

discharging the duties of superintendent of Indian affairs in the northern department * * *."¹⁸

In 1799, Congress, exercising its power under the commerce clause of the Constitution, passed the first act " * * . to regulate trade and intercourse with the Indian tribes" which provided for licensing of Indian traders, and conferred extensive regulatory powers on the President. This temporary act was renewed with modifications until 1802 when the first permanent Intercourse Act was passed."

The first specific appropriation for Indian affairs appears in the Act of December 23, 1791." The sum of \$39,424.71 was appropriated "For defraying all expenses incident to the Indian department," authorized by law, * * *."

The Treasury Department was given responsibility for the purchase of Indian goods as well as other War Department supplies by the Act of May 8, 1792."

Trading houses under Government ownership were maintained from 1796¹⁹ to 1822.²⁰ Their function was to supply the Indians with necessary goods at a fair price, and offer a fair price for their furs in exchange." The agents were appointed by the President and responsible to him. Their accounts were transmitted to the Secretary of the Treasury.

The office of Superintendent of Indian Trade was set up in 1806.²¹ The superintendent, like the agent for each trading house, was appointed by the President. His duties were, among other things, " * * * to purchase and take charge of all goods intended for trade with the Indian nations * * * and to transmit the same to such places as he shall be directed by the President."²²

After the abolition of the office of Superintendent of Indian Trade in 1822,²³ Secretary of War Calhoun created the Bureau of Indian Affairs by order of March 11, 1824," and placed at its head Thomas L. McKenney who had formerly been superintendent of Indian trade. His duties included the administration of the

¹⁸ As new territories were created, the governor was often made, *ex officio*, superintendent of Indian affairs, a position which he generally held until the territory became a state; in some cases, however, the duties of the superintendent were transferred before statehood, to one of the general superintendencies in the Indian Service or to the Washington Office. (Schmeckebier, *op. cit.*, p. 19.)

¹⁹ In 1867, at the time the Indian Peace Commission was created (Act of July 20, 1867, 15 Stat. 17) there were four territories whose governors were also superintendents of Indian affairs, *ex officio*—Colorado, Dakota, Idaho, Montana (Schmeckebier, *op. cit.*, p. 52). The Peace Commission in its report strongly urged that those governors be divested of their duties as superintendent. (Report of Commissioner of Indian Affairs (1868) p. 48.)

²⁰ Act of July 22, 1790, 1 Stat. 137, in force for 2 years.

²¹ Act of March 30, 1802, 2 Stat. 139. For a summary of these acts, see Chapter 4, secs. 2 and 3. See also Chapter 16.

²² 1 Stat. 426, 228.

²³ This is the first mention in an appropriation act of the existence of an "Indian department."

²⁴ 1 Stat. 279.

²⁵ Act of April 18, 1796, 1 Stat. 462. This act was a temporary measure reenacted every 2 or 3 years up to the abolition of Government trading houses in 1822. See Chapter 16.

²⁶ Abolished by Act of May 6, 1822, 3 Stat. 679.

²⁷ "In several of his annual addresses to Congress, Washington had strongly urged the establishment of trading houses by the Government, in order to protect the Indians from the practices of private traders. . . ." (Schmeckebier, *op. cit.*, p. 23. See also pp. 20-22.)

²⁸ Act of April 21, 1806, 2 Stat. 402.

²⁹ *Ibid.*, sec. 2. Appropriation acts indicate the expansion of the office of Indian trade by providing for compensation of additional clerks. *E. g.*, Act of March 3, 1809, 2 Stat. 544; Act of February 26, 1810, 2 Stat. 557, 559.

³⁰ Act of May 6, 1822, 3 Stat. 679.

³¹ H. Doc. No. 146, 19th Cong., 1st sess., p. 6.

civilization fund²⁸ under departmental regulations, the examination of Claims arising out of laws regulating intercourse with Indian tribes, and routine office correspondence."

His staff consisted of a chief clerk and one assistant.²⁹ His representatives in the field included superintendents, agents, and subagents."

B. DEVELOPMENT

The period between 1824 and 1832, when the statutory office of Commissioner of Indian Affairs in the War Department was established, appears to have been one of confusion in the Bureau of Indian Affairs.³⁰

By Act of July 9, 1832," Congress authorized the President to appoint, with the consent of the Senate, a Commissioner of Indian Affairs who was to have " * * * the direction and management of all Indian affairs, and of all matters arising out of Indian relations . . ." He was under the direction of the Secretary of War and subject to the regulations prescribed by the President.

The number of clerks was not specified.; The Secretary of War was empowered to transfer or appoint the necessary number of clerks " * . * so as not to increase, the number now employed * * *"³¹ by the department.

Two years later the Act of June 30, 1834," since considered the organic law of the Indian Office," was passed "to provide for the organization of the department of Indian affairs." This statute established certain agencies and abolished others. It provided for the employment of subagents, interpreters, and other employees, the payment of annuities, the purchase and distribution of supplies, etc. It was in effect, a reorganization of the field force of the War Department having charge of Indian affairs," and in no way altered the power of the Secretary of War or the Commissioner,³² or changed the status of the Bureau of Indian Affairs in the War Department."

Subsequent appropriation acts provided for the hiring of additional personnel.³³

Under section 5 of the Act of March 3, 1849,³⁴ by which the Home Department of the Interior was established, the Bureau

²⁸ Act of March 3, 1819, 3 Stat. 516, provided a permanent annual appropriation of \$10,000 for " * . * introducing among them [the Indians] the habits and arts of civilization . . ." ; repealed by Act of February 14, 1873, c. 138, 17 Stat. 437, 461. For further discussion see Chapter 12, sec. 2A.

²⁹ Report of the Commissioner of Indian Affairs, 1932, p. 1. Hereafter in this chapter these reports will be referred to as "Rep. Comm. Ind. Aff."

³⁰ Schmeckebier, *op. cit.*, p. 27. Act of March 2, 1827, 4 Stat. 233, provides for one clerk in the Bureau of Indian Affairs. Act of February 12, 1828, 4 Stat. 247, for one clerk and messengers.

³¹ Rep. Comm. Ind. Aff., 1932, p. 1.

³² Schmeckebier, *op. cit.*, p. 27 quotes Schoolcraft (Personal Memoirs, 1828, p. 319) on the "derangements in the fiscal affairs of the Indian department * * . there is a screw loose in the public machinery somewhere."

³³ 4 Stat. 664, R. S. § 462-463, 25 U. S. C. 1-2.

³⁴ *Ibid.*, sec. 2.

³⁵ 4 Stat. 735.

³⁶ See Rep. Comm. Ind. Aff., 1932, p. 1.

³⁷ Kinney, *A Continent Lost—A Civilization Won* (1937), p. 104.

³⁸ Schmeckebier, *op. cit.*, p. 28.

³⁹ Congress continued to pass appropriation acts for the "Indian department" as it had since 1791 (Act of December 23, 1791, 1 Stat. 226, 228; see *e. g.* Act of January 27, 1835, 4 Stat. 746), and to allow compensation for the Commissioner of Indian Affairs and his clerks (Act of March 3, 1835, 4 Stat. 760).

⁴⁰ See *e. g.* Act of May 9, 1836, 5 Stat. 26 ; Joint Resolution of May 2, 1840, 5 Stat. 409.

⁴¹ 9 Stat. 395, R. S. § 441, 5 U. S. C. 485.

of Indian Affairs passed from military to civil control. This act provided: "That the Secretary of the Interior shall exercise the supervisory and appellate powers now exercised by the Secretary of the War Department, in relation to all the acts of the Commissioner of Indian Affairs."

The administration of Indian affairs was not markedly affected by this transfer, because as early as 1834 the office was essentially a civilian bureau." Army officers continued to be employed occasionally as agents.⁴¹

After 1849 Congress debated for years the expediency of transferring the Indian Bureau back to the War Department.⁴² Constant fluctuations of responsibility between the two departments ensued."

⁴⁰ Administration of the Indian Office (Bureau of Municipal Research Publication No. 65) (1915). p. 13.

⁴¹ Schmeckebier, op. cit., p. 43. By Act of July 15, 1870, 16 Stat. 315, 319, Congress prohibited the appointment of the military officers to civil posts unless commissions were vacated.

However, the exception later made affecting Indian agencies appears to be a survival of the period of military control. By Act of July 13, 1892, c. 164, sec. 1, 27 Stat. 129; Act of July 1, 1898, c. 545, sec. 1, 30 Stat. 571. 573. R. S. § 2062, 25 U. S. C. 27.

The President may detail officers of the United States Army to act as Indian agents at such agencies as in the opinion of the President may require the presence of any Army officer, and while acting as Indian agents such officers shall be under the orders and direction of the Secretary of the Interior.

(From 25 U. S. C. 27).

⁴² Administration of the Indian Office (Bureau of Municipal Research Publication No. 65) (1915). p. 13; Schmeckebier, op. cit., pp. 50, 51.

In 1867, a commission appointed by Congress (Pub. Res. of March 3, 1865, 13 Stat. 572) to inquire into civil and military authority over Indians reported,

* * * The question whether the Indian bureau should be placed under the War Department or retained in the Department of the Interior is one of considerable importance, and both sides have very warm advocates. . . . (P. 6.)

(Sen. Rept. No. 156, 39th C&G., 2d sess., pp. 3-8.)

Commissioner of Indian Affairs Taylor in his report of 1868 gave 11 reasons "for his vigorous opposition to the transfer. He held, among other things, that the professed Indian policy was peace, but transfer was tantamount to perpetual war.

* * * I cannot for the life of me perceive the propriety or the efficacy of employing the military instead of the civil departments, unless it is intended to adopt the Mohammedan motto, and proclaim to these people "Death or the Koran." (P. 10.)

On January 7, 1868, the Peace Commission (appointed by Act of July 20, 1867, 15 Stat. 17) recommended that " * * * Indian affairs be committed to an independent bureau or department." (Rep. Comm. Ind. Aff., 1868, p. 48.) However, at the end of the same year (October 9, 1868) in a supplementary report to the President it stated,

* * * in the opinion of this commission the Bureau of Indian Affairs should be transferred from the Department of the Interior to the Department of War.

(Rep. Comm. Ind. Aff., 1868, p. 372).

⁴³ Administration of the Indian Office (Bureau of Municipal Research Publication (No. 65) (1915), p. 13.

Excerpts from official reports reveal this conflict. E. g., Commissioner Manypenny in his report for 1854 states:

Occasions frequently arise in our intercourse with the Indians requiring the employment of force, * * *. The Indian Bureau would be relieved from embarrassment, and rendered more efficient, if, in such cases, the department had the direct control of the means necessary to execute its own orders. (P. 17.)

In Secretary of Interior Harlan's introduction to the Report of the Commissioner of Indian Affairs for 1865, he states that:

On taking charge of this department on the 15th day of May last, the relations of officers respectively engaged in the military and civil departments in the Indian country were in an unsatisfactory condition. A supposed conflict of jurisdiction and a want of confidence in each other led to mutual criminations, whereby the success of military operations against hostile tribes and the execution of the policy of this department were seriously impeded. Upon conferring with the War Department, it was informally agreed that the agents and officers under the control of the Secretary of the Interior should hold no intercourse, except through the military authorities, with tribes of Indians against whom hostile measures were in progress: and that the military authorities

In 1869,⁴⁴ to correct mismanagement in the purchase and handling of Indian supplies, the Board of Indian Commissioners was created, to be appointed by, and report to, the President. It was composed of not more than 10 "men eminent for intelligence and philanthropy, to serve without pecuniary compensation * * *" and exercise joint control with the Secretary of the Interior over the appropriations in that act. By Act of July 15, 1870,⁴⁵ the Board was empowered " * * * to supervise all expenditures of money appropriated for the benefit of Indians * * * and to inspect all goods purchased for said Indians * * *." Although the Board was entirely independent of the Bureau of Indian Affairs, it studied and advised on important questions of Indian policy."

This Board was abolished by Executive Order 6145, May 25, 1933,⁴⁶ which provided that the Board's affairs be wound up by the Secretary of the Interior, and that its records, property, and personnel be transferred to, or remain under, his supervision.

By title 5, section 485, of the United States Code,⁴⁷ the Secretary of the Interior now has supervision over " * * * public business relating to . . . The Indians," and by title 26, section 2, of the United States Code,⁴⁸ the Commissioner of Indian Affairs over " * * * the management of all Indian affairs and of all matters arising out of Indian relations * . ." under the direction of the Secretary of the Interior and according to regulations prescribed by the President.

C. LIST OF COMMISSIONERS

Prior to 1832, the Secretary of War was chief officer in charge of Indian matters. From 1806 to 1822 he had the advice of the Superintendent of Indian Trade, and from 1824 to 1832 of the three successive heads of the new Bureau of Indian Affairs—Thomas L. McKenney (1824-30); Samuel S. Hamilton (1830-31); Elbert Herring (1831-32). Herring became first Commissioner of Indian Affairs in 1832.⁴⁹

In the 108 years following the establishment of the office of Commissioner of Indian Affairs, that post has been held by some 32 individuals representing a wide range of variation in their outlook upon the responsibilities and opportunities of that office. These individuals have set forth in the Commissioners' Annual Reports⁵⁰ and in unofficial writings⁵¹ their views on the Indian question, and these expressions are in many ways the most useful guides to the variations of Government Indian policy.

In tracing prevailing policies for a particular period, the following list⁵² of Commissioners of Indian Affairs, with the Secretaries and Presidents under whom they served, may prove useful:

should refrain from interference with such agents and officers in their relations, with all other tribes, except to afford the necessary aid for the enforcement of the regulations of this department. * * * (P. iv.)

⁴⁴ R. S. § 2039, 25 U. S. C. 21, derived from Act of April 10, 1869, 16 Stat. 13, 40, and Act of July 15, 1870, sec. 3, 16 Stat. 335, 360. See *Ryan v. United States*, 8 C. Cl. 265 (1872).

⁴⁵ 16 Stat. 335, 360.

⁴⁶ Schmeckebier, op. cit., p. 57.

⁴⁷ See 25 U. S. C. 21.

⁴⁸ R. S. § 441, derived from Act of March 3, 1848, c. 108, 9 Stat. 395.

⁴⁹ R. S. § 463, derived from Act of July 9, 1832, c. 174, sec. 1, 4 Stat. 564 and Act of July 27, 1868, c. 259, sec. 1, 15 Stat. 228.

⁵⁰ Schmeckebier, op. cit., pp. 26-27; Kinney, op. cit., p. 102.

⁵¹ The heads of the Bureau of Indian Affairs also reported annually to the Secretary of War from 1824 to 1832.

⁵² Walker, *The Indian Question* (1874); Manypenny, *Our Indian Wars* (1880); Leupp, *The Indian and His Problem* (1910)

⁵³ Rep. Comm. Ind. Aff., 1932, pp. 1-2.

Commissioners of Indian Affairs

Commissioners of Indian Affairs—Continued

Commissioner	Date	Secretary	President	Commissioner	Date	Secretary	President
Herring, Elbert	July 10, 1832	Cass ¹	Jackson	Walker, Francis A.....	Nov. 21, 1871	Delano	Do.
Harris, Carey A	July 4, 1836	Cass ¹ and Poinsett ¹	Do.	Smith, Edward P.....	Mar. 20, 1873	Delano and Chandler.	Do.
Crawford, T. Hartley.	Oct. 22, 1838	Poinsett ¹ to Marcy ¹	Van Buren.	Smith, John Q.....	Dec. 11, 1875	Chandler and Schurz.	Do.
W. Dill, William	Oct. 28, 1845	Marcy ¹ and Ewing ¹	Polk.	Hayt, Ezra A.....	Sept. 27, 1877	Schurz.....	Hayes.
Brown, Orlando	May 31, 1849	Ewing	Taylor.	Trowbridge, R. E.....	Mar. 15, 1880	do.....	Do.
Lea, Luke	July 1, 1850	Ewing to Stuart	Taylor and Fill more.	Price, Hiram.....	May 4, 1881	Kirkwood and Teller.	Garfield.
Manypenny, George W.	Mar. 24, 1853	McClelland and Thompson.	Pierce.	Atkins, John D. C.....	Mar. 21, 1885	Lamar.	Cleveland.
Denier, James W	Apr. 17, 1857	Thompson.	Buchanan.	Oberly, John H.....	Oct. 10, 1888	Vilas.....	Do.
Mix, Charles E.....	June 14, 1858	do.....	Do.	Morgan, Thomas J.....	June 10, 1889	Noble.....	Harrison.
Denver, James W	Nov. 8, 1858	do.....	Do.	Browning, Daniel M.....	Apr. 17, 1893	Smith and Francis.....	Cleveland.
Greenwood, Alfred B.....	May 4, 1859	do.....	Do.	Jones, William A.....	May 3, 1897	Bliss and Hitchcock.....	McKinley
Dole, William P.....	Mar. 13, 1861	Smith to Harlan.....	Lincoln.	Leupp, Francis E.....	Dec. 7, 1904	Hitchcock, Garfield and Ballinger.	Roosevelt.
Cooley, Dennis N.....	July 10, 1865	Harlan and Browning.	Johnson.	Valentine, Robt. G.....	June 16, 1909	Ballinger, Fisher.....	Taft.
Boggs, Lewis V.....	Nov. 1, 1866	Browning	Do.	Sells, Cato.....	June 2, 1913	Lane and Payne.....	Wilson.
Taylor, Nathaniel G.....	Mar. 29, 1867	Browning and Cox.....	Do.	Burke, Charles H.....	Apr. 1, 1921	Fall, Work, West, Wilbur.	Harding, Coolidge.
Parker, Ely S.....	Apr. 21, 1869	Cox and Delano.....	Grant.	Rhoads, Charles J.....	July 1, 1929	Wilbur.....	Hoover.
				Collier, John.....	Apr. 21, 1933	Ickes.....	Roosevelt.

¹ Secretaries of War.
² Ewing and all following, Secretaries of the Interior.

SECTION -2. THE DEVELOPMENT OF INDIAN SERVICE POLICIES

The history of Indian **Service** policies is the story of the rise and decline of a system of paternalism for which it is difficult to find a parallel in American history. **The Indian Service** begins as a diplomatic service handling negotiations between the United States and the Indian nations and tribes, characterized by Chief Justice Marshall as "domestic dependent nations."⁴⁴ By a process of jurisdictional aggrandisement, on the one hand, and voluntary surrenders of tribal powers,⁴⁵ on the other, the Indian Service reached the point where nearly every aspect of Indian life was subject to the almost uncontrolled discretion of Indian Service officials.⁴⁶ In recent years there has been a marked reversal of these tendencies.

The reports of various Commissioners of Indian Affairs give the most graphic chronological insight into changing administrative policies.

A. THE PERIOD FROM 1825 TO 1850

In 1825 Thomas L. McKenney, as head of the new Bureau of Indian Affairs⁴⁷ in his first brief report⁴⁸ to the Secretary of War, wrote, regarding those Indians whose titles to land had been extinguished and 'who had elected to remove, that it was " * * * the policy of the Government to guarantee to them lasting and undisturbed possession" of their new land beyond the boundaries of Missouri and Arkansas.

The extent to which this policy was carried into effect is elsewhere discussed.

In his lengthier report for 1826,⁴⁹ McKenney, in urging increased appropriations for the support of Indian schools,⁵⁰ was firmly convinced of—

" * * * the vast benefits which the Indian children are deriving from these establishments ; and which go further, in my opinion, towards securing our borders from bloodshed, and keeping the peace among the Indians themselves, and attaching them to us, than would the physical force of our Army, if employed exclusively towards the accomplishment of those objects."⁵¹

⁴⁴ See Chapter 14. sec. 6.

⁴⁵ A discussion of the subjects of Indian administrative power will be found in Chapters 5, 8, 11, 12, 15, 16, 17.

⁴⁶ The head of the Bureau of Indian Affairs was not denominated Commissioner until 1832.

⁴⁷ Annual Report for 1825, Office of Indian Affairs, p. 91.

⁴⁸ See Chapter 3. sec. 4E, and Chapter 15. secs. 5, 21.

⁴⁹ Annual Report for 1826, Office of Indian Affairs, p. 508.

⁵⁰ In the years immediately following, reports devote a section to the increase in school attendance as an indication of civilization.

⁵¹ Annual Report for 1826, Office of Indian Affairs, p. 508. Compare this early attitude regarding the use of the military, with that expressed by Commissioner Walker in 1872, *infra*.

McKenney early foresaw the problem of the returned student, and recommended that—

" * * * as these youths are qualified to enter upon a course of civilized life, sections of land be given to them, and a suitable present to commence with, of agricultural or other implements suited to the occupations in which they may be disposed, respectively, to engage. They will then have become an "intermediate link between our own citizens, and our wandering neighbors, softening the shades of each, and enjoying the confidence of both."⁵²

Samuel S. Hamilton, in his only report⁵³ as head of the Bureau of Indian Affairs, recommended in 1830 that with " * * * the increase of our population, and the consequent extension of our settlements, " * * *" the act to regulate trade and intercourse with the Indian tribes, passed in 1802, be revised, and the line setting the Indian boundary by that act be redefined. This recommendation, repeated in 1831, was finally acted upon in the Intercourse Act of 1834.⁵⁴

Elbert Herring, who headed the Bureau of Indian Affairs for 1 year, and subsequently became its first Commissioner, commended the Government's recent policy of removal as the only means of checking the complete disintegration of the Indian tribes.

" * * * tribes numerous and powerful have disappeared from among us in a ratio of decrease, ominous to the existence of those that still remain, unless counteracted by the substitution of some principle sufficiently potent to check the tendencies to decay and dissolution. This salutary principle exists in the system of removal; of change of residence ; of settlement in territories exclusively their own, and under the protection of the United States; connected with the benign influences of education and instruction in agriculture and the several mechanic arts, whereby social is distinguished from savage life."⁵⁵

In his report for 1832 as Commissioner of Indian Affairs, Herring again commends the policy of removal in exalted terms :

" * * * In the consummation of this grand and sacred object rests the sole chance of averting Indian annihilation. Founded in pure and disinterested motives, may it meet the approval of heaven, by the complete attainment of its beneficent ends !"⁵⁶

⁵² *Ibid.*, p. 508.

⁵³ Annual Report for 1830, Superintendent of Indian Affairs, p. 163.

⁵⁴ Act of June 30, 1834, 4 Stat. 729. See sec. 1A, and fns. 14 and 15. *supra*, and see Chapter 1. sec. 3; Chapter 4, sec. 6.

⁵⁵ Annual Report for 1831, Indian Bureau, p. 172.

⁵⁶ Annual Report for 1832, Office of Indian Affairs, p. 160.

In this report appears the **first** mention of vaccination as a **health measure** for the **benefit** of the Indians, and the **employment of physicians by the Bureau.**"

In 1333 appears the first mention in Commissioners' reports of the need among Indian tribes for

* * * something, however simple, in the shape of a code of laws, suited to their wants, * * * devised and submitted for their adoption, to obviate the inconveniences, and secure the benefits **incident** thereto, in the relations that are springing **up under** the fostering care of the Government. * * *

Jacksonian policy ⁶⁹ was reflected in the increasing emphasis in commissioners' reports on the use of the military to effect what began as voluntary removal. In his report for 1334, apropos of the failure of the, **Cherokee** to date to sign a treaty of removal, Commissioner Herring wrote :

* * * Should occasion call for it, the military will be ordered out for the protection of those who decide on emigration, and of the emigrating officers of Government **engaged** in this hazardous and responsible **service.**⁷⁰

In 1835 he wrote:

There- has been no intermission of exertion to induce the removal of the Cherokees to the west of the **Mississippi**, in **conformity** with the policy adopted by the Government* * * ⁷¹

In 1336 the new Commissioner of Indian Affairs, Carey A. Harris, wrote :

The removal of the Creek Indians, like that of the Seminoles, was made a military **operation** on the commission by them of hostile acts.* * * ⁷²

T. Hartley Crawford, in his **first** report as Commissioner of Indian Affairs for 1838,⁷³ apropos of removal, states that for the most part it has been peaceful, including that of the Cherokees. However, the "indisposition" of the Pottawatomies "to comply with their engagements" **caused** the agent

on 'the application of the white settlers, to call upon the Governor of Indiana for a military force to repress any outbreak that might occur. The Governor authorized General John **Tipton** to accept the services of one hundred volunteers; who raised them, and used their services in the collection and removal of the Pottawatomies."

Commissioner Crawford urged that some evidence of title to lands granted to them in the West be given Indians on **removal.**⁷⁵

⁶⁷ *Ibid.*, p. 162. For a discussion of federal health services, see Chapter 12, sec. 3.

⁶⁸ Rep. Comm. Ind. AU., 1833, p. 186. Some of the tribes, notably the Five Civilized Tribes, early adopted their own code of laws. In 1882, Commissioner Price tells of the preparation and submission by the Pottawatomies of their own code of laws to the department for approval. (Rep. Comm. Ind. AR., 1882, p. VIII.)

⁶⁹ See Chapter 3, sec. 4E. Commenting on the situation that arose with the election of President Jackson, Schmeckebier writes :

The election of Jackson to the Presidency in 1828 resulted in a definite change in the Indian policy in regard to removal. Both Monroe and Adams had adopted the policy of voluntary emigration but Jackson was determined "to use force if necessary. A mere reading of the statutes and the treaties would indicate no definite change, but when the method of obtaining the treaties is taken into consideration it is easy to see that the government was determined to use any pressure necessary to accomplish its ends.

(Schmeckebier, op. cit., p. 33.)

⁷⁰ Rep. Comm. Ind. AL., 1834, p. 243.

⁷¹ Rep. Comm. Ind. AL., 1835, p. 262.

⁷² Rep. Comm. Ind. Aff., 1836, p. 368.

⁷³ Rep. Comm. Ind. AR., 1838.

⁷⁴ *Ibid.*, p. 413.

⁷⁵ *Ibid.*, p. 414.

In the field of education he reports:

The principal lever by which Indians are to be lifted out of the mire of folly arid vice in which they are sunk, is education. * * * To teach a savage man to read, while he continues a savage in all else, is to throw seed on a rock. * * * Manual-labor schools are what the Indian condition calls for.⁷⁶

The educational policy of 'civilizing the Indians' through 'manual training in agriculture and the "mechanic arts" became the **accepted** policy of the Indian office.⁷⁷

The problem of the **Indian field agent** who becomes too closely identified with a particular tribe attracted concern. "Is there not some hazard of his becoming attached to their particular interests . . . ?"⁷⁸ "By transferring them from one position to another," Commissioner Crawford wrote, "as frequently as may be regarded proper, they will be cut off from the strong eddlstment of their feelings * . . ."⁷⁹

Vaccination for smallpox during an epidemic and medical services supplied by the Bureau of Indian Affairs are again mentioned.⁸⁰

Commissioner Crawford, like Commissioner Herring,⁸¹ recommended a code of laws for the government of the Western tribes, but added: " * * * this, as it seems to me, indispensable Sdp to their advancement in civilization cannot be taken without their own consent."⁸²

Like many commissioners before and after him, Commissioner Crawford felt that the policy of allotment was the only proper policy for the Government to pursue. "Common property and civilization cannot coexist."⁸³

Of a proposed plan, for a confederation of Indian tribes west of the Mississippi, he held that " * * * **prudential** considerations would seem, to require that they should be kept distinct from each other."⁸⁴

For the next few years, commissioners report "progress" in **removal, treaty-making and education in the manual arts.** They begin to include "accompanying documents" prepared by field personnel.

Commissioner Medill in his report for 1847 told of the need for a "statistical account of the various tribes, including a digest of their industrial means, peculiar habits, resources, and employments of every kind, * . . " which would " * . . materially aid the Department in suggesting the most suitable measures for their improvement."⁸⁵ This need was reiterated and various attempts were made to fill it.⁸⁶

⁷⁶ *Ibid.*, pp. 420-421. Many later treaties contained a specific provision for the establishment of manual labor schools.

⁷⁷ See Chapter 12, sec. 2.

⁷⁸ Rep. Comm. Ind. Aff., 1838, p. 422.

⁷⁹ *I b i d .*

⁸⁰ *Ibid.*, p. 424. Commissioner Crawford, states that in the northwest alone, at least 17,200 deaths occurred. Three thousand persons were vaccinated in the Columbia River region.

⁸¹ See *supra*, and Rep. Comm. Ind. Aff., 1833, p. 186.

⁸² Rep. Comm. Ind. Aff., 1838, p. 424.

⁸³ *Ibid.*, p. 425. See Chapter 11, sec. 1.

⁸⁴ *Ibid.*, p. 426.

⁸⁵ Rep. Comm. Ind. Aff., 1847, pp. 747-748.

⁸⁶ E. g., Act of June 27, 1846, 9 Stat. 20, 34, provided for a survey, but failed to provide the necessary means to execute it; Act of March 3, 1847, sec. 5, 9 Stat. 203, 204, likewise provided for a census to illustrate " * . . the history, the present condition, and future prospects of the Indian tribes of the United States." At the time of Commissioner Medill's report, results were being returned by agents and subagents " * . . of most interesting and satisfactory character" (Rep. Comm. Ind. Aff., 1847, p. 748). Some 12 years later, in 1859, Secretary of the Interior Thompson wrote :

The statistical information in the possession of the Indian office is too meager and vague to enable us to determine with