

THE KANSAS HISTORICAL QUARTERLY

Volume XXX

Summer, 1964

Number 2

Indian Agent vs. the Army: Some Background Notes on the Kiowa-Comanche Treaty of 1865

WILLIAM E. UNRAU

MOST historians have marked the year 1865 as a watershed date in our national development. At the same time there is evidence to suggest that events on the southern High Plains during the year of Appomattox may also be considered watershed in nature. The cessation of sectional hostilities that made available some of the most experienced military talent for service on the Indian frontier coincided not only with the initial reaction to Col. John M. Chivington's massacre of the Cheyenne and Arapaho Indians at Sand creek, but also with the mounting pressure of settlement. Troops were returning to civilian life and the quest for mineral, railroad, and cattle empires became goals for Americans who wanted to forget the horrors of the recent insurrection.

The principal factor threatening the thrust of settlement was, of course, the Plains Indians in the vast region between the Missouri river and the Rocky mountains, and while congress at least recognized the existence of the problem by creating a joint special committee in 1865 to investigate and make recommendations, it was nearly two years before the "Report of the Conditions of the Indian Tribes"¹ was made available; in the meantime, armchair idealists, military realists, cattlemen, homesteaders, and railroad promoters advanced their solutions and practiced their specialities. It is an oversimplification to assume that those who had the ultimate responsibility for decisions then made on the southern Indian frontier can be conveniently divided into two camps, the one an advocate of peace, negotiation, presents, and civilian agency control, the

WILLIAM E. UNRAU, who received his doctor's degree from the University of Colorado, Boulder, in 1963, is associate professor of history and political science at Bethany College, Lindborg.

1. The report of the committee was presented on January 26, 1867, as "Condition of the Indian Tribes: Report of the Joint Special Committee, Appointed Under Joint Resolution of March 3, 1865," 39th Cong., 2d Sess., *Senate Report No. 156* (Serial 1279). Hereafter cited as "Condition of the Indian Tribes."

other committed to punitive military chastisement, minimum discussion, maximum fire power, and strict military direction of the "nomads" of the Plains.

A dichotomy of this type is much too easy. Indeed, with the possible exception of discussion on the lofty plane of theory, there were erratic shifts of opinion and practice, with the result that events leading to the first significant post Civil War treaty on the southern Plains appear so plural in nature that they seem nearly beyond monographic recovery. Nevertheless, an evaluation of certain background aspects of the Kiowa-Comanche treaty at "Camp on the Little Arkansas [near present Wichita]," at the time described as "not worth the paper [it] was written on,"² can at least illustrate the view that no group involved, certainly neither the War department nor the Indian bureau, was at the time convinced that its program was the only alternative, or that its action was destined to succeed. In short, as was the case with a variety of problems encountered on the American frontier, a good deal of experimentation, fumbling, and group interest was the case. Therefore, one should not be surprised to find a military officer defying his superiors in the name of peace and compromise,³ or an Indian agent advising military action against certain Indian bands.⁴ An assessment of some of the underlying forces in operation makes it possible to view the treaty at "Camp on the Little Arkansas" as more than the inauguration of an abortive "Peace Policy" or the anachronistic creation of a hopelessly corrupt Indian bureau.

The increased activity of the Kiowas and Comanches (as well as other Indians) along the Upper Arkansas river in the months preceding the treaty of 1865 provided the setting for a struggle between War department officials who sought control of Indian administration and the Interior department that had exercised such administration for well over a decade. In a period of nearly 12 months, the span of time between the Chivington massacre of November, 1864, and the negotiations of October, 1865, both federal departments experienced important administrative changes at the highest level. During the same year, at the level closest to the

2. Maj. Gen. John Pope to Maj. Gen. William T. Sherman, August 11, 1866, "Annual Report of the Secretary of War" for 1866, 39th Cong., 2d Sess., *House Executive Document* No. 1 (Serial 1285), p. 30.

3. Maj. Gen. A. McDowell McCook to Col. James H. Ford, May 31, 1865, *The War of the Rebellion, A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1888-1896), Series I, v. 48, pt. 2, p. 708. Hereafter cited as O. R.

4. Jesse H. Leavenworth to William F. Dole, May 10, 1865, "Records of the Office of Indian Affairs, Kiowa, Comanche and Apache Agency, Letters Sent," File 74:189, National Archives. Hereafter cited as "Kiowa Agency, Letters Sent."

Indian, the War department paraded a steady stream of field commanders in Kiowa-Comanche country, including Gens. Samuel R. Curtis, James G. Blunt, James H. Ford, and John B. Sanborn,⁵ while at the same time, the Indian bureau left Upper Arkansas affairs largely in the hands of one individual, agent Jesse H. Leavenworth.

On the basis of the point of view that the majority of Indian agents were in concert with corrupt traders, while iron discipline discouraged such tendencies among army personnel, it is instructive to compare Leavenworth with some of his contemporaries, both civilian and military. Samuel G. Colley, since 1861 Upper Arkansas Indian agent at Fort Lyon, Colorado territory, has with some justification been accused of illegal handling of Indian annuities and of co-operating with his son in a livestock enterprise that preyed on the Indian.⁶ On the other hand, Gen. Samuel R. Curtis, Department of Kansas commander who blindfolded Indians at army posts to disguise the limited garrisons,⁷ and who had permitted cattle thefts from the Indians south of the Arkansas, was a former Iowa congressman, a one-time chairman of the select congressional committee on the Pacific railroad, and an opportunistic individual who had used his political status to secure a high rank in the Union army.⁸

In contrast to men like Colley, Curtis, and others representing the government during the period when the Kiowas and Comanches constituted an increasing threat to overland commerce and regional settlement Leavenworth, appointed agent for these tribes in 1864,⁹ was a man with considerable sympathy for the predicament of the Indians on the High Plains. Part of this understanding dated back to the early 1830's when young Leavenworth had accompanied his father, Gen. Henry Leavenworth, on some expeditions to Kiowa-Comanche country.¹⁰ He came to know the Indian sign language thoroughly, he understood their tribal customs, organization, and

5. The changes in field command in the Department of Kansas and the Districts of the Frontier and the Upper Arkansas are recorded in O. R., Series I, v. 34, pt. 2, pp. 408; *ibid.*, v. 23, pt. 2, pp. 758-767; *ibid.*, v. 41, pt. 4, pp. 923, 924; *ibid.*, v. 48, pt. 2, p. 1038.

6. Testimony of Col. William Bent, Fort Lyon, June 9, 1865, "Condition of the Indian Tribes," Appendix, p. 95.

7. Leavenworth to D. N. Cooley, December 1, 1865, "Kiowa Agency, Letters Sent."

8. *Ibid.*; P. P. Elder to Lt. John Chess, January 12, 1865, O. R., Series I, v. 48, pt. 1, p. 872; report of the select committee on the Pacific railroad, April 13, 1860, 36th Cong., 1st Sess., *Reports of the Committees of the House of Representatives*, No. 428 (Serial 1069); Robert R. Russel, *Improvement of Communication With the Pacific Coast as an Issue in American Politics, 1793-1864* (Cedar Rapids, 1948), p. 297.

9. Leavenworth was appointed agent for the Kiowas, Comanches, and Plains Apaches in May, 1864, "Kiowa Agency, Letters Sent."

10. Testimony of Jesse H. Leavenworth, March 7, 1865, "Condition of the Indian Tribes," Appendix, p. 36.

military strength,¹¹ and his return to the frontier in the early 1860's was occasioned by informative discussions with tribal leaders.¹²

Leavenworth had an added source of knowledge concerning the Kiowas and Comanches. In 1834, when President Jackson sent Leavenworth's father to negotiate with the Comanches, the half-breed Jesse Chisholm accompanied the expedition as a guide and interpreter. Now, in late 1864 and early 1865, he served as a valuable diplomatic agent for Leavenworth, for Chisholm enjoyed a position of prominence and trust not only with the Kiowas and Comanches, but with the Arapahoes and Apaches as well.¹³

With a background on the frontier that would appear inclined toward the Indian's point of view, Leavenworth might be categorized as an Indian agent with the not unusual bias concerning the use of military force among the Indians. Yet it is precisely at this point that Leavenworth becomes an example of the fact that the desire to negotiate and promulgate treaties with the so-called "inferior civilization" was not necessarily confined to pressure originating in the Indian bureau and the Indian agencies. On the contrary, for Leavenworth, after a short career as a miner in the Central City gold camps,¹⁴ and in line with his West Point training, had accepted a commission as colonel of the Second regiment Colorado infantry volunteers.¹⁵ The acceptance of this commission was prompted largely by his attachment to the Union cause, yet it is significant that Leavenworth quickly perceived that frontier troops might have to divide their attention between the Confederate advance and the Indian problem which came to be more complicated with the appearance of sectional hostilities.

If Leavenworth at one time entertained the belief that volunteer military organizations on the frontier could successfully adjudicate the inevitable differences between the settlers and the Indians, his experiences as a military commander brought a distinct departure from this point of view. In addition to his observation that military campaigns seemed only to encourage so-called Indian

11. *Ibid.*, pp. 36, 37.

12. William H. Ryan, *The Second William Penn: A True Account of Incidents That Happened Along the Old Santa Fe Trail, 1860-1865* (Kansas City, 1913), pp. 80, 81.

13. Testimony of Jesse H. Leavenworth, March 7, 1865, "Condition of the Indian Tribes," Appendix, p. 37; Leavenworth to Brig. Gen. James H. Ford, May 30, 1865, O. R., Series I, v. 45, pt. 2, p. 697; Samuel Peppard to headquarters, District of the Upper Arkansas, March 5, 1865, *ibid.*, pt. 1, p. 1097.

14. Thomas M. Marshall (ed.), "Minutes of the Eureka District," *Early Records of Gilpin County, Colorado* (Boulder, 1920), p. 81; *Daily Rocky Mountain News*, Denver, Colo., February 6, 1861.

15. Judge Advocate General's report, Washington, February 18, 1864, typed copy in Second Colorado veterans papers, State Historical Society of Colorado, Denver; *Daily Rocky Mountain News*, Denver, April 14, 24, 1862.

atrocities and depredations, Leavenworth found that a frontier army served as a pawn in local, territorial, and state politics. Perhaps of greater importance was his discovery that in the absence of adequate communication and transportation facilities, frontier communities, which demanded troops ostensibly for protection from the Indians, did in fact view an army organization as a solution to the more demanding problems of markets, prices, and transportation.¹⁶

It was during the summer of 1863 that Leavenworth had the opportunity to appreciate some of the obstacles to the successful use of troops against the Plains Indians. As early as August, 1862, Leavenworth, at the time in command of patrols on the Santa Fe road, had reported that were it not for the activities of friendly tribes, the supply trains traveling that route would not be safe a single day.¹⁷ He based this statement on the plausible theory that there were peaceful tribes as well as bandit groups, with the former constituting a distinct majority. He viewed the Comanches, by far the largest group on the southern Plains, Little Raven's Arapaho band, most of the Cheyennes and all of the Caddoes as inclined toward peaceful negotiation; most of the Kiowas, 80 lodges of Cheyenne Dog soldiers and some of the young, restless warriors of all tribes he considered in need of military discipline.¹⁸ In short, he looked upon the greater number of southern Plains Indians as a factor, that, if properly managed, could aid government agencies in their attempts to contain and control the war-minded minority. They might serve an equally positive role in halting the jayhawking, thievery, and corruption then being practiced by settlers, federal employees, Mexican freighters, and organized raiding bands such as the one led by the infamous George T. Madison.¹⁹

16. The struggle for control of military affairs in Colorado territory as one example, Samuel F. Tappan to John M. Chivington, January 23, 1863, "Samuel F. Tappan Papers," Colorado Division of Archives and Public Records, Denver; Leavenworth to "Headquarters, District of the Border," July 22, 1863, O. R., Series I, v. 22, pt. 2, pp. 461, 462; John M. Chivington to James Halleck, September 22, 1864, and Samuel Curtis to John Evans, January 30, 1865, "Massacre of Cheyenne Indians," in "Report of the Joint Committee on the Conduct of the War," 38th Cong., 2d Sess., *Report of the Committee of the Senate of the United States*, No. 142 (Serial 1214), pp. 68, 77. Hereafter cited as "Massacre of Cheyenne Indians." For examples of frontier economic pressure on the army, see Maj. Edward W. Wynkoop's unfinished Colorado history, manuscript, State Historical Society of Colorado; *Weekly Commonwealth*, Denver, August 14, 1862; Leavenworth to E. V. Sumner, March 22, 1863, O. R., Series I, v. 22, pt. 2, p. 172. Shortly before the Chivington incident at Sand Creek, Gov. John Evans, making a plea for federal troops, based much of his argument on Denver's economic plight, Evans to Stanton, September 7, 1864, "Massacre of Cheyenne Indians," p. 66.

17. Leavenworth to Thomas Moonlight, August 8, 1862, O. R., Series I, v. 13, p. 548.

18. Testimony of Jesse H. Leavenworth, March 7, 1865, "Condition of the Indian Tribes," Appendix, pp. 36-38; Leavenworth to William F. Dole, May 10, 1865, "Kiowa Agency, Letters Sent."

19. *Daily Rocky Mountain News*, Denver, August 22, 1862; Leavenworth to Thomas Moonlight, August 13, 1862, O. R., Series I, v. 13, p. 568.

That this view, with certain variations, was not simply the utopian imagination of a dreamy idealist is shown by the fact that ideas similar to Leavenworth's were discussed at that time by congressional leaders and military officials.²⁰

In midsummer, 1863, following a short campaign with Gen. E. R. S. Canby in New Mexico, Colonel Leavenworth was informed by agent Colley at Fort Lyon that massive numbers of Indians were congregating to the east at Fort Larned. They had corralled a government train, a drunken sentry had killed an Indian, and all reports warned that violence could hardly be averted. Leavenworth knew that his pitifully limited infantry force could not make the slightest impression at Fort Larned. His pleas for reinforcements were ignored as territorial and state politicians continued to defend personal and local interests and as co-operation between military districts and departments reached the point of complete breakdown. At Fort Larned time was of utmost importance. Leavenworth was unable to choose between coercion and negotiation—now was the time to talk, and though some tribal leaders had little reason to look upon Leavenworth as anyone more than another military commander, and though they greatly outnumbered his force, they listened to the colonel who displayed a genuine awareness of the Indian's point of view. After three days of discussion, the Indians agreed to retreat from the Santa Fe road, and in the months prior to the Sand creek affair, the Kiowas and Comanches presented no significant problem for military authorities in that area.²¹

This incident, coupled with Leavenworth's difficulties with Colorado military officials and his dismissal from the army under questionable circumstances,²² had a significant impact on future Kiowa-Comanche relations with the federal government. To call the negotiations that led to the treaty at "Camp on the Little Arkansas" the work of those who could not appreciate military problems on the Indian frontier is to miss the point of the question.

20. Thomas Ewing, Jr., to John Schofield, June 19, 1863, *ibid.*, Series I, v. 22, pt. 2, p. 328; debate on the Indian appropriation bill, June 11, 1864, *Congressional Globe*, 38th Cong., 1st Sess., pt. 3, p. 2877.

21. Testimony of Jesse H. Leavenworth, March 7, 1865, "Condition of the Indian Tribes," Appendix, p. 39; S. S. Soule to Samuel F. Tappan, June 23, 1863, O. R., Series I, v. 22, pt. 2, pp. 333, 334; Leavenworth to John Williams, June 27, 1863, *ibid.*, pp. 339, 340; Leavenworth to H. Z. Curtis, June 11, 1863, *ibid.*, p. 316; Leavenworth to "Any Troops on the Santa Fe Trail," July 9, 1863, *ibid.*, p. 361; Leavenworth to headquarters, District of the Border, July 15, 1863, *ibid.*, pp. 400, 401.

22. Judge Advocate General's report, Washington, February 18, 1864, typed copy, Second Colorado veterans papers, State Historical Society of Colorado.

Moreover, in light of subsequent developments, it was hardly the exception for the so-called champions of the Indian's cause on the southern Plains to have had their initial experiences with the Indians as military commanders.²³

In contrast to military officials who promised that given the funds and men, they could solve the Indian problem with decisive campaigns, it is difficult to accuse Leavenworth of advocating an idealist's program of maintaining the "noble savage" in his natural state. As has been stated,²⁴ he saw the necessity of separating the belligerent bands from the nonbelligerent—this must be done by civilian agents, since after Sand creek there were few Indians who trusted military officials. Those Indians who continued to violate the settler's domain should be the responsibility of the military; civilian agents would not be allowed to hand out presents to such Indians, regardless of previous treaty arrangements.²⁵ Although some tribes might eventually adjust to conditions of a confining agricultural existence, it was Leavenworth's central contention that treaties should be the basis for establishing reserves of sizable dimensions where the Kiowas and Comanches could become graziers and cattle ranchers. Finally, it was of utmost importance that these Indians, as well as the Cheyennes and Arapahoes, be removed south to the Wichita mountain region in Indian territory (much to the relief of Kansas railroad promoters), not so much for the reason that they were a threat to the settlers, as because the settlers were a threat to the Indians.²⁶

The historical debate as to whether the War or Interior department should have control and direction of Indian affairs came to be a more pressing subject of discussion in the months just prior to the treaty of October, 1865. This question, for understandable reasons, had been largely shelved during the Civil War, but the subsequent Indian troubles in the Trans-Missouri West presented an opportunity for nearly every group even remotely concerned to advance theories for a quick solution. To understand the com-

23. Among former military figures who played a role in the negotiations that led to important treaties was Maj. E. W. Wynkoop, Cheyenne-Arapaho agent at Fort Larned in the 1860's.

24. See above, p. 133.

25. Maj. H. Douglas, commander at Fort Dodge, accused Leavenworth and other agents of being in league with traders. He based this partly on the report that Leavenworth had refused to issue supplies to Kicking Bird as provided by the treaty of 1853. Yet Douglas was aware of the fact that this Kiowa chief had recently been involved in attacks on the settlements, which explains why Leavenworth withheld the supplies.—Douglas to assistant adjutant general, Division of the Missouri, January 13, 1867, 39th Cong., 2d Sess., *House Miscellaneous Document No. 41* (Serial 1302).

26. Testimony of Jesse H. Leavenworth, March 7, 1865, "Condition of the Indian Tribes," Appendix, p. 40; Leavenworth to William F. Dole, May 10, 1865, "Kiowa Agency, Letters Sent."

plexity of this question that proved such a challenge to officials like Leavenworth, it is necessary to note certain attitudes toward the Indian prior to 1865.

In 1860 it was the opinion of the secretary of the interior that "the supervision of the Indian Bureau might be retransferred to the War department with great propriety and advantage."²⁷ Sen. James Doolittle of Wisconsin, chairman of the senate committee on Indian affairs, and who eventually came under the influence of Leavenworth, admitted in June, 1864, that it was probably the wisest policy to give the Indians over to the War department, although such a move could present distinct financial problems. He maintained that the Indians "respected" military as opposed to civilian officials, and yet all he could state with any degree of finality was that "the Indian race is passing and fading away before the advancing white race. . . . It is almost altogether poetry," he continued, "and such is history and the experience of the country."²⁸ Maj. Gen. John Pope, who had greater difficulty discovering the poetry of the Indian problem after he had been appointed commander of the Military Division of the Missouri in 1865,²⁹ confidently told the secretary of war in February, 1864, that he saw no problem so far as the "wild" Indians were concerned. Why be concerned, he continued, since the High Plains offered little inducement to settlement, and since the army of the frontier could handily protect those traveling to the mining camps of the west?³⁰ It is informative to compare these comments with his observations one year later, when, in addition to the Indian problem itself, he had to contend not only with a chronic lack of troops and an unfriendly Western press, but with men like Leavenworth who had more realistically ascertained the complexity of the whole question.³¹

Previous treaties³² with the Indians of the Plains had not accomplished the desired tranquility, and although congress studied

27. "Report of the Secretary of the Interior for 1860," 36th Cong., 2d Sess., *Senate Executive Document No. 1* (Serial 1078), p. 38.

28. Debate on the Indian appropriation bill, June 11, 1864, *Congressional Globe*, 38th Cong., 1st Sess., pt. 3, p. 2873.

29. Pope assumed command of the Military Division of the Missouri on February 3, 1865, *O. R.*, Series L v. 48, pt. 1, p. 734.

30. Pope to Stanton, February 6, 1864, pamphlet entitled, *Official Communications From General Pope Concerning Indian Affairs* (*Missouri Democrat*, St. Louis, 1865), in Western history department, Denver Public Library.

31. Joseph M. Bell to Headquarters, Military Division of the Missouri, June 13, 1865, *O. R.*, v. 48, pt. 2, p. 870; Pope to James Harlan, June 19, 1865, *ibid.*, p. 934.

32. Thomas Fitzpatrick had negotiated the treaty of Fort Atkinson with the Kiowas, Comanches, and Plains Apaches in 1853, *Indian Affairs, Laws and Treaties*, v. 2, 57th Cong., 1st Sess., *Senate Document No. 452* (Serial 4254), pp. 443-447.

new approaches such as the British policy in Canada,³³ the weight of argument prior to the publication of the "Report on the Condition of the Indian Tribes" favored the use of military force. The process of treaty-making was clearly under suspicion. A variety of arguments were presented to illustrate the value of troops among the tribes. Senator Sherman of Ohio thought it only natural and proper to find employment for the veterans of Gettysburg and Cold Harbor.³⁴ From the Kansas frontier came reports that the Indian, in the absence of force, reverted to his "higher law of nature,"³⁵ while less philosophical advice from Colorado territory suggested the utter simplicity of the problem. Nature had joined ranks with the army in the form of a severe drought that, coupled with the scarcity of the buffalo herds, left the troops with the simple task of keeping the corruptive Indian Bureau supplies from the nomadic hordes. Nature would finish the job.³⁶ Finally, from distant Montana came news of a plan that probably reflected the general philosophy of frontier communities: "Our plan is to let out the Indian War by contract to the lowest bidder. If the Government don't [*sic*] understand this business, let her sell out to someone that does."³⁷

And yet all was not so simple once the military had some experience with the Indians on the High Plains. Leavenworth's former departmental commander, Maj. Gen. James G. Blunt, led an expedition to Kiowa-Comanche country two months prior to Chivington's assault at Sand creek. Upon his return to Fort Larned with troops and horses exhausted, he announced, "It was clearly demonstrated in the fight of the 25th instant that Indian warriors cannot be pursued with success."³⁸ The alternative, of course, was a surprise attack. The Chivington affair can be placed in more balanced historical perspective when it is remembered that in theory it was no isolated event. Just one day before the slaughter at Sand creek, Gen. Samuel Curtis of the Military Department of Kansas, who had previously reported that military officials were increasingly embarrassed with the expense caused by the numbers

33. "General Law Concerning Indians," 38th Cong., 2d Sess., *Senate Report No. 138* (Serial 1211), pp. 2-15.

34. Debate on the Indian appropriation bill, July 3, 1866, *Congressional Globe*, 39th Cong., 1st Sess., pt. 4, p. 3532.

35. Lt. Col. George Sykes to Sen. James Doolittle, June 10, 1865, "James R. Doolittle Papers," State Historical Society of Colorado.

36. Maj. Scott J. Anthony to District of the Border headquarters, September 24, 1863, *O. R.*, Series I, v. 22, pt. 2, p. 572.

37. *Montana Post*, Virginia City, August 27, 1864.

38. Blunt to C. S. Charlott, September 29, 1864, *O. R.*, Series I, v. 41, pt. 1, p. 818.

of Indians surrendering, announced the completion of plans for an attack on the Kiowas and Comanches. Governor Evans of Colorado territory had promised his support and the War department had been notified.³⁹ Of utmost importance to the success of such an action, however, was the necessity of reassuring the Indian Bureau through agents like Leavenworth that attacks against friendly Indians would not take place. In conversations with Leavenworth, who at the time was trying to contact the same Kiowas and Comanches under orders from the Indian bureau, Curtis had assured Leavenworth that the military did not believe the Comanches guilty of any depredations. Yet Leavenworth, who had warned authorities in Washington about Chivington's bellicose policy prior to November, 1864, telegraphed an equally informative note to the commissioner of Indian affairs—the Indians were quiet, the Santa Fe road commerce was enjoying peaceful conditions, but if Curtis were allowed to carry out his plans, resulting conditions would be regretted by everyone on the frontier.⁴⁰

The Curtis expedition failed, and although public reaction to the Sand creek massacre created a situation that made it less difficult to negotiate treaties as the one on the Little Arkansas, the impact of reports such as those by Leavenworth should not be underestimated. Indeed, if the military hoped to accomplish anything decisive, they would have to divide their efforts between officials in Washington and agents on the frontier. It was not long before military officials on the Plains followed just that formula.⁴¹

Other factors proved to be obstacles to the realization of decisive military campaigns in Indian country. Just before the Civil War, the secretary of war, while admitting that his department lacked reliable knowledge concerning the Plains Indians, promised a significant saving to the Treasury department if the direction of Indian affairs were given over to the army.⁴² As has been stated, the Interior department had that same year (1860) been receptive to the idea of relinquishing such responsibilities. The report of

39. Curtis to Gen. J. H. Carleton, November 28, 1864, *ibid.*, pt. 4, p. 709.

40. Testimony of Jesse H. Leavenworth, March 7, 1865, "Condition of the Indian Tribes," Appendix, pp. 38, 39; Leavenworth to William P. Dole, August 24, October 30, 1864, "Kiowa Agency, Letters Sent."

41. Maj. Gen. Grenville M. Dodge was one of the men who tried to undermine Leavenworth's activities among the Indians, Dodge to Pope, April 20, 1865, *O. R.*, Series I, v. 48, pt. 2, p. 141.

42. "Report of the Secretary of War," 1860, 36th Cong., 2d Sess., *Senate Executive Document No. 1* (Serial 1079), p. 5.

the War department, by promising better results at a saving, had the effect of implying that the Indian bureau was guilty of misuse of public funds. A debate resulted on the issue of economy, an understandable development as the treasury faced heavy demands during the Civil War. Independent considerations of the desirability of negotiation with the tribes as opposed to military action were, as a result, largely ignored by authorities in Washington, but the mercenary aspect of the question was not immediately communicated to the Plains where Leavenworth and regimental commanders were left to spar among themselves. Brig. Gen. James H. Ford, who on June 3, 1865, was prepared to cross the Arkansas river into Kiowa and Comanche country, learned to his dismay that all cavalymen whose terms were to expire prior to October 1, 1865, were to be mustered out immediately,⁴³ and on August 24, Major General Dodge, a violent opponent of Leavenworth, was ordered to muster out all troops except those needed to garrison the frontier posts. This order from General Pope came only 22 days after Dodge had informed him that at least 25,000 openly hostile warriors infested the plains. "I desire that the Government may understand," warned Dodge, "that it has either got to abandon the country west entirely to the Indians or meet the war issue presented."⁴⁴

On the basis of this, it seems surprising that Leavenworth was forced to encounter continual military threats against the Indians of his agency. It should be remembered, however, that the discussions concerning economy were at an early stage, and that military campaigns already planned constituted the major threat to Leavenworth's instructions to contact the Kiowas and Comanches. Although Leavenworth and other army officers had warned of the enormous expense that would result from an Indian war,⁴⁵ specific discussions concerning the expense of campaigns against the Kiowas and Comanches probably began with reports from Col. Christopher Carson to Gen. James H. Carleton, in December, 1864. Following his November 25 campaign against the Kiowas and Comanches on the Canadian river 200 miles east of Fort Bascomb, Carson advised that at least 700 additional men were

43. Ford to Maj. J. W. Barnes, June 3, 1865, *O. R.*, Series I, v. 48, pt. 2, p. 761.

44. Dodge to Pope, August 2, 1865, *ibid.*, p. 1157; Maj. Gen. Geo. C. Tichenor to Dodge, *ibid.*, p. 1208.

45. Testimony of Jesse H. Leavenworth, March 7, 1865, "Condition of the Indian Tribes," Appendix, pp. 39, 40.

needed to accomplish anything decisive; in addition, he requested more artillery, more forage, and at least six weeks rest for his men.⁴⁶ This campaign that took place at the time Leavenworth was trying to contact the same tribes provides the background for understanding the remarks made by Senator Doolittle in congress the following month. On the one hand he admitted some malpractices of certain agents and superintendents, but he countered with a statement to the effect that the public was not unaware of the fact that army commanders were pushing for an Indian war that could cost millions.⁴⁷

Sen. Samuel C. Pomeroy of Kansas, member of the committee on Indian affairs and a prominent speculator in railroads that would eventually penetrate the heart of Kiowa-Comanche country, had mixed feelings on the desirability of military control of the tribes. Settlers, so important to the success of a large-scale railroad venture, were demanding coercive measures. Yet ending the marriage of the land office and the Indian bureau in the Interior department might further complicate the securing of the all-important land grants so necessary to the success of the Atchison, Topeka and Santa Fe. Consequently, about the only advice Pomeroy could manage in March, 1865, was that economy and philanthropy were the only questions of importance. He concluded with the less than profound observation, "I do not think the War Department can manage a philanthropic enterprise any better than the Department inaugurated for the purpose."⁴⁸

Advice from experienced military commanders on the frontier continued to demand military action, but accompanying these reports were references to the overwhelming expenses this would involve.⁴⁹ By August, 1865, when Leavenworth was beginning to experience some success in his plan to halt military action south of the Arkansas river, President Johnson demanded an explanation for the military expenditures requested; the treasury could not meet the requests, and as a consequence, Stanton was ordered to have General Pope take the proper measures.⁵⁰ Frontier opinion came to the aid of Stanton's order by pointing out that the \$5,000

46. Carson to Capt. Ben C. Cutler, December 4, 1864, O. R., Series I, v. 41, pt. 1, pp. 940-942; Carson to Carleton, *ibid.*, p. 943.

47. Congressional Globe, January 19, 1865, 38th Cong., 2d Sess., pt. 1, p. 327.

48. *Ibid.*, March 2, 1865, pt. 2, p. 1301; *ibid.*, 37th Cong., 3d Sess., pt. 1, 726; George W. Glick, "The Railroad Convention of 1860," *Kansas Historical Collections*, v. 9 (1905-1906), p. 475.

49. Col. Oscar M. Brown to Doolittle, July 4, 1865, "James R. Doolittle Papers," State Historical Society of Colorado.

50. Stanton to Grant, August 12, 1865, O. R., Series I, v. 48, pt. 2, p. 1178; Grant to Stanton, August 12, 1865, *ibid.*, pp. 1178, 1179.

to \$10,000 spent each day to operate the army on the Arkansas would easily pay for a railroad from Leavenworth to New Mexico territory, with a spur to Denver thrown in;⁵¹ yet army officials tenaciously explained that it was too late to halt campaigns already planned, and it remained to be seen just what would happen.⁵² Consequently, the discussions of economy that might have constituted an aid to Leavenworth's plan to prevent what he believed would be a Sand creek in Kiowa-Comanche country, did in fact prove of little importance on the Upper Arkansas frontier. Any successful attempt to stop the army at this point, for whatever reasons, would have to be carried out in the field of operations.

Freedom of action on the part of an Indian Bureau official on the frontier was seriously hampered by agreement among military officials (and others) that Indian agencies were the nucleus and point of origin for a general plan to swindle the unfortunate Indian. Leavenworth's agency, in the months prior to the Little Arkansas treaty, is an illustration of the fact that this accusation, certainly applicable to the activities of some agents, can hardly be applied to the Kiowa-Comanche agency at this time.⁵³ Indeed, the charges made by Gov. Samuel J. Crawford of Kansas that Leavenworth was a corrupt and bad man, and a resolution of the Kansas legislature to the same effect⁵⁴ seem not to have stemmed from demonstrable evidence of corruption at this time, but rather from the necessity of finding a convenient scapegoat. A sop was needed for frontier settlers who apparently were increasingly concerned that unless some group or individual could serve as a public target, they themselves might be in serious difficulty. As long as the Indian and the Indian agents monopolized the attention of army commanders, little was to be feared, but a shift in conditions could conceivably result in the unwelcome situation of military attention directed toward certain practices of the settlers.

As early as June, 1864, Senator Wilkinson of Minnesota had perceived the crux of the problem. He openly accused the people

51. Report of Samuel Woods, November 28, 1865, to *Leavenworth Daily Times*, December 15, 1865.

52. M. C. Meigs to Stanton, August 6, 1865, O. R., Series I, v. 48, pt. 2, p. 1167.

53. Leavenworth had no opportunity to trade with the Indians of his agency prior to the Arkansas treaty, since his task was to contact the Indians who were "on the Texas border" at the time. With the exception of contact by way of runners and friendly tribes, he had no general contact till August, 1865. Due to the delicate nature of relationships between August and October, 1865, there was no opportunity to trade.—Dodge to Hallock, February 22, 1865, O. R., Series I, v. 48, pt. 1, p. 948; Leavenworth to Sanborn, August 4, 1865, *ibid.*, pt. 2, p. 1164.

54. Samuel J. Crawford, *Kansas in the Sixties* (Chicago, 1911), p. 272; "Resolution of the Legislature of Kansas," February 29, 1867, 39th Cong., 2d Sess., *Senate Miscellaneous Document No. 34* (Serial 1276).

of Kansas of no more regard for the Indians than for the beast that perishes, and hoping to clear the record of some of the confusion, he informed the senate that the Indians were being plundered and robbed by the people, not by the Indian system. General Pope evinced an awareness of the problem when in June, 1865, he described how small town newspapers did their utmost to abuse any officer who attempted to "correct the abuses and frauds of Indian agents *and others*," (italics added) certainly suggesting a peculiar lack of interest on the part of town fathers who were ostensibly dedicated to the exposure of swindling and who repeatedly called for an immediate settlement of difficulties with the tribes on the Plains. A month later, General Sanborn admitted that the pressing Indian problem made it impossible for him to deal with the widespread cattle stealing then taking place, and by August, General Dodge candidly described the existence of conditions that would be difficult to attribute to the Indian bureau and/or men like Leavenworth. The settlers were aiding army deserters to escape, stealing of government stock was assuming critical proportions, and it was his judgment that "a fearful combination" was in operation from the Missouri river to Denver.⁵⁵

Considering the fact that horses and cattle represented commodities of exceptional value and importance at that time, it is not surprising that the so-called "fearful combination" was largely devoted to the trade and theft of such livestock. That this problem was not unrelated to Leavenworth's struggle for a workable Indian settlement, it is worthwhile to remember that the Kiowas and especially the Comanches were tribes whose wealth was mainly comprised of cattle and horses. Such livestock had attracted the attention of the Comancheros (Mexican traders) as early as the 18th century, and during the Civil War Union agents had armed the Comanches with guns and instructions to seize horses and cattle from the Confederate Texans. Colonel Carson's Adobe Wall campaign in late 1864 was largely frustrated due to the fact that the Comancheros had informed the Indians of the proposed action. The underlying reason for this move on the part of the Mexican traders was that army traders, who were using the Kiowas and Comanches as middlemen to obtain horses for as low as \$2.50 per head, constituted a serious form of competition for what had been a Comanchero monopoly in the past.⁵⁶

55. Debate on the Indian appropriation bill, June 11, 1864, *Congressional Globe*, 35th Cong., 1st Sess., pt. 3, p. 2577; Pope to A. H. Hubbard, June 3, 1865, *C. R.*, Series I, v. 45, pt. 2, p. 764; Dodge to Pope, August 12, 1865, *ibid.*, p. 1179.

56. J. Everts Haley, "The Comanchero Trade," *Southwestern Historical Quarterly*, Austin, Tex., v. 38 (1935), pp. 157-166.

The problem of the illicit livestock trade proved to be one of the most difficult challenges to Leavenworth's plans to restore order south of the Arkansas river. His requests to the Interior department for advice and instructions as related to cattle he had recovered from the "fearful combination"⁵⁷ not only suggest that Leavenworth did not at this time take advantage of the trade that could have been a source of personal gain, but it places him in sharp contrast to certain military officials on the Upper Arkansas.

When, on July 3, 1866, Senator Hendricks of Indiana told his colleagues that he did not subscribe to the belief that men in the army were any more honest than anywhere else, he was reflecting the influence of reports directly from the Kansas frontier, such as the one from Elijah Sells, Southern Indian superintendent. Sells requested aid from the War department, not for action against the Indians, but for service against the cattle-stealing element. Of greater importance, he made a special plea that if military aid could be secured, it must be rigidly disciplined so that it would not succumb to the demoralization prevalent among the troops already on the frontier.⁵⁸

The scope of this paper does not allow for the examination of all the facets of livestock speculation that advanced to alarming proportions in southern Kansas in the closing months of the Civil War. However, it is no departure from the facts to state that all contending parties were involved in one way or another, and this, of course, does not exclude so-called responsible military officials who were trusted in the public imagination as being beyond corruption. While top military officials such as General Pope were faced by defiant local court officials who denied the right of the army to exercise any legal control over cattle stolen from the Indians,⁵⁹ other military officials followed a path of less resistance. Their participation in the illicit trade, when viewed within the context of their subsequent relations with Leavenworth and the Kiowas and Comanches, constitutes a singularly awkward position. In fact, Indian depredations, such as the seizure of stock from the confines of Fort Dodge, the capture of mules at Cow Creek station, and the killing of cattle thieves⁶⁰—all attributed to the Indians of

57. Leavenworth to D. N. Cosley, November 9, 1865, and April 11, 1866, "Kiowa Agency, Letters Sent."

58. *Congressional Globe*, 39th Cong., 1st Sess., pt. 4, p. 3553; Elijah Sells to D. N. Cosley, August 4, 1865, "Report of the Secretary of Interior," 39th Cong., 1st Sess., *House Executive Document No. 1* (Serial 1248), pp. 447, 448.

59. Leavenworth *Daily Times*, August 20, 1865.

60. Charles W. Blair to George S. Hampton, April 16, 1865, *O. R.*, Series I, v. 48, pt. 2, p. 107; J. H. Ford to Department of the Missouri, June 12, 1865, *ibid.*, pt. 1, pp. 308, 309, 312.

Leavenworth's agency—are not so difficult to understand when one reflects on the record of certain departmental and district military officials.

When General Grant was assured that "an officer's honor and interest is at stake, and [this] impels him to discharge his duty honestly and faithfully,"⁶¹ the statement apparently did not refer to conditions on the Kansas frontier. General Blunt, Leavenworth's former military commander who was appointed commander of the District of the Frontier in 1863, and who the following year was involved in a struggle with Governor Carney of Kansas over control of the army and Indian contracting business, was so methodical in the seizure of livestock around Fort Gibson that little was left for the bushwackers.⁶² General Curtis, who exercised military command of the Department of Kansas when Leavenworth first served as an Indian agent, did not operate in the open as did Blunt, but he was indirectly involved in the nefarious operation. In a confidential letter to Senator Doolittle, Col. William A. Phillips, commander of the Indian brigade in the Southern superintendency, explained how cavalry units were taken away from the brigade to open the way for cattle stealing. Phillips had forwarded the details to General Curtis with a demand for action, yet investigation was refused by the military commander.⁶³ One of Leavenworth's leading critics, Gen. James H. Ford, commander of the District of the Upper Arkansas who campaigned unsuccessfully against the Kiowas and Comanches, appointed provost marshals who were bribed by organized bands of cattle thieves.⁶⁴

The case for corruption among military organizations in Kiowa-Comanche country may be amplified by stating that supply trains destined for tribes in Indian territory were robbed by the very troops given the responsibility of official escort,⁶⁵ and the case may be concluded with a description of affairs at Fort Larned in April, 1864. H. T. Ketcham, special government agent sent to

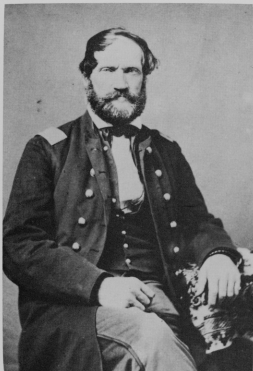
61. E. S. Parker to Grant, January 24, 1867, 39th Cong., 2d Sess., *House Miscellaneous Document No. 37* (Serial 1502), p. 2.

62. O. R., Series I, v. 22, pt. 2, p. 315; Albert Castel, *Kansas: A Frontier State at War, 1861-1865* (Ithaca, 1958), pp. 111, 112, 162, 163; Annie Heloise Abel, *The American Indian Under Reconstruction* (Cleveland, 1925), pp. 110-112; contracts with Carney and Son of Leavenworth, for purchase of supplies for the Kiowa, Comanche, and Apache agency, 1864-1865, "Kiowa Agency, Letters Sent."

63. Phillips to Doolittle, January 10, 1866, Office of Indian Affairs, Southern superintendency, v. 1, p. 89 of 1866, cited in Abel, op. cit., pp. 349, 350. Doolittle submitted this letter to Secretary Harlan with the notation "Confidentially submitted to Mr. Harlan, J. R. D." See, also, Phillips to Canby, February 16, 1865, O. R., Series I, v. 48, pt. 1, p. 871, and Elder Tochest, January 12, 1865, *ibid.*, p. 872.

64. Mào Gookins to Elijah Sells, May 16, 1865, "Report of the Secretary of the Interior," 39th Cong., 1st Sess., *House Executive Document No. 2* (Serial 1248), p. 450.

65. Dole to Doolittle, December 10, 1864, "Records of the Office of Indian Affairs, Letters Sent," File 76:159, National Archives. Hereafter cited as "Office of Indian Affairs, Letters Sent."



JESSE HENRY LEAVENWORTH
(1807-1885)

Colonel of the Second regiment Colorado infantry, Leavenworth was later agent for Kiowa and Comanche Indians. Photo courtesy State Historical Society of Colorado.



Fort Larned (top) and Fort Zarah, as sketched in 1867 by Ado Hunnius. Several of the Fort Larned buildings are still standing, but nothing remains at Fort Zarah, which was located three miles east of present Great Bend.

vaccinate Indians for smallpox, reported with alarming clarity the economic and social climate at the post. Indians were paid less than \$2.50 for buffalo robes that were worth \$8.00 wholesale; most payments to the tribes were in the form of whisky and trinkets, yet in the opinion of Ketcham, this trade did not constitute the worst form of exploitation. Prostitution fees that could be collected by tribal leaders from civilians and troops created a thriving business that encouraged the Kiowas and Comanches to spend more time in the vicinity of the settlements.⁶⁶ Yet the consideration of such practices should not obscure the fact that this was the situation prior to the establishment of Leavenworth's Indian agency on the Upper Arkansas, and as a consequence, it becomes clear that a military campaign against the Kiowas and Comanches could hardly be justified on grounds of the corruptive influence of their recently appointed agent.

From what has been discussed, it seems evident that significant obstacles stood in the way of a quick settlement of the Kiowa-Comanche question by federal officials, especially military officials. Lack of troops, financial difficulties, opposition on the local level, and corrupt practices within the military establishment seemed to preclude any immediate accomplishment. Moreover, public resentment since Sand creek constituted a barrier to the use of surprise tactics. Of course, ultimate justification for military action was not difficult to come by. There is no getting around the fact that the Kiowas and Comanches were increasingly restive in 1864 and 1865, and that they did indulge in raids that contradicted the promises they had made in the Fort Atkinson treaty of 1853. Furthermore, military action could be defended in part on the basis of reports that these Indians were continuing to operate in concert with Confederate forces in Texas. Gen. E. Kirby Smith did not surrender the Confederate Trans-Mississippi Department until May 26, 1865, nearly seven weeks after Appomattox, and on the strength of this, one can appreciate at least certain aspects of General Ford's confusion as he made plans for operations south of the Arkansas river in April, 1865.⁶⁷

It was indeed a confusing period. Yet less than five months after the official end of Civil War hostilities in the West, a settle-

66. Ketcham to John Evans, April 4, 1864, "Report of the Commissioner of Indian Affairs" for 1864, 35th Cong., 2d Sess., *House Executive Document No. 1* (Serial 1220), pp. 401, 402.

67. General Orders No. 61, May 26, 1865, O. R., Series I, v. 48, pt. 2, p. 604; Ford to J. W. Barnes, April 12, 1865, *ibid.*, p. 84.

ment (for whatever it was worth) had been secured. The question presents itself—why the pressing need for an immediate solution? Why, in light of the almost hopeless confusion then prevailing among federal departments, frontier communities, the traders, and the Indians themselves—why fumble ahead in an erratic fashion when top federal officials had admitted the complexity of the problem by creating a committee with long range plans to study the entire matter? Above all, why is it that one encounters the spectacle of War department and Indian bureau policy makers co-operating to a remarkable degree in the months just prior to the Little Arkansas treaty, while representatives of the same bureaus on the frontier were largely unaware of this *rapprochement*? General Ford, who had been led to believe that his task was war to the knife, displayed his confusion of the matter when he wrote General Dodge, "Is it the intention to make peace before punishing them?"⁶⁸ Leavenworth displayed no less bewilderment in August of the same year, when he learned that General Sanborn was moving south of the Arkansas, not for a military engagement, but for the same reason that Leavenworth believed was his task as a special agent to the Kiowas and Comanches.⁶⁹

Samuel Bowles, an Eastern newspaper editor who visited the Plains at the time the Doolittle committee was gathering information about the tribes, advised the committee that it was the universal testimony among border men that no terms could be made with the Indians—they must be exterminated.⁷⁰ Such a contention undoubtedly constituted a force that demanded an immediate settlement, yet hardly a conciliatory one, and as has been suggested, the pursuit of a general Indian war involved serious complications. Pressure for a quick post-Civil War Indian settlement on the southern Plains, albeit a peaceful one, came from additional sources, and not the least of these was the plan to push certain branches of the Pacific railroad through the Indian hinterland.

On March 3, 1863, with the guidance of Sens. Samuel Pomeroy and James Lane of Kansas, a bill was signed that provided important land grants to the Atchison and Topeka railroad. To obtain the grants provided by the bill, this company that planned to build "in the direction of Fort Union and Santa Fe," was given

68. Ford to Dodge, April 9, 1865, *ibid.*, p. 59.

69. Leavenworth to Sanborn, August 10, 1865, "Kiowa Agency, Letters Sent."

70. Samuel Bowles, *Across the Continent: A Summer's Journey to the Rocky Mountains, the Mormons, and the Pacific States, With Speaker Colfax* (Springfield, Mass., 1865), pp. 7, 8. Bowles was editor of the Springfield (Mass.) *Republican*.

ten years to reach the Kansas-Colorado boundary. The following November, Santa Fe was appropriately added to the name of the company, and on January 13, 1864, Pomeroy was selected president, obviously for political reasons.⁷¹ During the debate on this bill, requests for larger land grants than those given in previous railroad bills were presented, for the reason that the land beyond a point 100 miles west of the Missouri river was considered "comparatively worthless."⁷² Yet a recent study has indicated that during the Civil War railroad investors began to see that the end of hostilities would mark the beginning of substantial settlement of the Great Plains and Rocky Mountain region; emphasis in the minds of railroad men consequently shifted from "most suitable termini and shortest and most practicable routes to the inland empires their roads would preempt and develop."⁷³ Clearly, if lands along the Arkansas river were to constitute an attraction for settlers, it was central to the interests of the railroad crowd that the Indian problem be disposed of immediately. Indian depredations were bad publicity and hardly an encouragement to town development.

Pomeroy's philosophy of railroad development was not unlike that of his Kansas colleague in Washington, Sen. James H. Lane, former general, now president and chief promoter of the Leavenworth, Lawrence and Fort Gibson railroad. In spite of the fact that Lane had liberally declared in 1862 that "national interests" should determine railroad planning, he had reverted to provincialism by 1865. Not the least of his objects was the early admission of Colorado and the Indian territory which would render profitable his railroad schemes. Pomeroy, who worked through the powerful Senate committee on Indian affairs, told congress in 1863 that "civilized" Indians who were under the kind direction of missionaries might find a place in the Kansas of the future, but the "wild" tribes had to be removed.⁷⁴ The A. T. & S. F. and the Leavenworth, Lawrence and Fort Gibson interests were not the only railroad groups that apprehensively watched developments in Indian country. Among the factors that prompted the Leavenworth, Pawnee and Western survey crews to move up the Smoky Hill route

71. L. L. Waters, *Steel Trails to Santa Fe* (Lawrence, 1930), pp. 26-32.

72. *Congressional Globe*, 37th Cong., 3d Sess., pt. 2, p. 1158.

73. Russel, *op. cit.*, p. 324.

74. Wendell H. Stephenson, "The Political Career of General James H. Lane," *Publications of the Kansas Historical Society*, v. 3 (1930), pp. 151, 152; *Congressional Globe*, 37th Cong., 3d Sess., pt. 1, p. 506.

as opposed to the Solomon, Saline, and Republican routes was that the former route was considered safer from Indian threats.⁷⁵

The consideration of railroad interests as a factor in Kiowa-Comanche affairs becomes more suggestive when one considers the orientation of certain personalities directly involved with Indian relations just prior to the Little Arkansas treaty. It will be recalled that General Curtis, commander of the Military Department of Kansas from January 1, 1864, to February 8, 1865, was a former chairman of the select congressional committee on the Pacific railroad; Lane's interests and Pomeroy's dual role as member of the senate committee on Indian affairs and as president of the A. T. & S. F. require no further explanation. Maj. Gen. Grenville M. Dodge, who assumed command of the Military Department of the Missouri on February 8, 1865, had been associated with the Union Pacific since 1853, and during the Civil War and while on the Indian frontier, he remained in constant touch with the government and the Union Pacific organization.⁷⁶ Maj. Gen. John Pope, commander of the Military Division of the Missouri and Dodge's immediate superior, was a former railroad surveyor and an unsuccessful promoter of artesian wells in the area that comprised the heart of Kiowa-Comanche country.⁷⁷ Finally, and certainly not the least important, John P. Usher, secretary of the interior from January, 1863, to May, 1865, was associated with the Leavenworth, Pawnee and Western from the time this railroad received land grants in 1862.⁷⁸ To assume that such prominent railroad promoters would not see the advantage of a quick solution to the threat of Kiowa-Comanche activity in virgin railroad country (not to mention the Cheyenne and Arapaho attitude since Sand creek), would indeed be a difficult position to support.

Of course the question remained, what plan was the best to pursue—treaties or military campaigns? The case for the army in terms of fiscal matters has been stated, yet the shortcomings

75. Testimony of John P. Usher, July 8, 1887, "Testimony Taken by the United States Pacific Railroad Commission," v. 3, 50th Cong., 1st Sess., Senate Executive Document No. 51 (Serial 2506), p. 1691.

76. Testimony of Grenville M. Dodge, September 22, 1887, *ibid.*, pt. 8 (Serial 2508) p. 9790.

77. Report of Capt. John Pope in "Reports of Explorations and Surveys to Ascertain the Most Feasible and Economical Route for a Railroad From the Mississippi River to the Pacific Ocean," 33d Cong., 2d Sess., Senate Executive Document No. 78 (Serial 759), v. 2, pp. 36-38; William H. Goetzmann, *Army Exploration in the American West, 1803-1863* (New Haven, 1959), pp. 363-368. It is of interest to note that Pope had experienced embarrassment at the hands of the Indians, when, in 1851, all the horses and mules of his surveying party were stampeded by the Indians on the fork of the Smoky Hill. This incident did little to enhance Pope's belief that white settlers might be able to share the Plains with the red race.—*ibid.*, pp. 246, 247.

78. Testimony of John P. Usher, July 8, 1887, 50th Cong., 1st Sess., Senate Executive Document No. 51 (Serial 2506), pt. 4, p. 1672.

of previous treaties were only too well known. As far as the railroads and other interests were concerned, this was no time to engage in a calm interchange of ideas on the matter. From the Colorado mines came the demand to congress, "For God's sake, urge some action. . . . There is no use to depend on General Curtis, Evans, Chivington, or any other politician!"⁷⁹ The ghost of Sand creek reared its ugly head once again, but would the settlers in Kansas with potential "one hundred days men" among their ranks sit idly by while the government negotiated with the Indians?

Had subsequent relations between the military commanders and Leavenworth not been involved with the life and death of people, the whole episode on the Upper Arkansas from February till the treaty was negotiated in October, 1865, might appear as some sort of comic opera. This was not an affair with one party desiring only peace and the other only war—both groups were to see that some sort of negotiation at this point was the most desirable alternative—yet the manner in which the military and civilian bureaus involved stumbled over one another makes it nothing short of a miracle that another Sand creek did not take place in 1865. And during the six troubled months prior to the treaty, the figure of agent Jesse H. Leavenworth looms prominently indeed, certainly out of all proportion when one considers the position he held and the issues at stake.

There was much discussion about the Kiowas and Comanches, but in the last analysis the parties involved depended on Leavenworth and his informants for reliable knowledge about these Indians. His appointment as special agent in May, 1864, had been prompted by the desire to counteract "evil influences among these Indians." Leavenworth was valuable also as a former military officer, one who had, in the words of Commissioner Dole of the Indian bureau, the universal confidence of men on the frontier.⁸⁰ During the confused days of July, 1865, Secretary Harlan confided to General Pope that a military officer might have been sent to Kiowa-Comanche country, but there was the danger that the senate might turn down a treaty arranged by a military man; consequently, a "suitable person" had been selected to be on hand when the "proper moment" for peace had arrived.⁸¹ Yet when military com-

79. J. B. Chaffee to H. F. Bennet, January 10, 1865, "Massacre of Cheyenne Indians," pp. 73, 74.

80. Dole to Leavenworth, August 10, 1865, "Kiowa Agency, Letters Sent."

81. Harlan to Pope, July 6, 1865, *O. R.*, Series I, v. 48, pt. 2, pp. 1056, 1057.

manders in the field reported to the Indian office that Leavenworth was a handicap to military operations, Leavenworth, who believed he was following his instructions to the letter, was reprimanded by his own superiors. Acting Commissioner C. E. Mix, reflecting an obvious about face in the Indian bureau, irately wired Leavenworth that the army was going ahead with the campaign against the Indians; the government had no desire to negotiate, and he (Leavenworth) was instructed to take his orders from the army and to do nothing until he had first consulted with General Dodge.⁸²

An awareness of the difficult state of affairs had prompted Leavenworth to visit Washington where he talked with Senator Doolittle and General Halleck. As a result, he had secured an explicit promise from General Dodge that field commanders in the Upper Arkansas would co-operate with his efforts to contact the Indians of his agency; yet when General Ford acquiesced with Leavenworth's conciliatory policies, he was relieved of his command by General Dodge.⁸³ He was replaced by Gen. John B. Sanborn who proved no less a challenge to Leavenworth's efforts to prevent hostilities. The Indians had indicated a willingness to negotiate, but the rapid turnover in military commands gave them little reason for assurance. Sanborn's initial communication with Leavenworth brought the message that conditions constituted a state of war; such being the case, could Leavenworth provide information as to the whereabouts of the Indian camps? Yet nine days later Sanborn displayed a remarkable shift in attitude when he wrote Leavenworth, "I am ready to talk with Indians now—will you take care of the arrangements?" Leavenworth, recalling the Indian bureau's note that had directed him to take orders from military officials, and convinced that this message from Sanborn amounted to a cover for a surprise attack modeled after Sand creek in which he was to play the role of contact man, informed Sanborn of the realities of the situation. This time the Indians would not be surprised. If troops moved south of the Arkansas, even with the announced purpose of peace, it would be a holocaust for all parties involved; the only alternative remaining at this point was some form of negotiation.⁸⁴

Leavenworth's advice prevailed and developments ultimately led to treaties with the Kiowas and Comanches, as well as with the

82. Mix to Leavenworth, April 29, 1865, "Office of Indian Affairs, Letters Sent."

83. Leavenworth to Dole, May 6, 1865, "Kiowa Agency, Letters Sent"; Ford to Dodge, July 3, 7, 1865; O. R., Series I, v, 48, pt. 2, pp. 1044, 1045, 1063.

84. Sanborn to Leavenworth, July 13, and July 22, 1865, "Kiowa Agency, Letters Sent"; Leavenworth to Sanborn, August 1, 1865, *ibid.*

Cheyennes, Arapahoes, and Plains Apaches in October, 1865. A large reservation south of the Kansas border was promised to the Indians of Leavenworth's agency, while the remaining tribes were to be located in the area between the Arkansas river and the Kiowa-Comanche reserve.⁸⁵ Although congress was tardy in the ratification of the treaties,⁸⁶ an important aspect of this development was that open hostilities were averted for a time. Future negotiations could conceivably open the door to more favorable settlements. In any case, the army of the frontier gained valuable time that could be devoted to plans for more effective action in the future. The railroad interests, certainly not completely satisfied,⁸⁷ could at least assure prospective residents of their domain that a settlement was under way. Furthermore, the financial saving that was promised was not viewed as the most unfortunate aspect of the agreement. Eight months later, during the debate on the Indian appropriation bill, Senator Doolittle candidly explained this important aspect of the incident, "It is the blundering of these officers of the Army in command of little squads . . . that in an hour can make an Indian War . . . that will cost you \$20,000,000. . . ."⁸⁸

Considering the fact that the treaties at "Camp on the Little Arkansas" did not usher in a new millennium in the history of Indian relations on the frontier, and that the military eventually had at their disposal the necessary power to dispatch men like Custer to the Washita valley, it is not surprising that this treaty has been called the unfortunate handiwork of "a self-appointed dove of peace"⁸⁹ in an era when military authorities were advocating a more realistic solution for the menace of the southern Plains. Yet if it is the task of military men to make war and not peace, then it is not difficult to understand why certain army officials were quick in their desire to forget that in October, 1865, they accepted the settlement with relief, and furthermore, that they tried to minimize the role Leavenworth had played in the negotiations. They wanted to forget the fact that they had devoted much of

85. *United States Statutes at Large*, v. 14, pp. 703-721.

86. The Kiowa-Comanche treaty was proclaimed on May 26, 1866; the Cheyenne-Arapaho-Plains Apache on February 2, 1867.—*Ibid.*, pp. 703, 717.

87. Senator Fomero, who eight months earlier had supported the Indian bureau over the War department, took an opposite view in December, 1865. Since the Cheyenne-Arapaho-Plains Apache reservation was adjacent to the proposed route of the A. T. & S. F., it is not difficult to understand why Fomero now demanded that the Indians be "whipped into wholesome restraint and submission," resolution of Senator Fomero to the U. S. senate, December 6, 1865, 39th Cong., 1st Sess., *Senate Miscellaneous Document No. 7* (Serial 1239).

88. *Congressional Globe*, 39th Cong., 1st Sess., pt. 4, p. 3507.

89. W. S. Nye, *Curbine and Lance: The Story of Old Fort Sill* (Norman, 1937), p. 50.

their activity to blocking the peace that would allow them time to reorganize the plan to which they remained committed; they were equally inclined to forget that they had not viewed with alarm the possible death of Leavenworth at the hands of the confused Indians.⁹⁰ When Gen. John B. Sanborn asked that Leavenworth honor him by allowing him to have his name inserted after Leavenworth's in the Little Arkansas treaty, and when he stated, "Colonel, you are entitled to all the credit of stopping this war [and] you have saved the government \$50,000 a day that I alone am spending on the Santa Fe route . . .,"⁹¹ he was not indulging in idle congratulations. Railroad interests, town promoters, homestead seekers, and a society interested in pursuing the American way after four years of civil war wanted an immediate settlement, and at this stage, the army of the frontier was in no position to take care of such heavy demands.

90. Leavenworth to D. N. Cooley, February 7, 1866, "Kiowa Agency, Letters Sent."

91. *Ibid.*