Native American land. While it was the United States that manipulated the treaty system, it was Fort Stanwix that justified and set the precedent of commandeering Indian land through treaties.

The United States followed in the footsteps of the British Empire and helped their vision of colonization come to full fruition. Although the federal government adopted the same treaty system, they used it to the United States' advantage. Instead of recognizing Indian agency and autonomy, treaties with the United States were full of coercion, bribery, threats, and corruption. In 1778, even before the United States had won the Revolutionary War, a treaty was signed between the Delaware Indians and the "United States of North America." The treaty recognized the Delaware tribe as a sovereign entity and established distinct land which the Delaware tribe "owned." But already the United States was not true to its word. The Delaware agreed to form an

⁵¹ Paul Frymer, " 'A Rush and a Push and the Land is Ours': Territorial Expansion, Land Policy, and U.S. State Formation," *Perspectives on Politics* 12, no. 1 (March 2014): 119-144.

alliance and potentially have representation in Congress, but instead American troops passed through Delaware county and permitted US soldiers to build forts on their land. Unfortunately, the deceit in 1778 set a precedent for future treaties.

To fully understand the ramifications of preemptively taking land using the treaty system, we must first look at the role of land and property in both white culture and Indian culture, as well as the sovereignty of Indian nations. Property meant something completely different to Europeans and Americans than it did to Native Americans. Property is something to be owned in American society. It is private, possessed, and expendable—a tangible, material commodity that can be bought and sold. An individual's private property directly affects their social status as well as their citizenship status. John Locke's legacy is that "life, liberty, and property," are unalienable rights. Therefore, protecting an individual's private property is one of the most important purposes of the American political system. However, this concept of property was foreign to Native Americans. To Native Americans, land was not property to be owned. It was a communal existent used to achieve social, political, economic, or cultures ends.⁵² However, the foundation for treaties that ceded land was the implicit assumption that the Native Americans owned the land and were therefore able to trade.

Despite the different perceptions of land between Indians and Americans, one thing became clear – land is power. If the United States had control of the land, it could control everything else. In the eyes of the federal government, Native Americans' right to the land embodied their sovereignty. Possessing their own space outside the boundaries of the United States and out of the reach of the government's jurisprudence supported the Indians'

⁵² Spirling, "U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911," 84-97; Wane, "Indian Treaties and the Democratic Idea," 82-106.

independence. If they were sovereign, Indians were not under the jurisdiction of the United States, and therefore threatening to both the safety of the American public as well as America's ability to achieve Manifest Destiny. Not only the land itself, but also the resources of the land enabled Indians to exercise their sovereignty. If Native Americans could supply their own food, dictate their own trade routes and partners, and worship a non-Christian God, then they could certainly govern themselves. This would disprove American exceptionalism and Americans' belief that their civilized way of life was superior to Native Americans' savage, pagan lifestyle. Acquiring Indian land would solve all these problems, and secure America's control over the Indians.⁵³ Therefore, policymakers have searched for a way to justify taking Indian land since landing in the Americas.

Federal officials fed the public information about the Native Americans that would build a collective wariness and dislike toward Native Americans. Painting the Indigenous people as savages justified American expansionism and genocide. Scalping is largely viewed as a Native American war component, but English, Spanish, and French colonists participated in scalping and much more gruesome acts. However, any act of violence against Native Americans was justified by the God-given mandate of Manifest Destiny. Furthermore, policymakers argued that Native Americans did not have the capacity to govern themselves and were therefore dependent on the federal government.⁵⁴ To justify the atrocities committed against Indians, federal officials

⁵³ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*, (Lawrence: University Press of Kansas, 1995); Frymer, "'A Rush and a Push and the Land is Ours,'" 119-144; Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century*; Steven Sabol, *"The Touch of Civilization": Comparing American and Russian Internal Colonization*, (Boulder: University of Colorado Press, 2017), 100, 115, 175.

⁵⁴ Laurence Armand French, *Policing American Indians: A Unique Chapter in American Jurisprudence* (New York: Routledge Press, 2019), 138-145.

convinced the American public they were savages and inferior to whites. Native American inferiority and other stereotypes are so engrained in the American conscious that the precedent of violence and discrimination is still present today.

However, the main way that policymakers justified preempting Native American land was through the doctrine of discovery. The doctrine of discovery allows Christian nations to claim property rights over new, discovered lands and the indigenous people living there. Based in medieval discourses of conquest, the doctrine of discovery was a European colonizing rule of law that gave full property rights to the prevailing power. Once the nation claimed property rights under the doctrine of discovery, they could sell the land or transfer the title without consulting the territory's indigenous inhabitants. On top of that, the European nation could wage a "just" war against the indigenous peoples. The United States expanded this ideology and used it to create an entire legal system that was formally instated in the 1823 US Supreme Court case *Johnson v. McIntosh*. There was only one problem with the doctrine of discovery—it did not override the "right" of Native Americans to occupy their land until it was voluntarily granted to the United States in a formal agreement. Because Americans perceived Native Americans as owning the land, they could not rightfully take it without the Indians' permission. In 1630, Roger Williams declared that Europeans could justly occupy lands in the Americas "only by purchasing those lands from their rightful owners, the Indians." The United States used the treaty system as the formal agreement to justify the appropriation of Native American lands.⁵⁵ Williams' statement highlights the resounding assumption that Native Americans owned the land as well as

⁵⁵ Akers, "Decolonizing the Master Narrative," 58-76; Calloway, *Pen and Ink Witchcraft*, quote from 4.

the need for the treaty system because the government used it as a justification for colonizing the Americas. Congress would also codify that notion in Article 3 of the Northwest Ordinance.

Europeans were in contact with Native Americans long before the United States won its independence, but the dynamics of the relationship changed once the United States took over Indian affairs in the New World and continued to transform as the United States established itself as a legitimate, powerful nation. The United States used the treaty system that had been established by European settlers to transform their relationship with Native Americans from a position of mutual respect to one of domination. The fluid relationship between the United States government and the Native Americans directly correlated with the capacity and authority of the United States. As the United States gained power, they became more comfortable asserting dominance over the Native Americans and leveraging their control through their colonizing infrastructure. However, the “Indian question” has always cast a shadow over US administrations. The relationship between Native Americans and the federal government is tangled throughout the history of the United States, making them essentially inseparable. Therefore, every decision the United States has made has impacted Native American life politically, economically, culturally, or otherwise, and vice versa.

The already precarious relationship was further exacerbated by the federal government’s inability to come to a consensus on how to approach contact with Native Americans. Conflict on the frontier between tribes and settlers, the state of the brand-new government, the ethnocentrism of American Exceptionalism, and America’s thirst for expansion, all contributed to the federal government’s manner of interacting with Native Americans. United States Indian policy switched between two juxtaposing philosophies over the course of more than two hundred years. On one hand, the United States adopted a separatist ideology, keeping Native Americans distinct,

sovereign nations, divergent from the rest of the American population. On the other, measures were taken to absorb Native Americans, assimilating them into American society so they could emerge as new citizens of a new nation.

Presidents and politicians often tried to pass these changes off as acting out of concern for the Native Americans; however, they merely chose whichever they felt would be most beneficial to the United States at the time. Expropriating Indian land is always at the core of each of the approaches. Whichever path the federal government went down in terms of Indian policy, they approached the relations from a dominant, paternalistic position. Francis Paul Prucha defines paternalism as, “a determination to do what was best for the Indians according to white norms, which translated into protection, subsistence of the destitute, punishment of the unruly, and eventually taking the Indians by the hand and leading them along the path to white civilization and Christianity.”⁵⁶

While this would certainly not become the norm, the United States maintained an amiable relationship with Native Americans due to the position of the US government. This approach is clearly highlighted in Article 3 of the Northwest Ordinance of 1787:

The utmost good faith shall always be observed the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded on justice and humanity shall from time to time be made, for preventing wrongs done to them, and for preserving peace and Friendship with them.⁵⁷

⁵⁶ Francis Paul Prucha, *The Great Father: The United States Government and the American Indian* (Lincoln: University of Nebraska Press, 1986); Quinn, Jr., “Federal Acknowledgment of American Indian Tribes,” 331-364.; Alexandra Harmon, “Indian Treaty History: A Subject for Agile Minds,” *Oregon Historical Quarterly* 106, no. 3 (Fall 2005): 358-373; Wane, “Indian Treaties and the Democratic Idea,” 82-106.

⁵⁷ U.S. Congress. *United States Code: Ordinance of The Northwest Territorial Government 1934*. 1934. Periodical. <https://www.loc.gov/item/uscode1934-001000009/>.

During the Revolutionary era, Indian relations and treaties focused overwhelmingly on maintaining peace. Federal officials understood the institutional inadequacies of the infantile United States. They lacked both military power and financial resources necessary for expansion. A member of the congressional committee on Indian Affairs wrote a report dismissing the option of war as too expensive and recommended maintaining boundary lines while the United States increased its “domestic population, and emigrations from abroad, to make speedy provisions for extending the settlement of the territories.” Therefore, the new national government adopted the policy of maintaining retracted borders and identifying distinct boundaries between Indians and Americans originally established by the British. James Duane, New York Senator, commented on the boundaries of the United States and their relation to Indian affairs in a letter to George Washington. He defended the boundary line as a way of maintaining peace as well as strategically and progressively usurping Indian land. He ultimately concluded that patterns of settlement and peace with Native Americans “are so analogous that there can be no definition of the one without involving considerations of the other.”⁵⁸ Land has always been central to Indian and American relations; and early treaties defined boundaries between Indians and white settlers in the attempt to avoid a major war and for the safety of the settlers as well as the new nation. However, the power struggle between states and the federal government invalidated promises from the federal government because frontiersmen moved on to Native American land without regard to an arbitrary boundary.

⁵⁸ Frymer, “A Rush and a Push and the Land is Ours,” 119-144, quotes from 122; Matthew L.M. Fletcher, “States and Their American Indian Citizens,” *American Indian Law Review* 41, no. 2 (2017): 319-343; Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century*, 39-45, 103; Susan Sleeper-Smith, *Indigenous Prosperity and American Conquest: Indian Women of the Ohio River Valley, 1690-1792* (Chapel Hill: University of North Carolina Press, 2020), 11, 210-230.

The United States tried to protect white settlers from the “savage” Indians and avoid an all-out war by defining land boundaries in treaties. That did not stop states from conflicting with the federal government when deciding whether Indians residing within the boundaries of their land were subject to state or federal authority. Most of the early conflict between the United States and Native American tribes resulted from settlers intruding on Native land. The small federal military constantly struggled to evict settlers who had advanced illegally across the boundary line. Secretary of War, Henry Knox worried that “the insanity of some border states that were attempting to appropriate, sell, and settle Indian land outside the federally-established borderline would force the nation into an unwanted war.” Besides intervening militarily, the federal government also attempted to rewrite treaties that would fix the boundaries in a way that would appease state legislators, settlers, and Native Americans. The inconsistencies from state to state and the decentralization of the federal government made it almost impossible to regulate American settlement which resulted in conflict with Indians. In addition, the federal government wanted supreme control over Indian affairs in order to eventually completely colonize the Native American nations.⁵⁹ Like the British crown, the US federal government secured federal control over Indian affairs—they were in charge of regulating land distribution, pace of settlement, and incorporation of territorial populations into states.

After the United States won their independence, they inherited the relationship previously established between the Native Americans and the British crown. As the Americans had clearly witnessed as colonists and during their few years as a nation, Indian affairs needed to be defined by the federal government to ensure civil order and the stability of the union. The Articles of

⁵⁹ Fletcher, “States and Their American Indian Citizens,” 319-343; Frymer, “ ‘A Rush and a Push and the Land is Ours,’ ” 119-144, quotes from 123.

Confederation and later the Constitution reserved the authority of Indian affairs for the federal government. The Articles of Confederation granted Congress the “sole and exclusive right and power” of managing Indian affairs. When the Continental Congress reworked the Articles of Confederation into the Constitution, they still included the stipulation that Indian affairs fell solely under the domain of the federal government. Article I gave Congress the power to regulate commerce with the foreign nations and with Indian tribes. The wording is indicative of the governments’ recognition of tribal sovereignty, but also that it was not intended to remain as such. While it does not refer to Native Americans specifically, Article II authorizes the president to make treaties, and Indian treaties received the same respect as treaties with foreign nations. The Senate must then ratify the treaties with a two-thirds majority vote, but once ratified, the Supremacy Clause makes treaties superior to any conflicting state law or constitutional provision. When Indian affairs were placed under direction of the War Department in 1789, “matters relative to Indian affairs” became the responsibility of the executive.⁶⁰

There are quite a few important takeaways in the way the United States government established the supreme power of the federal government over Indian affairs. First, it illuminates the government’s desire to colonize the Native Americans. There would be no confusion about alliances, land ownership, or the position of the Indians inside or outside of the United States because it was all closely scrutinized by the federal government. Second, it paved the way for the Intercourse Act of 1790, under which only the federal government could purchase land and make treaties with Native Americans. It was a similar approach to that of the British empire which declared in 1763 that land could only be bought by the imperial government. Private individuals

⁶⁰ Frymer, “ ‘A Rush and a Push and the Land is Ours,’ ” 119-144; Quinn, Jr., “Federal Acknowledgment of American Indian Tribes,” 331-364; Spirling, “U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911,” 84-97.

could not buy land from the Native Americans because it would undermine the federal government's authority over Indians, their land, and their resources. Furthermore, it created a monopoly. The federal government could be as assertive with their treaties as they wanted because there was no competition. Under that pretense, the bargaining protocol became essentially a "take-it-or-leave-it" offer from the government. There was no need for open negotiations which allowed for bribery, deception, force, and threats to enter land cession treaties.⁶¹ Not only was the United States using the treaty system to steal Indian land, but it also grew more and more corrupt and coercive.

Entering treaty negotiations, the United States' desire to stretch from sea to shining sea was always an undertone. Native Americans recognized the coercive nature the English legalese and often spoke out, rebelled, and lobbied, but the asymmetry of power eroded Native American efforts. Indian objections to the terms of the treaty were often disregarded—the United States had a slew of preemptory tactics to get what they wanted. Miscommunication and ethnocentrism emerged from the clash of differing styles of government. Most native nations were participatory democracies with highly decentralized decision making. A tribal leader was powerless to choose the future of the tribe, he could merely carry out what the tribe wanted. American officials were well aware of this approach to government, but their desire to "civilize" Indians and their ethnocentrism kept them from respecting Native governments. Because Native Americans were deemed incapable of self-government, US negotiators appointed "chiefs" who would agree to the terms presented by the United States. This was known as "breaking chiefs" that would not

⁶¹ Mathew L.M. Fletcher, "A Short History of Indian Law in the Supreme Court," *Human Rights* 40, no. 4 (May 2015): 3-6; Frymer, "'A Rush and a Push and the Land is Ours,'" 119-144; Spirling, "U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911," 84-97.

comply with the demands of the United States. If the chief elected by the Native nation was not cooperating, the United States found someone who would and appointed them “chief.”⁶²

Breaking chiefs both affirmed the stereotype of Indian savagery as well as reinforced white supremacy.

The differences between government styles opened doors for coercion, but the language barrier also led to miscommunication and manipulation. In international treaty negotiations, documents were translated into the languages of all parties involved. Americans omitted this step when treating with Native Americans. This may have been understandable since most tribes did not have a written language until the middle of the nineteenth century, but the United States saw it as an opportunity to deceive the Natives. Because Native Americans relied on oral histories for generations, they could recall the promises and explanations given to them by US negotiators; however, “often their clear memory did not match the written treaties. In some cases, perhaps, there was legitimate misunderstanding or innocent mistranslations. But in most instances, Native leaders were misled deliberately.” In fact, often Native people received no copy of the treaty documents at all.

The most important tactic for exploiting Indian nations was the review and ratification process of international treaty making. When treating with Indigenous nations, the United States did not let the Indian nation review and ratify the treaty as was the protocol with other foreign nations. Typically, a treaty was not valid unless agreed upon by both parties, but by omitting the review and ratification process, Indian nations were not given a chance to ratify the treaty. Therefore, the United States was able to call almost any document a “treaty,” and hold the Native Americans accountable for whatever provisions were included in the treaty. This tactic was so

⁶² Akers, “Decolonizing the Master Narrative,” 58-76; Calloway, *Pen and Ink Witchcraft*, 2-3.

vexatious because the Native Americans were unable to defend themselves. For example, the 1851 Treaty of Fort Laramie promised annuities from the federal government for fifty years. However, when the Senate ratified the document, they changed it to fifteen years. Because the Sioux lacked the power of review and ratification, when the Senate ratified the treaty, it was revered as law despite the change made without Indian consent.⁶³

As the United States continued to gain power and establish themselves as a prominent nation, they increasingly asserted dominance over Native Americans, and treaties became more and more demanding. As we have discussed, early treaties revolved around amity and peace, but from 1810 to 1830 the federal government's coercion in treaties grew less subtle until they blatantly required Indian dispossession. Francis Paul Prucha argues that the confidence America gained at the end of the War of 1812 allowed a less-threatened United States to enter subsequent treaty negotiations from a position of dominance. The ongoing Indian Wars are also influential in the dynamic of US-Indian relations. The United States had secured victories in the Old Northwest against Tecumseh and Black Hawk, the Deep South in the Creek War, and the Southeast in the First Seminole War. These conquests solidified and brought truth to the United States' threats of subjection. As the balance of power shifted, Indians were increasingly incapable of resisting harsh treaties.

Arthur Spirling conducted a political science study that qualitatively measured treaty outcomes. He found "that specific institutional changes to treaty-making mechanisms had little effect on agreement outcomes. Rather, it is the relative bargaining power of the United States economically and militarily that contributes to worsening terms for Indians over the nineteenth century." Specifically, he points to 1825 as the dividing line between more sympathetic treaties

⁶³ Akers, "Decolonizing the Master Narrative," 58-76, quote from 67.

and when the United States used its increasing military, political, and economic power to push for more pernicious terms.⁶⁴ After fifty years of treaty making, the United States had finally reached a point of primacy and superiority that enabled the federal government to initiate the most substantial step toward their goal of colonization yet—Indian removal.

The atrocities of Indian Removal during the 1830s have been studied and analyzed rigorously and have been at the forefront of Native American history for years. That being said, there is no need to recount every detail, but there are still some important details that contributed to a major shift in the relationship between the United States and Native Americans during this transformative, foreboding era. The Jacksonian administration is stigmatized with Indian removal but exploiting Natives for their land had been a presidential intent since the founding of the Republic. It just was not until the 1820s that the United States had the power and dominance to dislocate thousands of Native Americans and handle the repercussions. All the legislation and treaties leading up to this point were steppingstones that made Indian removal possible. There is a common misrepresentation that the Indian Removal Act of 1830 gave the president the authority to push tribes west of the Mississippi; however, that power was not new. The Indian Removal Act of 1830 merely allotted financial assistance for the movement.⁶⁵ With the legality and finances of Indian removal taken care of all that was left was public sentiment. By this time, Indian stereotypes had been firmly engrained in public and intellectual opinion so the majority of the American population had no reservations about supporting Indian removal.

⁶⁴ Prucha, *The Great Father*; Spirling, “U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911,” 84-97, quote from 84; Calloway, *Pen and Ink Witchcraft*, 2-3.

⁶⁵ Calloway, *Pen and Ink Witchcraft*; Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century*; Spirling, “U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911,” 84-97.

For a generation, federal officials concentrated on the movement of Native American tribes to the west of the Mississippi. Once Indian removal was justified legally, financially, and morally, the president had the power to decide how to proceed. Ironically, the treaty system proved to be the ideal mechanism because the courts had already upheld the constitutionality of treaties and their provisions. One of the most notable treaties of this era was the Treaty of New Echota in 1835, which implemented the removal of the Cherokees no matter how “civilized” they had become. As historian Colin Calloway explained, the Treaty of New Echota is the “most glaring example of American determination to implement by treaty the policy of removing Indians from the eastern United States to the open spaces beyond the Mississippi, and it is an enduring indictment of a nation that trampled its own treaties in order to carry out ethnic cleansing.”⁶⁶ By treaty, Native American tribes were forcibly moved on to Indian Territory in Oklahoma as well as other reservations in western territories. Due to the provisions established in the Constitution, legislation, and treaties, this horrific genocide was deemed legal and constitutional.

The federal government justified the executive’s treatment of Native Americans through legislative and judicial processes. The legislative affirmation has already been laid out in this paper, but the judicial declaration of constitutionality in the 1820 and 1830s cemented the federal government’s efforts towards colonization. The Supreme Court validated the control of the federal government as well as all the statutes and treaties drafted up until this point in the Marshall Trilogy. John Marshall was the fourth Chief Justice of the Supreme Court, but he made the judicial branch what it is today. As a Federalist, he greatly increased the power of the federal

⁶⁶ Calloway, *Pen and Ink Witchcraft*, quote from 9; Wane, “Indian Treaties and the Democratic Idea,” 82-106.

government, especially the judicial branch, and established judicial review. The three monumental court cases of the Marshall Trilogy confirmed the federal government's plenary and exclusive powers and established what is now known as the federal trust relationship. The trilogy begins with *Johnson v. McIntosh* (1823). Johnson is best known for affirming the doctrine of discovery as the origin of the federal governments' claim over the land. However, Mathew Fletcher argues that it should be known "as the decision that established federal supremacy in Indian affairs over the states and individuals." The Supreme Court ruled that Indians could not sell their property to anyone except the federal government, and therefore Indian sales to individuals, states, or other nations were void in accordance with the Trade and Intercourse Act of 1790. Federal supremacy was reaffirmed by *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832). Both of these cases pertain to the state of Georgia's attempt to overpower federal authority in the Cherokee Nation in order to confiscate Indian land and resources. In *Cherokee Nation*, the Court asserted that the Cherokee Nation was a domestic nation, but neither a state nor a foreign nation. In *Worcester*, the Court cited the Supremacy Clause and the Cherokee treaties with the federal government in their ruling that state laws have no force in Indian country.⁶⁷ The Marshall Trilogy became the Supreme Court's foundational cases for Indian affairs. They established federal primacy in Indian affairs, excluded state law from Indian country, and established the dual sovereignty of Indian nations that still exists today.

Politically colonizing Native Americans and undermining Native sovereignty with US federal authority was almost complete. In 1849, the Bureau of Indian Affairs was moved from the War Department to the Department of the Interior. In 1871, Congress abolished the treaty

⁶⁷ Fletcher, "A Short History of Indian Law in the Supreme Court," 3-6, quote on 3; Calloway, *Pen and Ink Witchcraft*, 5.

system when they removed the presidential power to treat. Now Congress would simply legislate for them, without consultation, which signaled the legal phase of colonization was complete. Legislation passed by Congress applied to Native Americans without their signatures on a treaty, just like American citizens (even though Indians were still not considered citizens). Congress asserted “hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.” United States and Indian relations were not dictated by diplomacy, they were based on social policy; therefore, it became a domestic relationship rather than one under the guise of foreign relations. Native Americans were deemed wards of the government, a colonized people.⁶⁸

The colonization of Native Americans would not have been possible without the United States’ abuse of the treaty system originally established by European settlers. Treating with Native Americans as foreign nations confirmed their original identification as sovereign. While the United States was still establishing itself as an independent nation, maintaining amiable relations with Native Americans was a priority; therefore, treaties were used to establish alliances and set boundaries. As the power of the United States increased, specifically after the War of 1812 and a series of victories in the ongoing Indian Wars, the federal government gradually asserted more dominance and coercion in their treaties with Native Americans. Legislation and judicial rulings affirmed federal authority over Native Americans and undermined Indian sovereignty. These efforts culminated in the Indian Removal of 1830 and the

⁶⁸ Sabol, “*The Touch of Civilization*,” quote from 188; Spirling, “U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911,” 84-97; Adams, *Education for Extinction*, 10; David R. Wane, “Indian Treaties and the Democratic Idea,” *The Wisconsin Magazine of History* 70, no. 2 (Winter 1986-1987): 82-106.

eventual reservation system. By 1871, Native Americans became wards of the government, completing political colonization and establishing the ultimate superiority of the United States government.

CHAPTER 5

THE MARSHALL TRILOGY

Christopher Columbus Day is celebrated every year on the second Monday in October to commemorate his “discovery” of America on October 12, 1492. He, as well as other explorers and empires, claimed rights to the land in the New World based on the “doctrine of discovery.” The doctrine of discovery was a European colonizing rule of law that allowed Christian nations to claim property rights over discovered lands as well as the indigenous people living there. Since then, blood has been shed and promises have been broken over disputed land and property rights in America. European powers and the United States have used treaties and legislation to eradicate Native Americans and expropriate their land.

The so called “Indian Problem” has affected United States’ political and economic decisions since its founding—were Native Americans under the jurisdiction of the United States or were tribes their own sovereign nations? Or to get to the root of the problem, how could the United States legally take Native land? In the nineteenth century, the Supreme Court validated the treaties, doctrines, and legislation used to oppress and colonize Native Americans with two landmark cases, *Johnson v. McIntosh*. and *Cherokee Nation v. Georgia*. In a third case, *Worcester v. Georgia*, the Supreme Court attempted to absolve themselves of the “Indian Problem” and reverse their previous decisions, but due to the extenuating political circumstances and the Court’s inability to enforce their decrees nothing came of their final ruling in the Marshall Trilogy. The Marshall Trilogy became the Supreme Court’s foundational cases for Indian affairs. The court cases established federal primacy in Indian affairs, excluded state law from Indian country, and established the dual sovereignty of Indian nations that still exists today.

The Supreme Court reflects the larger social and political context of the time. These cases are very much a product of the moment, and therefore must be contextualized. In this chapter, I survey the events leading up to landmark court cases that validated past Euro-American methods of settler colonialism as well as defined the future relationship between indigenous tribes and the United States. I also analyze the effects of the Supreme Court's decisions and what they meant regarding the status of Native Americans in the United States.

To fully understand the ramifications of preemptively taking land using the treaty system, we must first look at the role of land and property in both white culture and Native American culture, as well as the sovereignty of Native nations. Property meant something completely different to Europeans and Americans than it did to Native Americans. Property is something to be owned in American society. It is private, possessed, and expendable—a tangible, material commodity that can be bought and sold. An individual's private property directly affects their social status as well as their citizenship status. John Locke's legacy is that "life, liberty, and property," are unalienable rights. Therefore, protecting an individual's private property is one of the most important purposes of the American political system. However, this concept of property was foreign to Native Americans. To Native Americans, land was not property to be owned. It was a communal existent used to achieve social, political, economic, or cultures ends.⁶⁹ However, the foundation for treaties that ceded land was the implicit assumption that the Native Americans owned the land and were therefore able to trade.

Despite the different perceptions of land between Natives and Americans, one thing became clear—land is power. If the United States had control of the land, it could control

⁶⁹ Spirling, "U.S. Treaty Making with American Indians: Institutional Change and Relative Power, 1784-1911," 84-97; Wane, "Indian Treaties and the Democratic Idea," 82-106.

everything else. In the eyes of the federal government, Native Americans' right to the land embodied their sovereignty. Possessing their own space outside the boundaries of the United States and out of the reach of the government's jurisprudence supported the Indians' independence. If they were sovereign, Indians were not under the jurisdiction of the United States, and therefore threatening to both the safety of the American public as well as America's ability to achieve Manifest Destiny. Not only the land itself, but also the resources of the land enabled Indians to exercise their sovereignty. If Native Americans could supply their own food, dictate their own trade routes and partners, and worship a non-Christian God, then they could certainly govern themselves. This would disprove American exceptionalism and Americans' belief that their civilized way of life was superior to Native Americans' savage, pagan lifestyle. Acquiring Indian land would solve all these problems, and secure American control over the Indians.⁷⁰ Therefore, policymakers have searched for a way to justify taking Native Americans land since landing in the Americas.

John Marshall was the fourth Chief Justice of the Supreme Court, but he saw the power of the judicial branch and used his position to build the foundation of federalism. The mundane details of John Marshall's cases do not matter as much as what he uses them for. Most of the time, Marshall used what seemed like arbitrary, straight forward cases to make a larger, philosophical point. People agreed on the surface level facts of the case but did not necessarily agree on the constitutional application. Marshall decided that the Supreme Court had the power

⁷⁰ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*, (Lawrence: University Press of Kansas, 1995); Paul Frymer, "A Rush and a Push and the Land is Ours": Territorial Expansion, Land Policy, and U.S. State Formation," *Perspectives on Politics* 12, no. 1 (March 2014): 119-144; Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (New York: Cambridge University Press, 2013); Steven Sabol, *The Touch of Civilization: Comparing American and Russian Internal Colonization*, (Boulder: University of Colorado Press, 2017), 100, 115, 175.

to answer those questions. John Marshall was the Secretary of State under John Adams and reflected his Federalist views, but Marshall also recognized that opposing viewpoints existed and he was sympathetic to them. He valued the different opinions because they had the potential to make the nation stronger as a whole. Marshall was constantly trying to navigate the political turmoil of the time while also making a decision that would better the United States, and that is exactly what he did in the Marshall Trilogy as well.

When the federal government began organizing the Northwest Territory, it granted William McIntosh a tract of 11,560 acres under the provisions of a federal statute. However, settlers, frontiersmen, and companies had already speculated Native American land in the Northwest Territory despite the Proclamation of 1763. The land sold to McIntosh was already claimed by Thomas Johnson, who had acquired it through the Ohio Company purchase of 1775. Thomas Johnson's descendants sued McIntosh over the dual land titles. McIntosh won in the district court, but Johnson filed a writ of error "by consent" in the Supreme Court.⁷¹

Once in front of the Supreme Court, John Marshall saw *Johnson v. McIntosh* as a way to make a broader statement about contracts, specifically contracts with Native Americans regarding property rights and ownership. Can private citizens purchase land from Native Americans? Marshall believed that a more focused ruling would leave loopholes for future lawsuits. Therefore, he made the overarching declaration that Native Americans could not sell their property to any entity other than the federal government which nullified any Indian sales to individuals, states, or other nations were void in accordance with the Trade and Intercourse Act of 1790. Because Johnson bought his title from Native Americans, he holds the title under their

⁷¹ William F. Swindler, "Politics as Law: The Cherokee Cases," *American Indian Law Review* 3, no. 1 (1975), 7-20.

tribal protection and is subject to their laws, not the laws of the United States; and therefore, the purchase was invalid. Marshall defaulted to the “doctrine of discovery” to explain that the United States held the ultimate right to the soil. European nations discovered and took possession of the land under the “doctrine of discovery,” a doctrine that devolved from Britain to the United States with the signing of the Treaty of Paris in 1783 and the cession of the lands northwest of the Ohio in the same year.⁷² Marshall clearly laid out his reasoning in his written opinion:

The United States, then, have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold, and assert in themselves, the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest; and gave also a right to such a degree of sovereignty, as the circumstances of the people would allow them to exercise.⁷³

Johnson v. McIntosh left the status of Native Americans in a purgatory between being sovereign, independent nations and being United States citizens. Native Americans had neither the rights to their own land nor the protection of the federal government. They had all the responsibility of being citizens, but none of the perks. In his opinion, Marshall created a peculiar land tenure system and a relationship similar to that of a tenant and a landlord between the Native Americans and the United States government. Furthermore, Marshall’s decision validated over a century’s worth of European racism and colonialism. By accepting the doctrine of discovery into United States law, *Johnson v. McIntosh* reaffirmed federal supremacy as well as

⁷² Eric Kades, “The Dark Side of Efficiency: *Johnson v. M’Intosh* and the Expropriation of American Indian Lands,” *University of Pennsylvania Law Review* 148, no. 4 (April 2000), 1065-1190; David E. Wilkins, “*Johnson v. M’Intosh* Revisited: Through the Eyes of *Mitchel v. United States*,” *American Indian Law Review* 19, no. 1 (1994), 159-181.

⁷³ *Johnson v. M’Intosh*, 21 U.S. (8 Wheat.) 543, 572-73, 579, 584, 587, 591 (1823)

all the coercive statutes and treaties drafted up until this point, and it laid the groundwork for future cases to strip both sovereignty and physical land from the Native Americans.

The Cherokee were the first to challenge the precedent established in *Johnson v. McIntosh*. When the Revolutionary War broke out in 1775, most Native American tribes allied with either the British or the rebels—Choctaw and Cherokee chose the British. Once the newly independent American states won the war, they signed the Treaty of Hopewell with the Choctaw and the Treaty of Holston with the Cherokee in May of 1787. These treaties permitted the tribes to retain their land in Georgia and promised protection from the federal government. However, in 1802, the United States had undertaken to extinguish Native American title to land within the state borders as soon as it could be done “peaceably” and on “reasonable terms.” In 1817, one-third of the Cherokee tribe moved to Louisiana to hunt and fish under a treaty with the United States, and those who remained in Georgia turned to agriculture and accepted federal grants to convert to a permanent farming economy.⁷⁴

The state of Georgia detested the Cherokee receiving federal funds to stay on land the state had been promised by the federal government. In 1824, Georgia complained the government was moving too slow in fulfilling their agreement from 1802. James Monroe responded by sending commissioners to have a conversation with the Cherokee about selling their land. The Council chiefs replied, “It is the fixed and unalterable determination of this nation never again to cede one foot more of our land.” The tribe then sent delegates directly to Washington to tell the president, “The Cherokees are not foreigners, but the original inhabitants of America,” and “they cannot recognize the sovereignty of any state within the limits of their

⁷⁴ Stephen Breyer, “The Cherokee Indians and the Supreme Court,” *The Georgia Historical Quarterly* 87, no. 3 (Fall/Winter 2003), 408-426.

territory.”⁷⁵ In 1827, the Cherokees adopted a constitution similar to the United States’ and declared themselves an independent nation which reasserted their autonomy.⁷⁶

Lacking the support of the federal government, Georgia decided to take things into its own hands. The state government officials negotiated a removal treaty with the Creek just south of the Cherokee land known as the Treaty of Indian Springs. President John Quincy Adams denounced the treaty when he realized its treacherous and misleading origins, explain but Georgia ignored his protests and began to survey Creek land. Georgia continued to pass resolutions claiming the land as their own despite Native American protests. Adams sent an army ordering the land surveying to cease. However, at the last moment the federal government received word that the Creek might sell their land. Intrigued, the United States proceeded to enter into negotiations with the Creeks instead of protecting their land. In 1828, the Creek signed the official Treaty of Indian Springs and “voluntarily” ceded the last of their territory to Georgia.⁷⁷

Having acquired land from the Creek, Georgia focused their efforts on the Cherokee. The Cherokee were determined to avoid the fate of their neighbors, but two major events occurred in 1828 that did not work in the Cherokees’ favor: Andrew Jackson was elected president, and gold was discovered on Cherokee land. Gold increased the motivation to secure the title of Cherokee land, and Jackson’s election weakened the federal opposition to takeover. Georgia enacted a series of laws that distributed Cherokee territory to several counties, and Georgians moved on to Cherokee land to work the gold mines. The legislation enforced Georgia law in those territories,

⁷⁵ Breyer, “The Cherokee Indians and the Supreme Court,” 408-426; Cf. discussion in Burke, *supra* note 12, at 503.

⁷⁶ Joseph C. Burke, “The Cherokee Cases: A Study in Law, Politics, and Morality,” *Stanford Law Review* 21, no. 3 (February 1969), 500-553; Swindler, “Politics as Law: The Cherokee Cases,” 7-20.

⁷⁷ Breyer, “The Cherokee Indians and the Supreme Court,” 410-414.

prohibited meetings of the Cherokee legislative council, and denied Native Americans the right to testify in cases involving whites. Anyone who tried to convince the Cherokee not to emigrate was punished. When Georgia asked President Jackson to withdraw federal troops from the gold fields he not only complied, he also negotiated a removal treaty with the Choctaw and encouraged the Cherokee to do the same.⁷⁸

Though James Monroe and John Quincy Adams believed Native Americans could not permanently stay within the limits of the states, they continued to respect the tribes and treat them as sovereign nations. Andrew Jackson, on the other hand, did no such thing. In his eyes it was simple: Native Americans must either submit to Georgia law or move. At this time, the South Carolina nullification crisis was at the forefront of Jackson's mind. If Georgia was not satisfied with the policies of the United States and decisions of Andrew Jackson, they might secede with South Carolina, and then Jackson would have a much bigger problem to handle. In April 1829, Secretary of War, John Eaton, sent the Cherokee delegation a letter explaining Jackson's perspective on the "Indian problem." The letter stated the Cherokee had no right to establish an independent nation within the limits of Georgia, and the president had no authority to interfere with the internal legislation of one of the states.⁷⁹ However, the Cherokee were not going to go down without a fight.

The Cherokees' first appeal was actually not to the Supreme Court, but to Congress. In August 1829, Jeremiah Evarts, chief official of the American Board of Commissioners for Foreign Missions and Christian missionary who had visited the Cherokee in Georgia, began writing the "Essays on the Present Crisis in the Condition of the American Indians." In this series

⁷⁸ Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," 500-553;

⁷⁹ *Id.*, 503-524;

of twenty-four essays, Evarts confounded Indian removal and declared that the “Indian question” would be among the most important business of the 21st Congress. In December 1829, the Cherokee petitioned to Congress to protect their political and property rights. Evarts helped by organizing a meeting to write memorials to Congress begging for support.

Unfortunately, the memorials were ignored and bills that distinguished territory for tribal lands west of the Mississippi and provided funds to assist with Native American removal were reported in both the House and the Senate. Originally an element of choice was included in the Bill that allowed tribes to choose whether or not they wanted to move; however, that was eliminated when the Senate rejected an amendment that ensured the federal government would respect their political and property rights until the tribes decided whether or not to move. The Indian Removal Bill passed the Senate 28 to 19 and the House 102 to 97 – it had failed two test votes, but Jackson used his clout to pressure Democrats in Congress. Members of Congress including Daniel Webster, Ambrose Spencer, and Peter Frelinghuysen, advised the Cherokee to take this issue to the Supreme Court in order to protect their rights.⁸⁰ What was originally a controversy between the Cherokee and Georgia became a larger question of federal checks and balances, as well as the Supreme Court’s judicial review power and their ability to overrule states’ decisions.

The Cherokee delegation heeded their advice and hired Daniel Webster and William Wirt to represent them in court. The Cherokee case seemed tailor-made for Wirt. He did not openly oppose Jackson as much as other leaders in Washington. He served as US Attorney General under Monroe and Adams for twelve years, and was undoubtedly a supporter of federal courts, specifically the Supreme Court. His oratory skills had both emotional and intellectual appeal

⁸⁰ Breyer, “The Cherokee Indians and the Supreme Court,” 412.

which was fitting for a case that would be tried not only in the courts but in the press and at the poll.⁸¹

Once he took the case, Wirt's first act was to recommend that the Cherokee release a public appeal to the American people. Wirt then wrote the Governor of Georgia, George Gilmer, asking the state to cooperate by settling the case in court where they could come to a quiet, impartial decision.⁸² Gilmer replied sarcastically, which echoed the impression of many Americans that felt the Supreme Court was far from impartial and that the Cherokee issue was outside of judicial jurisdiction.⁸³ Wirt subsequently wrote a long legal opinion that originally appeared in newspapers and was later published as a pamphlet. He argued the Cherokee tribe was a foreign nation with political and property rights independent from the United States, and the Georgia laws were unconstitutional because they violated federal laws and treaties.⁸⁴ Before the case had officially started, Wirt was working to appeal to the emotions and morality of the American public. Success in this case depended on whether or not the justices of the Supreme Court considered the Cherokee tribe to be a foreign nation.

In Wirt's eyes, the legality of the basic Cherokee claims was never in question, it was the method of getting a proper case before the Supreme Court that worried Wirt. That same year, Wirt had taken control of a criminal case and appealed the convictions to the Supreme Court. Corn Tassel had been convicted by the Georgia courts of murdering another Cherokee on Cherokee land. Based on the precedents set by *Martin v. Hunter's Lessee* (1816) and *Cohens v. Virginia* (1821) the Court had the power to review state courts' decisions on both civil and

⁸¹ Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," 512.

⁸² The letter was printed in Niles' Weekly Register, Sept. 18, 1830, at 69, col. 2.

⁸³ Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," 515-516.

⁸⁴ William Wirt, "Opinion of the Right of the State of Georgia to Extend Her Laws Over the Cherokee Nation," reprinted in Niles' Weekly Register, Sept. 25, 1830, at 81, col. 1.

criminal cases.⁸⁵ However, the Georgia legislature would not send Corn Tassel's case to the Supreme Court. Instead, the legislature approved Corn Tassel's execution and Corn Tassel was hanged two days later. There are many implications imbedded in Corn Tassel's case, but perhaps the most important in this context is that Wirt could not rely on Georgia's courts.

Referring to previous cases as a precedent was not promising either. *Fletcher v. Peck* (1810) was the first case to strike down a state law which set the precedent for the Supreme Court's supremacy and power to review state laws. However, the ruling also contributed to the growing practice of upholding legal contracts that undermined Native Americans' property rights which hinted that Natives did not possess complete title to their own lands.⁸⁶ *Johnson v. McIntosh* established that Native Americans did not have the right to sell land because they did not own the land. So even if Wirt avoided the lower courts and was able to present the case to the Supreme Court, would the justices even rule in favor of the Cherokee?

Wirt laid out his concerns about the case in a letter to his friend, Dabney Carr of the Virginia Court of Appeals. In his letter to Carr, Wirt also included an unusual question: what was Chief Justice Marshall's unofficial opinion on the "Indian problem," specifically his interpretation of *Johnson v. McIntosh*?⁸⁷ This question was prompted by the potential conflict between Georgia, the President, and the Supreme Court if the Court were to decide in favor of the Cherokee. The Supreme Court had no way to enforce their decision. If the Supreme Court could not help diffuse the situation, the Cherokee would rather move west than give up their sovereignty and submit to Georgia laws.

⁸⁵ 14 U.S. (1 Wheat.) 304 (1816); 19 U.S. (6 Wheat.) 264 (1821).

⁸⁶ Breyer, "The Cherokee Indians and the Supreme Court," 413-415.

⁸⁷ Letter of June 21, 1830, in 2 J. KENNEDY, *supra* note 47, at 253-58.

Chief Justice Marshall replied to Wirt's question but refused to give an opinion on these "very interesting questions." However, Marshall did include some insight into his views on the issue:

I have followed the debate in both houses of Congress with profound attention, and with deep interest, and have wished, most sincerely, that both the Executive and Legislative departments had thought differently on the subject. Humanity must bewail the course which is pursued, whatever may be the decision of policy.⁸⁸

Encouraged by Marshall's response, Wirt decided the route with the most potential for success was to sue the state of Georgia directly.

Georgia did not make an appearance before the Supreme Court. Nevertheless, Wirt made a compelling argument, defending the Cherokee and their right to their land. Wirt used treaties to define the Cherokee tribe as a sovereign nation as well as cite the United States' promise to guarantee the protection of Cherokee land. The very act of treating with a native tribe acknowledged their sovereignty, but many United States treaties with tribes also recognized the tribes' right to govern themselves within their own territory. As Joseph C. Burke said, "No one had questioned the foreign status of the small nations of Europe who had long been surrounded by and under the protection of a stronger power. The law of nations and the treaties and laws of the United States had all recognized the Cherokee Nation as a foreign state."⁸⁹ Wirt specifically referred to the Treaty of Holston from 1791 to support his argument. Article 7 explicitly states the "United States shall guarantee to the Cherokee nation all their lands not hereby ceded."⁹⁰ The Constitution itself made treaties the supreme law of the land, and the Supreme Court was created

⁸⁸ Letter from Marshall to Carr, June 26, 1830, in 2 J. KENNEDY, *supra* note 47, at 296-97.

⁸⁹ Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," 513.

⁹⁰ "Treaty of Holston," 1791, *The Avalon Project*.

not by Congress but by the Constitution therefore making it a constitutional court and the final arbiter of constitutionality.

However, once the Court issues a decision, it has no power to enforce its decree. Wirt challenged the justices, “Will you decline a jurisdiction clearly committed to you from the fear that you cannot, by your own powers, give it effect?” It is the president’s responsibility “to enforce the execution of the laws. It is [the Supreme Court’s] function to say what the law is.” Wirt goaded the Court to challenge Jackson by issuing an injunction and assured the justices it was well within their power. “At all events let us do our duty, and the people of the United States will take care that other do theirs.”⁹¹

Marshall’s opinion embodied his usual style—Marshall understood the larger context of the issue and worded his opinion carefully to avoid offending either side of the tense political atmosphere, but also used the case to establish the role of the Court and extract a deeper constitutional meaning. His approach was reminiscent of *Marbury v. Madison* (1803). The final ruling was that the Cherokee Nation was not a foreign nation and therefore, the Court had no jurisdiction over the debacle. Even though Marshall claimed the Cherokee tribe was not a foreign nation, he also did not place them within the United States. Instead, he defined the peculiar relationship as one that resembled a “ward to his guardian” and described the tribes as “domestic dependent nations.”⁹² Marshall did hint that although he had ruled against the Cherokee on the question of jurisdiction, he sided with them on merit and suggested a method to get another case

⁹¹ *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 154, 155 (1831)

⁹² *Id.*, 161

to the Supreme Court in the future.⁹³ While this decision did little to clarify the relationship between Native Americans and the United States government, it did reinforce federal supremacy.

Baldwin and Johnson agreed with Marshall's ruling and wrote their own concurrent opinions. Johnson claimed the treaties merely covered property rights and the United States had the ultimate title to the land. Baldwin cited *Johnson v. McIntosh* where Marshall himself denied that the tribes were distinct political communities. *Cherokee Nation v. Georgia* was one of the few Supreme Court cases that was not unanimous under Chief Justice Marshall; Thompson and Story dissented. However, Baldwin's use of *Johnson v. McIntosh* must have bothered Marshall because Marshall encouraged Story and Thompson to write a dissenting opinion. Story wrote, "neither Judge T. nor myself contemplated delivering a dissenting opinion, until the Chief Justice suggested to us the propriety of it, and his own desire that we should do it."⁹⁴ The dissenting opinions drew heavily from Wirt's arguments on treaties and the Natives' ability to govern themselves.⁹⁵ Thompson's dissent could not change the legal effect of the *Cherokee Nation v. Georgia* decision, but it did reflect the conflicting opinions surrounding Native Americans' relationship with the United States and set the foundation for another Supreme Court case concerning Native American sovereignty.

An opportunity for another case came within a year. Samuel A. Worcester and Elizur Butler were two missionaries who had lived among the Cherokee for years to teach them the gospel. However, the Georgia legislature had passed a law in 1830 that required all whites

⁹³ Mathew L.M. Fletcher, "A Short History of Indian Law in the Supreme Court," *Human Rights* 40, no. 4 (May 2015): 3-6; Swindler, "Politics as Law: The Cherokee Cases," 7-20; Philip J. Prygoski, "From Marshall to Marshall: The Supreme Court's changing stance on tribal sovereignty," *The Compleat Lawyer* 12, no. 4 (Fall 1995), 14-17.

⁹⁴ Letter from Story to Peters, May 17, 1831

⁹⁵ Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," 517.

residing in Cherokee territory to have a license and take an oath of allegiance to the state.

Worcester, Butler, and their colleagues risked their freedom by refusing to take the oath. They also supported the Cherokees' decision not to emigrate and counseled them to stand up for their rights. Worcester said, "I could not conscientiously take the oath which the law requires . . . I may add that such a course, even if it were innocent to itself would, in the present state of feeling among the Indians, greatly impair or entirely destroy my usefulness as a minister of the Gospel among them."⁹⁶ The Georgia Guard arrested Worcester and several others for violating the 1830 law in March 1831. Nine of them accepted pardons, but Worcester and Butler refused to give the Cherokee another chance in Court.⁹⁷

This was the case Wirt had been waiting for. Georgia would neither release nor execute Worcester, so Wirt filed a notice of appeal in the Supreme Court. Georgia's Governor, Wilson Lumpkin, threatened to resist federal supremacy and the legislation said any attempt by the Court to reverse the decision would be deemed unconstitutional in the state of Georgia. The Supreme Court heard the arguments of *Worcester v. Georgia* in February of 1832. Georgia again refused to make an appearance. Wirt's first argument was that *Cohens v. Virginia* established the Supreme Court's authority to issue writs of error in a criminal case.⁹⁸ Unlike *Cherokee Nation v. Georgia*, there was no question of jurisdiction in this case—it had already been established that the Supreme Court had the power to review state decisions. Now that Marshall stood on firmer procedural ground, he withdrew much of what had been stated in the *Cherokee Nation v. Georgia* and *Johnson v. McIntosh* opinions.

⁹⁶ Letter from Worcester to Gilmer, June 10, 1831 from New Echota, Cherokee Nation (The letter was printed in *Cherokee Phoenix* on August 12, 1831 volume 4 issue 7).

⁹⁷ Breyer, "The Cherokee Indians and the Supreme Court," 413-415; Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," 521-525.

⁹⁸ Swindler, "Politics as Law: The Cherokee Cases," 7-20

On March 3, 1832, Marshall presented a unanimous decision from the court. This time, he did not shy away from the ire of Georgia and Jackson but used *Worcester's* criminal case to make a more profound statement on the status of the Cherokee nation. Marshall declared all recent Georgia Indian laws unconstitutional and sent a mandate ordering the missionaries to be released. In his opinion, Marshall borrowed from Thompson's dissenting opinion of *Cherokee Nation* as well as Wirt's legal arguments in both *Cherokee Nation* and *Worcester*. Marshall included a history of relations between European nations, the colonies, the United States, and Native American tribes, and questioned the Cherokee treaties and the Georgia statute. Treaties were again used as the main evidence supporting the Cherokee sovereignty, and Marshall claimed no treaty had extinguished tribal independence.⁹⁹ Therefore, Marshall concluded that the "Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress . . . The act of the State of Georgia, under which the plaintiff in error was prosecuted consequently void, and the judgement a nullity."¹⁰⁰ He wrote in 1832 the opinion that he did not write in 1831.

After the Court's decision on *Worcester v. Georgia* was announced, Justice Story wrote his thoughts on the case in a letter to his wife: "Thanks be to God, the Court can wash their hands clean of the iniquity of oppressing the Indians and disregarding their rights." He also foreshadowed the political turmoil ahead. "Georgia is full of anger and violence . . . probably she

⁹⁹ Breyer, "The Cherokee Indians and the Supreme Court," 413-415; Fletcher, "A Short History of Indian Law in the Supreme Court," 3-6

¹⁰⁰ *Worcester v. Georgia*, 31 U.S. (6 Pet.) 520 (1832).

will resist the execution of our judgement, and if she does, I do not believe the President will interfere.”¹⁰¹

Worcester v. Georgia illuminated some deficiencies in the legal system. After the ruling was announced, Andrew Jackson famously said, “John Marshall has made his decision, now let him enforce it.” Even though the Supreme Court had issued the mandate to release Worcester and Butler, the Georgia court simply refused to reverse their decision and release the missionaries. Andrew Jackson confirmed the Wirt’s and the Justice’s suspicions when he allowed Georgia to ignore the Court’s mandate. Wirt recommended a new law that allowed federal judges to issue writs of habeas corpus to free persons held under state authority for violating a law that had been declared unconstitutional by the Supreme Court, as well as a series of amendments to alleviate the snags in the judicial process. The Court had done everything in its power, now it was up to Congress.¹⁰²

Worcester and Butler were eventually freed when larger nullification problems presented themselves and forced Andrew Jackson to understand the nature of the problem. South Carolina nullified a federal tariff just eighteen days after Georgia’s Governor Lumpkin promised to resist the enactment of the *Worcester v. Georgia* decision. It was this moment that granted Andrew Jackson clarity—the structure of the American legal and political system was designed to prevent these cataclysmic events from occurring. Worcester agreed to drop the case in return for his freedom.¹⁰³

As for the Cherokees, the other party who should benefit from this case, they had a less fortunate outcome. On December 29, 1835, a small portion of the tribe went to New Echota and

¹⁰¹ Letter from Justice Story to his wife March 4, 1832

¹⁰² Burke, “The Cherokee Cases: A Study in Law, Politics, and Morality,” 515-524.

¹⁰³ Breyer, “The Cherokee Indians and the Supreme Court,” 422.

signed a treaty agreeing to their removal from Georgia to Indian Territory in the West. Though prominent members of the nation, they had no legal authority to do so, and in fact were well aware that, under the Cherokee Constitution, selling the nation's land without authorization was a capital offense. The rest of the tribe protested and claimed manipulative and deceitful methods had been used to obtain the treaty signatures. Nevertheless, the United States Senate ratified the treaty and sent the Cherokee on the Trail of Tears.¹⁰⁴

The Marshall Trilogy validated every mistreatment of Native Americans up until this point. These court cases accepted the doctrine of discovery as the rule of law, reaffirmed federal supremacy over Native Americans, and established dual sovereignty. Supreme Court decisions reflect the social and political context of the time. Marshall's contradictory opinions mirror the nation's uncertainty regarding the "Indian Problem." Marshall tried to navigate the political turmoil of the 1830s, but in doing so set the foundation for further oppressing Native Americans. The Marshall Trilogy fit John Marshall's philosophy of expanding the power of the federal government because these cases placed Native American relations strictly under the umbrella of the federal government and out of reach of the states. The Marshall Trilogy did release the Cherokee from the imposed jurisdiction of Georgia, but it did not accomplish much else. In *Worcester v. Georgia*, Marshall retracted much of what had been established in *Johnson v. McIntosh* and *Cherokee Nation v. Georgia*, but it was too late, and the Court did not have the power to enforce their decision. The Court's awareness of this shortcoming fueled their decision in *Cherokee Nation v. Georgia* and was confirmed in the outcome of *Worcester v. Georgia*. Jackson was not going to fulfill his responsibility as the executor, but that does not mean the Supreme Court should not fulfill their responsibility as judiciaries. Instead, the Court failed

¹⁰⁴ *Id.*, 424-426.

Native Americans and the opinions from the Marshall Trilogy were ingrained in federal law and used as precedents for future Native American legislation and court decisions.

CHAPTER 6

CULTURAL COLONIZATION

As long as the United States exists, American patriotism will endure. But at the turn-of-the-twentieth century, as the United States was becoming a global power, American pride reached a peak. The United States was on the edge of modernization. World's Fairs celebrated scientific and cultural innovations, the population was growing exponentially, and urban centers boomed. "Progressive" reformers took it upon themselves to 'save' inferior classes, races, and cultures because, in the American mind, who wouldn't want to be part of such a successful nation? With all of their colonizing efforts legalized, Americanization was more accessible than ever.

John Gast perfectly captured America's nationalist sentiment in his painting *American Progress*. Lady Liberty is leading white settlers to the West, bringing with her light and civilization, conquering the natural world with infrastructure. Buffaloes and Native Americans are fleeing as the light emanating from Lady Liberty casts a shadow upon their dark, savage ways. She carries a book with the inscription "school book." If the Native Americans would just accept the gift of the book, the gift of education, they might be civilized and saved from extinction. As an alternative to the violent Indian Wars that dominated the nineteenth century, the United States adopted what they believed to be a more humane form of colonization—education to civilize the Native Americans and erase their culture by forcing them to assimilate into American society. The United States was still killing Native Americans, it was just psychological and spiritual rather than physical, which arguably is worse.

In this chapter, I expose how Native American education was merely an extension of the US governments' attempts to eradicate Indigenous life within the country's jurisdiction. I delve

into the nineteenth century American perspective to explain how they justified Native American acculturation. Lastly, I detail the experience of the students to reveal the lengths the government took to replace their tribal identities.

The image of the railroad paving the way for civilization to reach a savage, unrefined section of the United States is the romanticized version of Westward Expansion that most Americans possess. In reality, this was an invasion. In *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*, Manu Karuka uses the building of the transcontinental railroad to emphasize the role that corporations and infrastructure played in colonization. For the Indigenous nations, the railroad interrupted their modes of relationship and sectionalized their expansive domain, corralling them on to reservations where it was easier to keep an eye on them and impose European way of life.¹⁰⁵ The fact that these Indigenous nations prospered for centuries without the intervention of European powers proves that they possessed their own form of sovereignty, the supreme power and authority of a state to govern itself without any outside interference, even if it was did not align with European philosophies. The term 'countersovereignty' presents the argument that by claiming sovereignty and processing land grants, was actually recognizing Indigenous nations' sovereignty. Countersovereignty was a reactive claim to the Native Americans and the United States' attempt to "[balance] the chaos and violence of colonialism . . . to establish a political and economic space for the settler sovereign".¹⁰⁶ In order to maintain stability, United States colonization required recognition of Indigenous nations.

¹⁰⁵ Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Berkeley: University of California Press, 2019), 61-79, 105-144.

¹⁰⁶ Karuka, *Empire's Tracks*, 2.

The United States' first concern was gaining control of the land. Land was the crucial impetus of colonization because if the United States had control of the land, it could control everything else. With white homesteaders moving on to Native American lands, conflict was inevitable. The so-called "Indian Wars" of the late nineteenth century were in fact acts of rebellion in response to imperial expansion, territorial loss, and internal colonization. However, Native American efforts to resist colonization only reinforced American perceptions and stereotypes. In 1824, the United States established the Bureau of Indian Affairs (BIA) under the jurisdiction of the Department of War, an act that both supported the notion of countersovereignty and emphasized the violent relationship between the United States government and Indigenous nations. The United States signed treaties with the Native Americans (again proving their countersovereignty), the true objective of which was cloaked under the façade of attempting 'peace.' In reality, the treaties were just a ruse to force territorial concessions and corral various tribes onto reservations. If the United States had complete control and jurisdiction of the land, they could prevent conflict by removing the Native Americans. The first two treaties were signed in 1817 and 1825. Neither included compensation for indigenous lands ceded to the United States; the first benefit Native Americans received from a treaty did not appear until 1858.¹⁰⁷ However, the money received from treaties was futile to the Native Americans unless they were involved in the American economy, furthering enforcing natives' reliance on the United States.

¹⁰⁷ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*, (Lawrence: University Press of Kansas, 1995), 9; Louis V. Headman, *Walks on the Ground: A Tribal History of the Ponca Nation*, (Lincoln: University of Nebraska Press, 2020), 440; Steven Sabol, *"The Touch of Civilization": Comparing American and Russian Internal Colonization*, (Boulder: University of Colorado Press, 2017), 99-105, 175.

The predominate shift toward education and assimilation in Native American policy in the late 1800s, was not the first attempt to civilize Native Americans. Efforts for civilization in the early years of United States sovereignty were limited and sporadic, but they foreshadowed future attempts. Most treaties included provisions for a school financially supported by the federal government to encourage education; however, the government did not provide material support like buildings or teachers. In 1819, Congress passed the “Civilization Fund” which was an annual appropriation of \$10,000, specifically to promote the civilization of Indigenous people. The US House of Representatives offered their reasons for the civilization policy: “Put into the hands of their children the primer and the hoe, and they will naturally, in time, take hold of the plow; and as their minds become enlightened and expand, the Bible will be their book, and they will grow up in habits of morality and industry, leave the chase to those minds less cultured, and become useful members of society.”¹⁰⁸ In other words, through agriculture, education, and religion, Native Americans would become useful members of society. For many nineteenth-century Americans, agriculture and Christian morals were synonymous with civilization. In fact, by the 1820s and 1830s, most schools were run by Christian missionaries, and even those that were not still embraced the Bible and Christian values.¹⁰⁹

Many reformists relied on religious ideals and Christian morals to justify the acculturation of Native Americans, and clearly ignoring native customs and beliefs. At this point, reform groups were on the front line of Native American policy reformation; the government had not yet decided assimilation was more civil than war. In the 1820s, several groups including the

¹⁰⁸ Quoted in Donald A. Grinde Jr., “Taking the Indian out of the Indian: U.S. Policies of Ethnocide Through Education.” *Wicazo Sa Review* 19, no. 2 (Autumn 2004), 27.

¹⁰⁹ Adams, *Education for Extinction*, 8; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 6; Grinde. “Taking the Indian out of the Indian,” 27; Sabol, “*The Touch of Civilization*,” 144, 209-213.

American Board of Commissioners for Foreign Missions sent missionaries to work among the various tribes. While many people were able to convince themselves they were involved for the ‘right’ reason, no one is above the influences of popular thought and perceptions. Christian missionaries “came to their fields convinced of the intellectual, moral, and spiritual superiority of what they thought of, not as their ‘culture,’ but as ‘Civilization.’”¹¹⁰ Motivated by their Christian faith, these groups and individuals acted on their belief that they knew how to help the Native better than he knew himself. In 1824, the first report from the American Society for Promoting the Civilization and General Improvement of the Indian Tribes Within the United States was published and declared that all Americans should be involved in the assimilation process, and mere proximity to civilization would encourage their transformation. By 1825, there were thirty-eight Native American missionary-led schools.¹¹¹ From this point forward, civilization and Christianity were essentially indistinguishable from one another in terms of American internal colonization.

In 1849, there was a shift in the US government’s relations with Native Americans when the Bureau of Indian Affairs was transferred from the Department of War to the Department of the Interior. This movement suggested that Native Americans were no longer a threat to United States sovereignty and foreshadowed the absorption of indigenous nations into American society. In 1871, the United States’ colonization efforts amalgamated when Congress confirmed the altered state of relations with Native Americans by deeming them “wards of the government,” a colonized people. The United States unilaterally abandoned treaty making with all indigenous

¹¹⁰ Ryan Dunch, “Beyond Cultural Imperialism: Cultural Theory, Christian Missions, and Global Modernity,” *History and Theory* 41, no. 3 (October 2002): 310.

¹¹¹ Sarah Ruffing Robbins, “Reclaiming Voices from Indian Boarding School Narratives,” in *Learning Legacies: Archive to Action through Women’s Cross-Cultural Teaching*, (Ann Arbor: University of Michigan Press, 2017), 142; Sabol, “*The Touch of Civilization*,” 188, 209-211.

nations—they were now officially invested in a domestic relationship rather than one defined by “foreign relations.” The prose of countersovereignty was renounced when Congress claimed, “hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.”¹¹² Relations with Native Americans were now based on social policy, and American social policies demanded assimilation. The United States had come to a consensus: Native American removal and wars had been too harsh, they needed to be saved not only from the white man, but also from themselves.¹¹³ This approach epitomized the Progressive ideals. Progressives focused on social reform and helping people for the greater good. They started projects like prohibition, food safety laws, women’s suffrage, and social welfare. While most Progressive reforms had good intentions, most encouraged or forced people to live a certain lifestyle, conform to specific values, and fit a Progressive mold, without acknowledging different cultures or values.

After 1868, the government took on the task of funding schools that emphasized English immersion, and discouraged teaching in the native vernacular. Stephen Riggs, a Christian missionary, spent forty years among the Sioux tribe as an educator and ethnologist. He preached and taught in Sioux vernacular and translated the Bible into Dakota. The government saw the persistence of the Native languages as indicative of the Native culture’s endurance or recalcitrance. Language was the core of Native culture; it held their traditions, their history, their beliefs. Therefore, the United States sought to destroy it because any semblance of Native culture longevity compromised their path toward civilization. John H. Oberly, a committed Indian

¹¹² Quoted in Jill St. Germain, *Broken Treaties: United States and Canadian Relations with the Lakotas and the Plains Cree, 1868-1885* (Lincoln: University of Nebraska Press, 2009), 79.

¹¹³ Adams, *Education for Extinction*, 10-11; Sabol, “*The Touch of Civilization*,” 101, 188.

school reformer, and eventual Indian school superintendent, articulated the dilemma of diminishing the prominence of native languages, while simultaneously instilling Christian morals when he said, “It may be well to state that it is not the intention of the Indian Bureau to prohibit the reading of the Bible by any Indian in any language, or by anybody to any Indian in any language or in any Indian vernacular, at any time.”¹¹⁴ When Native American education transferred to government administration, the federal government discouraged teaching in native languages, but they maintained the Christian approach created by reform groups which required Native American understanding of the Bible. In 1868, the Fort Laramie treaty ended Red Cloud’s War, and helped initiate President Ulysses S. Grant’s Peace Policy to reform Native American administration and policy. Concerned that the Bureau of Indian Affairs was corrupt, Grant’s solution was appointing Christian leaders as agents, teachers, and matrons on the reservations and to positions of authority throughout the Bureau of Indian Affairs.¹¹⁵ It soon became clear that the teaching method did not take effect because the Native Americans did not understand the dominant culture and its demands.

If Native American culture was going to be completely eradicated, the government needed to be more intentional with their use of resources dedicated to fully assimilating Natives into American civilization. In 1877, Congress began appropriating funds specifically for Native American education. Spending rose from \$20,000 in 1877 to \$2,936,080 in 1900, and enrollment increased from 3,598 to 21,568, respectively. In 1884, one-fourth of the Indian school age population was provided for; in six years that number rose to half of the Indian school age population, and by 1926, nearly? percent of the Indian school age population was provided for

¹¹⁴ *Annual Report*, 1888, xvii.

¹¹⁵ Headman, *Walks on the Ground*, 391; Sabol, “*The Touch of Civilization*,” 187, 214-215.

by government funds. These funds were manifested by day schools located on the outskirts of Indian villages. These schools resembled schools that white children attended—eight hours were spent learning, and at the end of the school day, students returned home to their families.

However, by the late 1870s, reservation boarding schools became favorable over day schools because they immersed the child in American culture and separated them from tribal influence during the civilization process. Like the day schools, the focus of reservation boarding school was language instruction, but math and industrial training were also part of the curriculum. The reservation boarding schools sanctioned greater control over the student's lives; however, they were still not ideal in the government's eyes. The location on the reservation allowed students to return home on occasion, as well as family visitation at the school, during which time the government believed the students would regress back to their savage ways and any progress towards civilization they had achieved would be undermined. Off-reservation boarding schools became the government's solution to this problem.¹¹⁶

The General Allotment Act of 1887 was the nail in the coffin in regard to Native American countersovereignty and assimilation. The shifting relationship marked by the transfer to the Department of the Interior and the cessation of treaties between the US government and Indigenous nations was cemented by the General Allotment Act of 1887, more commonly known as the Dawes Act. The Dawes Act “mandated a fundamental change in Indian-White relations.”¹¹⁷ If Native Americans were no longer part of a foreign nation and were now under the jurisdiction of American domestic policies, they needed to completely abandon their culture, language, and spiritual attachments to become American. In the latter half of the 1800s, the core

¹¹⁶ Adams, *Education for Extinction*, 31-47

¹¹⁷ Sabol, “*The Touch of Civilization*,” 189.

of American civilization was agriculture and owning property. Therefore, the government saw land allotment and redistribution to be the best way to initiate natives into American culture. The Dawes Act of 1887 allotted 160 acres of land to each family head, eight acres to single persons and orphans over eighteen years old, and forty acres to single persons under eighteen.

Citizenship status was granted to all allottees. The government retained the deed to the allotted land so it could not be sold. Surplus land was sold to white settlers, and profits were to be put towards the “education and civilization” of Native Americans.¹¹⁸ The political coalition that created the Dawes Act was made up of a dichotomy of philosophies. On one hand, there were blatant land grabbers, but on the other there were sincere if misguided reformers like Dawes himself. This combination is part of what made the Dawes Act so damaging, but it also encapsulates the uncertainty surrounding the “Indian Problem” and how both sides can be dangerous.

The first stages of colonization were complete. After geographically, economically, and politically attacking the indigenous population, they had been worn down into submission. Now the United States had full jurisdiction over the Native Americans. All that was left to do was absorb them into American culture. As the Commissioner of Indian Affairs, Johnathan Atkins stated, “It is the earnest desire of the Government that the Indians give up their nomadic habits; settle upon land in severalty; go to work and earn a living; educate their children and become intelligent, respected and worthy citizens.”¹¹⁹

¹¹⁸ Adams, *Education for Extinction*, 21-23; Jacqueline Fear-Segal and Susan D. Rose, *Carlisle Indian Industrial School: Indigenous Histories, Memories, and Reclamations*, (Lincoln: University of Nebraska Press, 2016), 10; Sabol, “*The Touch of Civilization*,” 189-190.

¹¹⁹ “Letter From BIA Commissioner Atkins to Agent, Pine Ridge Agency,” February 2, 1887, box 8, NAKC.

The shift to Native American education and assimilation into American culture stemmed from a conglomeration of philosophies. The first was explained by historian Louis V. Headman, “It has been said that when attempts at genocide failed, the government began to initiate the processes of acculturation and socialization.”¹²⁰ The United States government’s use of military force reduced the Native American population to 500,000 by 1890. Once Indigenous nations had been contained militarily, government policy shifted to secure Native American subjugation.

David Wallace Adams described Native Americans’ reaction:

For tribal elders who had witnessed the catastrophic developments of the nineteenth century – the bloody warfare, the near-extinction of the bison, the scourge of disease and starvation, the shrinking of the tribal land base, the indignities of reservation life, the invasion of missionaries and white settlers – there seemed to be no end to the cruelties perpetrated by whites. And after all this, the schools. After all this, the white man had concluded that the only way to save Indians was to destroy them, that the last great Indian war should be waged against children. They were coming for the children.¹²¹

To fully understand how Americans justified the coercion and subjugation of Native Americans, we must understand the popular philosophies and ideologies of the time. American exceptionalism, how Americans define civilization, and the widely accepted perception of Native Americans all play a role. American exceptionalism was created to justify expansion and conquest not only in the American West, but overseas as well. At the same time the United States government was asserting its imperial nature over Native Americans, they were venturing overseas to Cuba, Puerto Rico, and the Philippines, to expand their empire. Historian Walter Nugent explained that American exceptionalism was “progress, national glory, and successful stewardship all rolled into one. White Americans were certain they had the right and duty to take the land because they would make it more productive than native peoples, or Spaniards, or

¹²⁰ Headman, *Walks on the Ground*, 388.

¹²¹ Adams, *Education for Extinction*, 336-337.

Mexicans, had done.”¹²² American exceptionalism separated them from Europe, and provided evidence that they had parted with the old imperialistic ways. Instead, American pioneers exemplified the rugged individualist, spreading democracy along with liberty and justice for all.¹²³

At the core of American exceptionalism is the emphasis on the United States as a democratic, civilized society. Americans were fixated on this idea of ‘civilization.’ In fact, the American definition of ‘civilization’ was molded to embody a legitimizing rationale for the treatment of Native Americans. To justify displacing Native Americans, the United States relied on the assumption that Indigenous ways differed because they were less civilized. Educated Americans used ‘scientific discoveries’ support this assertion. The rapid technological and social advances made at the end of the nineteenth century ‘proved’ Americans’ belief that art, science and technology progressed society toward civilization. Americans used science to explain American superiority, but also Native American inferiority. It was widely accepted that nature was meant to be tamed and controlled by man; therefore, the closer you were to an untamed, natural world, the less civilized you were. Lord Kames defined four distinct stages of human development: hunter-gatherer, herder, farmer, and marketer. This specific philosophy was reflected in many different fields and set the foundation for future identifications of social evolutionary stages.

In 1877, anthropologist Lewis Henry Morgan identified eight stages of social evolution – lower savagery, middle savagery, upper savagery, lower barbarism, middle barbarism, upper barbarism, and civilization – in his book, *Ancient Society: Or Researches in the Lines of Human*

¹²² Walter Nugent, *Habits of Empire: A History of American Expansion* (New York: Knopf, 2008), 234.

¹²³ Sabol, “*The Touch of Civilization*,” 140-143.

Progress from Savagery Through Barbarism to Civilization. Depending on the tribe, the category that Native Americans fell into ranged from upper savagery to lower barbarism. The ranking system was based on technical and material development, subsistence pattern, complexity of institutional arrangements, and finally their ideas, passions, and aspirations.¹²⁴ This ‘scientific’ definition of civilization had a preeminent influence on Americans’ perception of Native Americans.

When Americans settling on Indigenous land encountered Native Americans, they already possessed these preconceived notions about them. The inferiority of the native population was ingrained in the American conscious through American exceptionalism and ‘scientific’ research. They were merely obstacles to achieving Manifest Destiny, and just like the wilderness must be tamed and civilized, people should be governed and disciplined. Even when individuals emerged to complicate American perception of Native Americans, the stereotypes and clichés were so firmly entrenched that they did nothing to shake the more universally accepted opinions that the Indigenous people were backward, inferior, and in desperate need of civilization.¹²⁵ David Wallace Adams explains American ideology best:

Basic to all perceptions was the conclusion that because Indian cultural patterns were vastly different from those of whites, they must be inferior. Whether discussing the Indians’ worship of pagan gods, their simple tribal organization, or their dependency on wild game for subsistence, white observers found Indian society wanting. Indian life, it was argued, constituted a lower order of human society. In a word, Indians were savages because they lacked the very things whites possessed – civilization. And because the law of historical progress and the doctrine of social evolution meant that civilized ways were destined to triumph over savagism, Indians would ultimately confront a fateful choice: civilization or extinction. And there was little doubt that the race would choose civilized ways over savage ways. Wasn’t civilization preferable to savagism? Wasn’t life preferable to death?¹²⁶

¹²⁴ Adams, *Education for Extinction*, 15-18; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 10; Sabol, “*The Touch of Civilization*,” 144-154.

¹²⁵ Adams, *Education for Extinction*, 25; Sabol, “*The Touch of Civilization*,” 148, 156.

¹²⁶ Adams, *Education for Extinction*, 8.

It was from these values and perceptions that Americans convinced themselves they were extending the helping hand of education to Native Americans. As the native population would soon learn, the hand that was supposed to lead Native Americans toward civilization was actually a mirage to conceal cultural genocide.

Richard Henry Pratt was the single-most important advocate for Native American education. When Pratt was twenty-one, he enlisted in a volunteer regiment during the Civil War, and eventually became an American army general in charge of leading cavalry in the “Indian Wars.” In his initial attempt at Native American education, Pratt transformed a routine detainment detail into a social experiment. As a jailer for prisoners captured during the Indian Wars, in 1875, Pratt rose above his station and started trying to teach the prisoners of war English. With words came ideas, and Pratt’s experiment blossomed into full-fledged assimilation.¹²⁷ Pratt’s objective through education was to “Kill the Indian in him and save the man.”¹²⁸

Pratt was such a staunch supporter of Native American assimilation and paved the way for education reform because he retained an alternative perspective on Native American inferiority than the majority of the American public. He saw Natives as humans caught in a perpetually savage environment. He explained his rationale:

It is a great mistake to think that the Indian is born an inevitable savage. He is born a blank, like the rest of us. Left in the surroundings of savagery, he grows to possess a savage language, superstition, and life. We, left in the surroundings of civilization, grow to possess a civilized language, life, and purpose. Transfer the infant white to the savage surroundings, he will grow to possess a savage language, superstition and habit. Transfer

¹²⁷ Adams, *Education for Extinction*, 41-50, 56; Robbins, *Learning Legacies*, 143; Sabol, “*The Touch of Civilization*,” 217; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 6-7.

¹²⁸ Richard H. Pratt, “The Advantage of Mingling Indians with Whites,” in *Proceedings of the National Conference of Charities and Correction*, ed. Isabel C. Barrows (Boston: Press of Geo. H. Ellis, 1892), 46.

the savage-born infant to the surroundings of civilization, and he will grow to possess a civilized language and habit.¹²⁹

In Pratt's mind, Native American inferiority was cultural, not racial or biological; whether an individual was civilized or not depended solely on their environment. Understanding Pratt's perspective on Native American inferiority helps us comprehend his endorsement for off-reservation boarding schools. A school on the reservation could never succeed because they are still in the environment that taught them their savage ways. Only when a child is moved off the reservation, out of their *savage* environment could they truly become civilized.¹³⁰

When Pratt's educational experiment with prisoners of war was deemed successful, his vision for Native American education was incorporated into Hampton Normal and Agricultural Institute. Hampton was an industrial school for African Americans and began enrolling Native Americans in 1878 after its superintendent, General Samuel Chapman Armstrong, allied with Richard Henry Pratt. Biographer Robert Francis Eng said, "Armstrong firmly believes that his philosophy at Hampton could be applied to all 'backward races.'"¹³¹ Armstrong and Pratt advertised their Native American program with before and after pictures of the students to portray the success of the institution—an idea that would transfer to future off-reservation boarding schools. The before picture displayed Native American students in their traditional clothes, with long hair. The after pictures told the story of civilization with students' hair cut short and dressed in suits – proof that the savage Native Americans could in fact be civilized.¹³²

¹²⁹ Pratt, "The Advantage of Mingling Indians with Whites," 56.

¹³⁰ Adams, *Education for Extinction*, 56-57; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 6-7.

¹³¹ Robbins, *Learning Legacies*, 143

¹³² Adams, *Education for Extinction*, 50-57; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 8; Robbins, *Learning Legacies*, 143.

After a year of combined curriculum for African and Native Americans at Hampton, people realized the two groups of students had two very different sets of needs. The accepted racial ideology of the day convinced the public that African Americans were racially and biologically inferior, no amount of civilization could help them; Native Americans were just culturally inferior, and education could save them from themselves. Therefore, Pratt petitioned for a separate school, specifically for turning the army barracks in Carlisle, Pennsylvania into an off-reservation boarding school for Native American children. The Carlisle Indian Industrial School opened in 1879 with the cruel irony of being housed in the same location the United States Cavalry was trained to seize Native lands and enforce American colonization. Pratt's vision for Native Americans had come to fruition. Native American students were now forced to leave their friends, family, and homes, to be completely immersed in civilization. To explain his philosophy for transforming Native children, Pratt used the image of baptism, "In Indian civilization I am a Baptist, because I believe in immersing the Indians in our civilization and when we get them under holding them there until they are thoroughly soaked."¹³³ The Carlisle blueprint would be used to establish schools across the United States. The off-reservation boarding school was born, and only just beginning its cultural and psychological destruction.¹³⁴

Only a handful of schools were open prior to the Dawes Act in 1887, which permitted the government to open more off-reservation boarding schools, including Haskell Institute in Kansas and the Hampton Institute in Virginia. Now that Pratt had his obtained an institution in which to educate and civilize Native Americans, he had to convince white Americans that it was both

¹³³ Richard Henry Pratt, *Battlefield and Classroom: Four Decades with the American Indian, 1867-1904*, ed. Robert M. Utley (Lincoln: University of Nebraska Press, 1964), 335.

¹³⁴ Grinde, "Taking the Indian out of the Indian," 27; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 1, 8; Robbins, *Learning Legacies*, 144.

desirable and possible to do so. Public relations were vital to the growth of off-reservation boarding schools because success promised additional funding. Fueled by the need for financial support from the government, Pratt used the media to spread the dominant narrative of assimilationist Native American education. The first facet was the before and after pictures conceived at Hampton. Pratt also used students from Hampton as recruiters—a visual manifestation of a successful transformation. Pratt also appealed to economically minded individuals by highlighting the financial benefits of off-reservation boarding schools.¹³⁵

The justification for adopting cultural rather than physical genocidal tendencies was that it was more humane, but also economically practical. According to Secretary of the Interior Carl Schurz, it cost one million dollars to kill an Indian in warfare, but only \$1200 to educate a child for eight years. With that logic, to wage war on Native Americans for ten years, it cost the federal government \$22 million; it cost less than a quarter of that to educate 30,000 children for a year. While initial funding for the schools came from the federal government, the schools were self-supported in food production because students were given a garden to tend to and grow their own food to teach them the civilized proclivity of agriculture. *Frank Leslie's Illustrated Magazine* published an article that emphasizes this rationale:

The sentiment that it is cheaper – as it is certainly more humane – to educate and civilize these “wards” of the nation than to exterminate them by ball and cartridge, is everywhere growing, and the liveliest interest is beginning to be felt in the experiments which are being made at Hampton, Va. and Carlisle, Pa., in the education of Indian youth. So far as now appears, these experiments have more than realized the expectations of those who instituted them.¹³⁶

¹³⁵ Adams, *Education for Extinction*, 63; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 2; Robbins, *Learning Legacies*, 144; Sabol, “*The Touch of Civilization*,” 216-217.

¹³⁶ “The Indian Training School at Carlisle, Pa.,” *Frank Leslie's Illustrated Magazine* (March 15, 1884): 57-59.

In addition to these economic benefits, Native American schools were a source of employment in the West and would play a major role in the economic foundation of surrounding areas by purchasing resources and providing cheap labor through their outing program. The federal government and the American public bought into Native American education. By 1898, there were twenty-five analogous schools. In 1900, there were 21,568 Native American children in school, 18,000 of which attended a government funded boarding school, whether it was on or off the reservation.¹³⁷

The large number of Native American students attending off-reservation boarding schools is not indicative of Native American resistance to this egregious acculturation. Native Americans were not passive pawns tolerantly accepting the cultural genocide inflicted by the federal government. Some Native American parents chose to send their children to off-reservation boarding schools, but they often did so only in the face of economic pressures created by the United States government when they bereaved the Indigenous tribes of land, resources, and sovereignty. Others attended the off-reservation boarding schools because the schools did provide skills that allowed students to earn a living, and if they were going to be forced into the American economy, they might as well be prepared so they could survive in their compulsory environment. Students of off-reservation boarding schools also enjoyed the cultural bonds they were able to create across tribal lines to form a singular Native American identity; and they were often subjected to racism at public schools, something they didn't have to worry about at Indian schools. However, most Native Americans reacted negatively and resisted off-reservation boarding schools.¹³⁸

¹³⁷ Adams, *Education for Extinction*, 63; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 7; Headman, *Walks on the Ground*, 444; Robbins, *Learning Legacies*, 156.

¹³⁸ Robbins, *Learning Legacies*, 146-149.

Native American values and philosophies differed from American culture on an intangible level. Tribes had educational systems well before 1492, that were centered on oral tradition. Elders taught children about morals and ethics through storytelling – parables and their tribal history. Most Native American education emphasized a symbiotic relationship with the natural world. Native Americans’ relationship with nature and their oral tradition were seen as primitive in American society, and even more reason to “civilize” them. Plus, the United States government was not concerned with preexisting educational systems because the education system they developed was just a ruse for cultural genocide. Submitting to American education would eradicate their entire cultural and social structure that had been built for generations – a fact that Native American leaders did not take lightly.¹³⁹ In *Two Tracts, Information to Those Who Would Remove to America and Remarks concerning the Savages of North America*, Benjamin Franklin documents the Native American response when they were invited to send their sons to the College of William and Mary:

But you, who are wise, must know that different Nations have different Conceptions of things: and you will therefore not take amiss, if our Ideas of this kind of European education happen not to be the same with yours. We have had some experience of it; Several of our young people were formerly brought up at the Colleges of the Northern Provinces; they were instructed in all your sciences; but, when they came back to us, they were bad Runners, ignorant of every means of living in the Woods, unable to bear either Cold or Hunger, knew neither how to build a cabin, take a Deer, or kill an Enemy, spoke our language imperfectly, were therefore neither fit for Hunters, Warriors, nor Counsellors, they were totally good for nothing. We are however not the less oblig’d by your kind Offer, tho’ we decline accepting it, and to show our grateful sense of it, if the Gentlemen of Virginia will send us a dozen of their Sons, we will take great Care of their education, instruct them in all we know, and make Men of them.¹⁴⁰

¹³⁹ Headman, *Walks on the Ground*, 393-413; Grinde. “Taking the Indian out of the Indian,” 26.

¹⁴⁰ Benjamin Franklin, *Two Tracts: Information to Those Who Would Remove to America and Remarks concerning the Savages of North America*, (London: L. White, 1784), <https://founders.archives.gov/documents/Franklin/01-41-02-0280>.

This response shows cordial resistance from Native Americans, but it also displays the dynamic behind Native American education. Education prepares one to function in society; therefore, to succeed in Native American society, one must be educated in their habits and values just as one would in order to be prepared for American society. The way children are nurtured determines the society in which they will be able to participate. If children are educated to live in American society, there will be none left to uphold Native society. Attempting to protect their children, as well as their culture and tradition, most Native American tribal leaders and parents resisted off-reservation boarding school education.

Due to Native American resistance, forcible roundups were part of the recruitment process for off-reservation boarding schools. If met with resistance, recruiters used physical force. In 1891, Congress authorized the Commissioner of Indian Affairs “to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit.”¹⁴¹ The government would withhold rations from tribes who resisted. The American government was determined to attain jurisdiction over Native Americans and their land through any means necessary.¹⁴² Soon enough, it was a perfectly meditated process. “Agents rounded up children, school superintendents searched for fresh recruits, teachers preached the gospel of civilization, and inspectors and supervisors reported their observations.”¹⁴³

Once off-reservation boarding schools were wholly established, a larger educational structure and uniform curriculum were imperative. Thomas J. Morgan, Commissioner of Indian

¹⁴¹ *The Statutes at Large of the United States of America*, vol. 26, 1014.

¹⁴² Adams, *Education for Extinction*, 69; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 5; Robbins, *Learning Legacies*, 147.

¹⁴³ Adams, *Education for Extinction*, 63.

Affairs from 1889 to 1893, devised a three-tiered system in which day schools and reservation boarding schools would become feeders for off-reservation boarding schools. For example, the Ponca Indian Boarding School was a reservation boarding school, and when students completed their education there, they moved on to one of the off-reservation boarding schools such as the Chillico Indian Agricultural School, Haskell Institute, Carlisle Institute, Phoenix Indian School, Cantonment Indian School, or Genoa. The Indian Bureau determined a uniform curriculum to be spread across all institutions, and divided into four levels: day school, primary school for six years, grammar school for five years, and high school for another five years. Students would complete primary school in their reservation boarding school, then go to an off-reservation boarding school for grammar school. Only select off-reservation boarding schools had high school classes. The standardized curriculum focused on language skills, academic subject matter, moral training, and industrial training.¹⁴⁴ However, students were taught more about the dark side of American society through their experiences at off-reservation boarding schools than the curriculum could have anticipated.

“Plenty Kill,” Standing Bear’s son described the scene he encountered just before departing for off-reservation boarding school. “It was a sad scene. I did not see my father or stepmother cry, so I did not shed any tears. I just stood over in a corner of the room we were in and watched the others all crying as if their hearts would break.”¹⁴⁵ Most students were initially enrolled for three to five years, and did not return home for the entire duration of that time—most even end up staying longer. It is difficult to sum up the Native American experience with

¹⁴⁴ Adams, *Education for Extinction*, 65-67; Grinde. “Taking the Indian out of the Indian,” 26; Headman, *Walks on the Ground*, 393-413.

¹⁴⁵ Luther Standing Bear, *My People, the Sioux* (1928; reprint, Lincoln: University of Nebraska Press, 1975), 187.

one story because the schools were different for all students—they ranged in age, some attended voluntarily while others were coerced, and some tribes were targeted more intensely. Students came from all different tribes, arrived by wagon, train, steamer, truck, or bus. The campus was a cluster of large building with students marching in uniform, and school employees barking commands. Surrounding the school was a barn, dormitories, a corral for livestock, sheds for farm implements, gardens, an orchard, a shoe shop, laundry facilities, and cellars. There would be more time to learn the layout of the campus; students' first concern was making sense of their predicament in a completely foreign world through their confusion and disorientation.¹⁴⁶

The first step toward civilization was to strip away all visual symbols of the children's tribal identity, so they were forced to create entirely new 'civilized' identities. Taking away their identities in a belittling and demeaning way made the children more vulnerable and wore them down. Shortly upon arrival, the children received a bath that held more symbolic value than physical. The bath was a metaphorical act that scrubbed away the filth whites attributed to Native life. After the bath, they cut the boys' hair. Authorities claimed the sole reason for a haircut was because short hair made it easier to handle a lice outbreak; however, long hair in males was also a sign of savagery.

Now that the students' physical appearance resembled a white American, they had to dress the part as well. Students shed their tradition tribal clothes for the school uniform—suits for boys, and dresses for girls. Quite possibly the most onerous assault on tribal identity was changing the students' names to fit their new appearance. Traditionally, tribal naming customs were central to their culture and identity. Native American names were given “as a stimulus to

¹⁴⁶ Adams, *Education for Extinction*, 106-109; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 6.

self-improvement, as a reward for a special achievement, and finally as a means of transferring the traits of a revered relative or tribal figure to a member of a new generation.”¹⁴⁷

Teachers complained about not being able to pronounce or memorize the students’ tribal names. Given no control of the situation, students were forced to choose a new name off a chalkboard.¹⁴⁸ This immediate acculturation that students experienced planted the seeds for sustained cultural oppression. The idea was that it is easier to act civilized if you look civilized, and vice versa. If the students have no ties to their tribes or tribal identities, they will eventually forget their savagery and accept civilization.

Once the students’ physical tribal attributions were destroyed and Americanized, it was now time to attack their tribal values, morals, and ideas. The purpose of the education students received through the government-funded Native American schooling system was to assimilate them into American society—teach them how to work, reconstruct their conceptions of home and gender roles, introduce them to the knowledge of civilization. Essentially, education was a mechanism to replace the Native American’s entire value system and destabilize their community. Cora Folsom, a Hampton teacher, described the scene:

A class of boys and girls from eight to twenty-five years of age, ignorant of every rule of school or society sits mute before you. The sad, homesick faces do not look encouraging. Everything is new and strange to them. The boys’ heads feel bare without the long braids. The new clothes are not easy and homelike. They do not understand one word of your language, nor you of theirs, perhaps, but they are watching your every look and motion. You smile and say “Good morning”; they return the smile in a hopeless kind of way, but not the “good morning.” By a series of home-made signs, which they are quick to interpret, they are made to understand that they are to repeat your greeting, and you are rewarded with a gruff or timid “Good Monink,” and thus another gate is opened to the “white man’s road.”¹⁴⁹

¹⁴⁷ Adams, *Education for Extinction*, 119

¹⁴⁸ Adams, *Education for Extinction*, 109-120; Robbins, *Learning Legacies*, 162-163.

¹⁴⁹ Quoted in Adams, *Education for Extinction*, 150.

The first order of business was eradicating all Native languages. Rule number 41 for reservation boarding schools stated, “All instructions must be in English. Pupils must be compelled to converse with each other in English . . . Every effort should be made to encourage them to abandon their tribal language.”¹⁵⁰ At off-reservation boarding schools, roommates were rarely from the same nation so they would not be able to converse in their native tongue and would be forced to speak English. Once the students knew English, they learned the knowledge of civilization, and studied other subjects like math, geography, astronomy, natural history, botany, physiology, economics. Teaching the “white man’s subjects” taught students to view the world the way the white man views it. Geography taught students that land had to be claimed, and definitive boundaries needed to be drawn. Science classes taught students a deeper message that nature was meant to be controlled, conquered, and exploited. Students picked up on the nineteenth century’s uneasy compromise between science and religion—science was becoming a more powerful force in society, but religious views stopped people from accepting evolution and that the earth was round. History told the story of man’s progression from savagism, through barbarism, to civilization.¹⁵¹ The academic curriculum at Native American schools did not actually teach students about the world they lived in, it merely taught them the white man’s perception of the world by tasking them to understand things white Americans accepted as fact.

One half of the day was dedicated to academic curriculum, the other half of the day students focused on vocational training. In the white man’s world, success was measured by monetary gains and material goods; vocational training taught students how to earn a living, but

¹⁵⁰ *Annual Report of the Commissioner of Indian Affairs*, 1890, cli.

¹⁵¹ Adams, *Education for Extinction*, 24-29, 105; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 5; Grinde, “Taking the Indian out of the Indian,” 29; Sabol, “*The Touch of Civilization*,” 212-213.

it also instilled the doctrine of possessive individualism along with the values associated with capitalism. Students worked in the kitchen and bakery to gain work experience, as well as earn their keep. As was aforementioned, the schools were self-sustaining because they exploited student labor during their ‘vocational training’ to cut costs. To teach students the civilized ways of agriculture and maintain a steady food supply, students were also responsible for taking care of their own gardens and livestock. Eventually, Richard Henry Pratt devised an ‘outing program’ for students to apply their new civilized skills by sending them into local communities to work for white families as farmhands or maids over the summer instead of returning home. Vocational training at schools taught students to connect the idea of work to survival and self-reliance.¹⁵²

Even outside of the classroom, Native American students were bombarded with Americanization. Militant sentiment was present throughout the schools because the members of the Indian Bureau, founders of the education system and most superintendents were veterans. Nearly every aspect of students’ daily experience at the schools was scheduled—eating, sleeping, working, learning, praying. Students did not enjoy the new American food that was served in the dining halls, and often did not get enough of it to satiate them. They were taught middle-class table manners, and forced to use knives, forks, spoons, tablecloths, and napkins. Students were not allowed to be tardy, chew gum, or speak any language other than English.

Most discipline problems stemmed from misunderstandings across lingual and cultural lines. If they broke any of the rules, students were subjected to physical abuse, given extra chores, denied food, and publicly humiliated. Boys might be forced to march back and forth in the schoolyard wearing girls’ clothes. Girls might be told to hold their arms out for achingly long

¹⁵² Adams, *Education for Extinction*, 172-173; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 6; Headman, *Walks on the Ground*, 443.

periods of time, wear a sign that told everyone “I ran away,” or use scissors to cut the grass.

Schools faced outbreaks of measles, influenza, mumps, trachoma, and tuberculosis. At night, the sound of children sobbing from homesickness and fear of their ruthless, unfamiliar environment reverberated throughout the darkened dorms. Needless to say, Native American boarding schools threatened students’ minds, bodies, and souls.¹⁵³

Despite this elaborate system established for their ‘benefit,’ Native American students still were not receiving enough—or rather, quality—of instruction to ensure their success. Native American schools did not reach the academic equivalence of high school until the 1920s, perhaps not coincidentally, when they achieved legal citizenship. In 1889, ten years after its founding, Carlisle graduated fourteen of its students. In 1899, only 209 out of 3800 total students graduated. Out of the 10,500 students who were ever enrolled at Carlisle, only 758 graduated.

Not only did assimilation boarding schools fail to ‘civilize’ Native American children, they also destroyed the students’ tribal relationships, too. Most students did not assimilate into American society, but upon returning to their homes on the reservation, felt caught between two cultures. The assimilation schools’ failure cultivated a strong distrust of the American education system among Native Americans and impedes their opportunities to succeed even now.¹⁵⁴ The education system established by the United States government to ‘civilize’ Native Americans was horrific extension of the efforts to eradicate Native culture.

Some good did come from the abhorrent assimilation schools. Those who graduated became spokesmen for the native culture. Although they were caught in the middle of two cultures, they knew the ins and outs of each which allowed them to appeal to American society

¹⁵³ Adams, *Education for Extinction*, 109, 121-149

¹⁵⁴ Adams, *Education for Extinction*, 68; Fear-Segal and Rose, *Carlisle Indian Industrial School*, 2.

and participate enough to advocate for Native Americans. Education unintentionally gave Native Americans a voice in the language of the colonizer to fight for their rights. It also created a cross-tribal solidarity, and larger Native American identity. Bonding over the shared experience of attending the boarding schools, students identified as unified Native Americans rather than distinguish themselves by tribe. Athletics at boarding schools played a major role in this transformation because students cheered for the Native team regardless of tribal affiliation.¹⁵⁵ Students adapted their culture to fit the requirements of progress while still maintaining its distinctive identity.

The education system was designed to erase that distinctive Native American identity. Ultimately, it failed to achieve Richard Henry Pratt's projected vision. Native American culture prevailed—it was broken and fragmented and may never resemble the rich, abundant traditions it once possessed, but it was not eradicated. The atrocities that Native Americans were forced to endure, no human should have to experience. We still see the ramifications of the education system today.

The remains of more than 1,300 First Nation students were discovered in Canada on former Native American residential school sites at the beginning of 2021. This has lit a fire to uncover the truth about these residential schools in the United States. Nearly two hundred bodies were found at Carlisle Indian Industrial School. Most deaths were attributed to preventable diseases, but we now know that the conditions were appalling, and abuse was rampant. Secretary of the Interior, Deb Haaland, said, "This history that happened to us, you know, there's been attempts over and over again to whitewash it, saying that it didn't happen. And it did happen. So it's best for America to learn what actually happened. And then they can understand our plight,

¹⁵⁵ Sabol, *The Touch of Civilization*, 218-219; Robbins, *Learning Legacies*, 147.

our situation on reservations, but then also understand that we want to be self-sufficient. We don't want to be dependent on our federal government. We want to move forward.”¹⁵⁶

The colonization process started with land disputes. The US government secured dominance over Native American land through infrastructure and military force. Gradually, Native Americans involuntarily became dependent on the United States economy and political system through treaties and trade agreements. After they had gained political dominance over Native Americans and secured jurisdiction over their land, there was one final step to achieve complete colonization and subjugation—eradicate their culture. The United States was not going to let Natives stand in their way of American Progress. They were going to achieve Manifest Destiny one way or another. Native Americans could either succumb to the United States militarily or accept the gift of the book.

¹⁵⁶ Sam Yellowhorse Kesler, “Indian Boarding Schools’ Traumatic Legacy, and the Fight to Get Native Ancestors Back,” *NPR*, August 28, 2021. <https://www.npr.org/sections/codeswitch/2021/08/28/1031398120/native-boarding-schools-repatriation-remains-carlisle>.

CHAPTER 7

CONCLUSION

Since Europeans landed in the New World, they have sought expansion. One village turned into a colony, one colony turned into two, and soon enough there were thirteen distinct colonies with their own social norms, their own religious values, their own form of self-government. Whether colonists traveled to the New World in search of religious freedom, economic opportunity, or to escape persecution, the New World was the land of promise and opportunity. There was an abundance of land and resources—the perfect formula for starting anew, creating something out of nothing, and ultimately achieving what became known as the American Dream. The American landscape bred individuals who were hardworking, innovative, resilient, and independent. These forward thinkers constantly focused on improving, expanding, civilizing. And they would let nothing stand in their way. John O’Sullivan, who coined the phrase “Manifest Destiny,” explained this sentiment best in his *Annexation* thesis; if anything were to interfere with Western Expansion, it would be “limiting our greatness and checking the fulfillment of our manifest destiny to overspread the continent allotted by Providence for the free development of our yearly multiplying millions.”¹⁵⁷ It was a God-given right to stretch from sea to shining sea. However, despite what early American settlers wanted to believe, this new land of opportunity came at a price.

The United States launched a multi-pronged genocide against the Native Americans to achieve Manifest Destiny. It was not political manipulation nor economic dependency nor cultural genocide alone that forced the exploitation of Native Americans—but all of them as a unified front. Understanding the interconnectivity of colonization tactics offers a deeper insight into the deceit

¹⁵⁷ John O’Sullivan, *Annexation Thesis*, 1845.

and depravity of European settlement in America, as well as the resilience and unification of the Native American experience. As the country grew more powerful, the policymakers' greed increased, and they became more willing to blatantly exploit and manipulate Native Americans. This inhumane subjugation was justified not only through Eurocentric values, but the legal system itself. A closer look at the efforts to legally justify the colonization of Native Americans will reveal the racism and corruption so deeply embedded in society.

Americans' mantra of Manifest Destiny fostered relations with Native Americans unlike any other European power. The French assimilated into the Indigenous world and used their alliance to cultivate a more symbiotic relationship. Americans recognized the power of the land, and only saw the Native Americans as obstacles rather than people who could help them through trade and alliance.¹⁵⁸ Eliminating the economic viability of Native Americans and severing the threads connecting a tapestry of markets across America was not an accident, but a specific colonization effort conducted by the United States. Land was power because land contained resources. Native Americans relied on these resources for sustenance, economic opportunity, for life. With control over those resources, the United States committed "environment injustice," forced the Indigenous population to rely on the United States economy, and therefore expanded the government's power over Native Americans.

The colonization of Native Americans would not have been possible without the United States' abuse of the treaty system originally established by European settlers. Treating with Native Americans as foreign nations confirmed their original identification as sovereign. Treaties were used to establish alliances and set boundaries while the United States was still establishing

¹⁵⁸ Kurt E. Kinbacher, "Indians and Empires Cultural Change Among the Omaha and Pawnee, from Contact to 1808," *Great Plains Quarterly*, no.? (Summer 2012), 217.

itself as an independent nation because maintaining amiable relations with Native Americans was a priority. However, the federal government gradually asserted more dominance in their treaties with Native Americans as the power of the United States increased, specifically after the War of 1812 and a series of victories in the ongoing Indian Wars. These efforts culminated in the Indian Removal of 1830 and the eventual reservation system. By 1871, Native Americans became wards of the government, completing political colonization and establishing the ultimate superiority of the United States government.

Legislation and judicial rulings affirmed federal authority over Native Americans and undermined Indian sovereignty. The Marshall Trilogy validated every mistreatment of Native Americans up until this point. *Johnson v. McIntosh* affirmed the doctrine of discovery as the origin of the federal governments' claim over the land and ruled that Natives could not sell their property to anyone except the federal government. *Cherokee Nation v. Georgia* defined the Cherokee Nation as a domestic nation—neither a state nor a foreign nation. In *Worcester v. Georgia*, Marshall retracted much of what had been established in *Johnson v. McIntosh* and *Cherokee Nation v. Georgia*, but it was too late, and the Court did not have the power to enforce their decision. Therefore, the Court failed Native Americans and the opinions from the Marshall Trilogy were ingrained in federal law and used as precedents for future Native American legislation and court decisions.

The last war waged against Native Americans was in the classroom—after all, the pen is mightier than the sword. Native American boarding schools embodied Richard Henry Pratt's vision to, "Kill the Indian, and save the man." Children were taken from their homes and sent to schools to learn the ways of the white man in hopes of eventually being incorporated into American society. Their land, economy, and political power diminished to almost nothing, all

that was left was their cultural identity as Native Americans. Richard Henry Pratt's vision was to erase that distinctive Native American identity. However, Native American culture prevailed—it was broken and fragmented and may never resemble the rich, abundant traditions it once possessed, but it was not eradicated. Now the battle in the classroom is teaching a more accurate history of Native Americans and the birth of our nation.

The phrase, "History is written by the victors," resonates in its purest form when it comes to early contact with Native Americans. The colonists had the power to write about the wars however they wanted – exaggerating the savagery of the Indians, hyperbolizing their victories—because there was no opposing narrative to refute their claims. This made English the most powerful weapon to wield in the war and gave the colonists the obvious advantage. As with any other colonizing effort, European stereotypes about Native Americans crafted them into less-than-human savages which helped morally justify the inhumane treatment. Native American efforts to resist colonization only reinforced American perceptions and stereotypes. Recent efforts by historians to rewrite history has included groups of people previously excluded from the widely accepted stories of our nation's past. We need to continue including voices that have not been heard.

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