# WHEN THE WAR RAGED ON: MONTANA TERRITORY, THE POLITICS OF AUTHORITY, AND NATIONAL RECONSTRUCTION

By

Jennifer Andrella

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## ABSTRACT

In July 1861, the US House Committee on Territories drafted the first Reconstruction bill to detail a procedure for readmitting Southern states into the Union. Expecting a quick end to the Civil War, the earliest framers of Reconstruction recommended that rebellious states be assigned into an unorganized status as territories. It was a pragmatic solution that placed the South firmly in the control of a Republican Congress; a plan that complemented the Committee on Territories' simultaneous pursuit of territorial expansion in the trans-Mississippi West. Indeed, between 1861 and 1868 Congress incorporated seven Western territories to consolidate federal power in a growing domain. From the onset of the war, federal actors envisioned Reconstruction as a national process. Yet, the reality on the ground seldom matched their strategic plans.

This dissertation analyzes Reconstruction from the vantage point of the Northwestern Great Plains. Using Montana Territory as a case study, I examine how relations between and among Native American nations, settlers, and government officials defined Reconstruction at both local and federal levels. The federal government had enduring political and economic interests in the Northwestern Plains prior to the outbreak of the war. Between 1828 and 1865, the region emerged as the last US stronghold of the global fur trade, cycled through several mining booms, and showed a promising future for homesteading and ranching. The Northwestern Plains were and are the homelands to a mosaic of Native American nations who asserted their rights to sovereignty by demanding federal recognition of their territorial, political, economic, and cultural autonomy. As these lands became contested under the pressure of US settlement, Native actors continued to press for visibility against local and federal modes of authority. The lived experiences of Native actors unveil some of the critical limitations of Reconstruction; that the expansion of citizenship, suffrage, and labor protections coincided with land dispossession,

colonization, and erasure. By the time this study concludes in 1883, it becomes apparent that the dissolution of Reconstruction rested in the program's failure to resolve the nation's most fundamental questions over belonging, space, and power.

I argue that Reconstruction was a process that experimented with federal and local forms of authority, settler colonialism, and state formation which came under stress after the onset of war in 1861. Republican governance throughout the Civil War and Reconstruction introduced new federal economic and political imperatives, destabilized local patterns of power among settlers, and opened new threats to Indigenous sovereignty. Using cartography, personal and mass communication, artwork, literature, and government records, this study portrays a version of Reconstruction that was fluid, chaotic, and often violent as western civil institutions either broke down or competed for primacy. By integrating the historiographies of Reconstruction, Western history, and Native American ethnohistory this study challenges the notion that federal state formation in the West (and state restoration in the South) were linear processes ushered by a collective of federal actors. Moreover, the existing literature on both Reconstruction and Western territorial expansion has overstated the ability of the federal government to produce communal order through efforts like military occupation, property laws, and multitiered administrative systems such as the Bureau of Indian Affairs. By essentializing the scale of local forces that stacked against federal administration in distant, contested spaces like Montana, the ambitious designs to restore and expand the Union ultimately produced a more exclusionary, unstable, and violent nation.

For Ruby Ann Roski,
who inspired my endless love for learning.

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## A NOTE ON TERMINOLOGY AND LANGUAGE

Several Native American communities of the Upper Missouri River region are represented within this dissertation. As such, I followed community-based protocols over language to the best of my ability. Each chapter introduces communities by their endonym followed by the preferred common translation. After introduction, I use the translation for familiarity and because it is the term most often used in official tribal documentation. In instances where the endonyms of individual people are not known, I used the common translation of their names. Some terms, such as Sioux, have been excluded in favor of a more accurate translation, like Očhéthi Šakówiŋ or "Seven Council Fires," as it is the preferred term of the community today. I also refer to specific communities whenever possible. For example, the Niitsítapi (Blackfoot Confederacy) comprises three linguistically related communities: the Káínaa (Kainai/Blood), Siksiká (Blackfoot), and Piikáni (Piegan). The Piegan include northern (Canadian) and southern (United States) subgroups: Aapátohsipikáni (Piikani Nation) and Amskapi Piikáni (Piegan Blackfeet Nation), respectively. I use "Piegan" and "Blackfeet" interchangeably when referring to the Amskapi Piikáni, and "Blackfoot" when referring to the Blackfoot Confederacy as a whole, or the Siksiká community specifically.

When referring to communities collectively, I use "Native American" and "Indigenous" followed by "community" or "nation" to reinforce the societal autonomy of Native peoples; past, present, and future. Capitalizing these terms reflects the distinct social, cultural, and political identities of Native polities as opposed to meaning simply "indigenous to" an area or region. Other terms, such as "American Indian," "Indian," or "tribe" are only used under the historical and legal context of US federal Indian policy. Such terms were favored in Bureau of Indian Affairs annual reports, agency records, and other US legal documentation to assert the perceived

external supremacy of US sovereignty over internal "domestic dependent nations," as coined by Supreme Court Chief Justice John Marshall in *Cherokee Nation v. Georgia* (1831).[1] This legal distinction is important because it reflects how sovereignty is both constructed, as well as how Native nations utilized these channels to reinforce their own communal sovereignty.

[1] The Cherokee Nation v. The State of Georgia, 30 U.S. 1 (1831).

## INTRODUCTION:
## THE TERRITORIAL ORIGINS OF RECONSTRUCTION

In July 1861, just three months after the Confederate Army fired upon Fort Sumter, Representative James M. Ashley, a Radical Republican from Ohio, used his role as Chairman of the House Committee on Territories to pen the earliest blueprints for a postwar nation. That summer, Ashley invited his committee colleagues to his private residence in Washington, DC, where he presented a draft of the first Reconstruction bill: "A Bill to Establish Temporary Provisional Governments over the Districts of Country in Rebellion Against the United States." It was an ambitious undertaking, as Ashley confessed years later, "I then had no doubt of our ability to crush the rebellion at an early day . . . we had to blaze our way through a wilderness of legal and political complications."[1] Not only did the bill abolish slavery, but it established that in the event an insurrection overthrew state governments, the President had the authority to "take possession of said districts, and establish and protect, with the military and naval forces of the United States, a territorial government in each."[2] When Republican Senator Jacob Collamer of Vermont questioned "the legality and expediency of establishing territorial governments within the limits of disloyal states," Ashley simply responded, "we make precedents here."[3]

Although the House tabled Ashley's bill in early 1862 as hopes of a quick end to the war waned, the Committee on Territories continued to manage and influence Reconstruction legislation even after Congress formed two additional committees: the Committee on Rebellious States and the Committee on Reconstruction in 1864 and 1865, respectively. These committees

[1] James M. Ashley, "Copy of the First Reconstruction Bill, Introduced in Congress by Mr. Ashley. A Letter of Historic Value," in Benjamin W. Arnett, *Duplicate Copy of the Souvenir from the Afro-American League of Tennessee to Hon. James M. Ashley of Ohio* (Philadelphia: Publishing House of the A.M.E. Church, 1894), 360-361.
[2] H.R. 236, *Bills and Resolutions*, House of Representatives, 37th Cong., 2nd Sess., January 20, 1862, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774–1875*, Library of Congress. http://memory.loc.gov/cgi-bin/ampage?collId=llhb&fileName=037/llhb037.db&recNum=1032.
[3] Ashley, "Copy of the First Reconstruction Bill," 360-361.

collaborated with the Committee on Territories on five bills that reconfigured Southern states as "districts" under federal control.[4] The decision to consider Southern states as districts resulted from a polemical debate over the constitutional legality of states in active rebellion against the United States. Radicals like Ashley and Thaddeus Stevens reasoned that the act of secession degraded states into an unorganized status, thus requiring the intervention of the US territorial system for readmission. For moderate Republicans, Reconstruction fell under a more ambiguous interpretation of state restoration because the US Constitution did not express the right for states to secede.[5] Stevens criticized this latter position, arguing, "To say that they were States under the protection of that Constitution which they were rending . . . is making theory overrule fact to an absurd degree."[6] Although the final language of these bills diverged from the territorial model, the regular participation of the Committee on Territories helped to define the role of congressional authority over the readmission of Southern states. Ashley continued to defend his original bill for the remainder of his life, once reflecting in 1892: "Experience has taught us, that the reconstruction measures finally enacted by Congress, were not as safe, nor as desirable, as my original bill, which provided for putting the rebel states in territorial condition, until Congress should provide a law for their reorganization."[7]

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[4] The House Committee on Territories contributed to and/or amended bills H.R. 236 (37th Cong., 2nd Sess., 1862), H.R. 244 (38th Cong., 2nd Sess., 1864), H.R. 543 (39th Cong., 2nd Sess., 1866), H.R. 882 (39th Cong., 2nd Sess., 1866), and H.R. 894 (39th Cong., 2nd Sess., 1866). The last of these bills, H.R. 894, established "civil governments for . . . the restoration of said districts to their forfeited rights as States of the Union." See H.R. 894, *Bills and Resolutions*, House of Representatives, 39th Cong., 2nd Sess., January 20, 1862, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress. http://memory.loc.gov/cgi-bin/ampage?collId=llhb&fileName=039/llhb039.db&recNum=4762.

[4] Ashley, "Copy of the First Reconstruction Bill," 360-361.

[5] Kenneth M. Stampp, "The Concept of a Perpetual Union," *The Journal of American History* 65, no. 1 (June 1978): 11-12, https://doi.org/10.2307/1888140.

[6] "'Reconstruction,' Hon. Thaddeus Stevens on the Great Topic of the Hour. An Address Delivered to the Citizens of Lancaster, Sept. 6, 1865," September 10, 1865, *The Lancaster Daily Evening Express* in the *New York Times.*

[7] Ashley, "Copy of the First Reconstruction Bill," 362.

The notion of rendering Southern states into territories appealed to Radical Republicans like Ashley, who argued that the Constitution granted Congress sole power for organizing territories and establishing the conditions for the admittance of states to the Union. In addition to providing a clear, familiar framework that outlined the process for territories to achieve statehood, the US territorial system had apparent political advantages for the party in control of Congress. Stevens further justified this argument in an 1865 speech, remarking, "the foundation of their [state] institutions, both political, municipal and social, must be broken up and re-laid, or all our blood and treasure have been spent in vain. This can only be done by treating and holding them as a conquered people. . . . As conquered territory, Congress would have full power to legislate for them."[8] Stevens' rhetoric of conquest further linked Reconstruction to affirming US sovereignty, and both efforts carried deep connections to an expanding territorial system during and after the war. During Ashley's chairmanship, Congress also incorporated the territories of Colorado (1861), Nevada (1861), Dakota (1861), Arizona (1863), Idaho (1863), Montana (1864), and Wyoming (1868). As with the rebel states, Radicals looked to the West as an opportunity to suppress the influence of the Southern slavocracy and fulfill the party's promise of "free soil, free speech, free labor, free men" across the continent. The partisan aspects of this initiative cannot be understated. The rapid succession of territorial incorporation after the attack on Fort Sumter was a direct reaction to the decades of debate over the extension of slavery in the West. Successive Democratic administrations from 1853 to 1861 placed a proslavery, states' rights stamp on westward expansion. As historian Kevin Waite concludes, sectional conflict in the West from Bleeding Kansas (1854-1859) to secessionist movements in California and the Southwest demonstrated to Northerners that federal policies "threatened to tip the political scales

[8] "'Reconstruction,'" September 10, 1865, *New York Times.*

in the South's favor, upsetting the precarious balancing act between a nation half slave and half free."[9]

The political crisis over territorial expansion ultimately brought the nation to civil war when Republican Abraham Lincoln carried the election of 1860 on the pledge of free soil in the West. In addition to concerns over the Southwest and California, the federal government had enduring political and economic interests in the Northwestern Great Plains. Between 1828 and 1865, the region emerged as the last US stronghold of the global fur trade, cycled through several mining booms, and promised successful homesteading and ranching. The plains were and are the homelands to a mosaic of Native American nations who asserted their rights to sovereignty by demanding federal recognition of their territorial, political, economic, and cultural autonomy. As these lands became contested under the pressure of US settlement, Native actors continued to press for visibility against local and federal modes of authority. Republicans viewed the West, much like the South, as underdeveloped territory where the ideology of free labor could bring it into alignment with the capitalist prosperity of the North. Ashley—playing both visionary and political gadfly—set to work to imprint Republican ideals on US territory with zeal.

Ashley's actions as chairman of the Committee on Territories in 1861 demonstrate that the emerging Radical Republican faction considered Reconstruction a national process from the onset of the war. His plan placed the Radicals in the vanguard of a partisan effort to remake the nation's political economy, and the party appeared to be moving in the same direction. By the end of 1862 Congress had enacted a suite of laws—the Legal Tender Act, the Morrill Land Grant Act, the Pacific Railway Act, the Homestead Act, and the Act to Establish a Department of Agriculture—that granted the federal government unprecedented authority over economic

[9] Kevin Waite, *West of Slavery: The Southern Dream of a Transcontinental Empire* (Chapel Hill: North Carolina Press, 2021), 2,7.

development in the United States. Yet by 1864, with Lincoln's pocket veto of the Wade-Davis Bill that advocated a more rigorous procedure for the readmittance of Southern states to the Union, Republican fractures left Reconstruction policy in disarray. Federal focus shifted to the Southern question and away from the ambitious national project envisioned early in the war. Presidential Reconstruction under Lincoln and his Democratic successor, Andrew Johnson, transitioned federal policy decisively toward reconstructing rebel states from within. Over the next two decades, territorial development in the West would follow a similar path, more often defined by actions on the ground than by orchestration in Washington, DC. Thus, while Reconstruction in the West followed a national framework, the specific way territorial development unfolded can only be understood by examining local contestation for power and authority. And much like the South, events in the West in turn shaped national policies.

It is within this broad framework that this dissertation examines the development of Montana Territory, first as a site of contestation between competing authorities and secondly as the locus for a foundational debate over citizenship and sovereignty. From the vantage point of Montana and the Northwestern Great Plains, this study examines how interpersonal networks on the ground—namely Native American nations, settlers, and local government—defined the local and national discourse of Reconstruction from inception through execution. Since the rise of New Western history in the 1980s, historians have pressed for studies of the social and cultural complexity of the West to centralize diversity, fluctuations in power dynamics, and contingency. Led by Patricia Nelson Limerick, Richard White, Donald Worster and others, New Western history challenged Frederick Jackson Turner's 1893 assertion that the frontier was linear and, importantly, a democratizing, liberating force. The result has been an extensive literature that reinforces an interpretation of the West as a distinctive socio-cultural region. At the same time,

these scholars have emphasized the federal government's use of force to accomplish policy goals: the primacy of Eastern capital in driving Western development, the presence of authority through administrative hierarchies, and the role of cultural hegemony in the effort to undermine and destroy Indigenous nations.[10]

There is much to be said for this view, as each of these factors played vital roles in the incorporation of the West into the national fabric by the end of the nineteenth century. Yet New Western history's regional approach to analyzing the frontier understates the extent to which people in the West not only recognized that they were agents in larger systems of power but used their positionality to affect change locally and abroad. Put another way, New Western history identified well the macro forces that drove territorial development and made certain outcomes seem inevitable, whereas historical actors would have viewed it differently. Richard White shared the former perspective, observing that "federal power could expand so rapidly in the West because rival sources of political power in the states, local communities, and political parties were so weak."[11] Shifting emphasis to the latter helps us better understand the fluid, negotiated West that emerged at the end of the nineteenth century. Reconstruction proved to be a decisive program in that process.

This study of Montana Territory and Reconstruction advances a long view of change and continuity. Although Montana's territorial period lasted from 1864 to 1889, I begin this study in the early nineteenth century when the fur trade first attracted the interest of the US government to extend its administrative reach throughout the Upper Missouri River region. Several Native

[10] The founding body of literature that comprises New Western History includes William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W.W. Norton and Company, 1991); Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton and Company, 1987); Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991); and Donald Worster, *Under Western Skies: Nature and History in the American West* (New York: Oxford University Press, 1992).
[11] Richard White, *"It's Your Misfortune and none of My Own,"* 58.

American nations who call the Northwestern Great Plains home are represented within these pages, including the A'aninin (Gros Ventre), Ktunaxa (Kootenai), Nakoda (Assiniboine), Tsétsêhéstâhese and Só'taeo'o (Cheyenne), Nêhiyaw (Cree), Nimíipuu (Nez Percé), Očhéthi Šakówiŋ (Seven Council Fires), Qlispé (Kalispel), and Séliš (Salish) communities.[12] Their individual and collective interactions with US Indian agents, territorial leaders, and federal officials further reveal the degree to which Native protocols shaped encounter and exchange throughout the nineteenth century. By following the evolution of treaties, creation of the reservation system, networks of agency and military posts, and the intrusion of private business, Native actors advocated sovereignty through negotiation.[13] In sum, the lived experiences of Native Americans in this study reveal the limitations of Reconstruction; that the expansion of citizenship, suffrage, and labor protections coincided with land dispossession, colonization, and erasure. By 1883, when this study concludes, the "unfinished" qualities of Reconstruction rested in the program's failure to resolve these most fundamental questions of belonging, space, and power within the United States.[14]

By tracing the evolution of Montana Territory, I argue that Reconstruction was a process that experimented with federal and local forms of authority, settler colonialism, and state

[12] The Northwestern Great Plains are the ancestral homelands to many more Native American and First Nation communities. The *Native Land Digital* project (www.native-land.ca) provides an actively updated, interactive map with the collaboration of community contributors to show territories, languages, and treaties.
[13] Kathleen DuVal, *The Native Ground: Indians and Colonists at the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006), 4-5.
[14] The tension between political inclusion and exclusion in Reconstruction policies and their effect on other communities has been a growing area of examination for scholars. See Claudio Saunt, "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory," *Journal of Southern History* 70, no. 1 (Feb. 2004): 63-94; Stacey L. Smith, *Freedom's Frontier: California and the Struggle over Unfree labor, Emancipation, and Reconstruction* (Chapel Hill: The University of North Carolina Press, 2013); and Alaina E. Roberts, *I've Been Here All the While: Black Freedom on Native Land* (Philadelphia: University of Pennsylvania Press, 2021). On the incompletion of Reconstruction's objectives, see Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877,* Updated Edition, (New York: HarperCollins, 2014), 604-605.

formation which came under stress after the onset of war in 1861.[15] Republican governance during the Civil War and Reconstruction introduced new federal economic and political imperatives, destabilized local patterns of power among settlers, and opened new threats to Indigenous sovereignty. Through an analysis of cartography, personal and mass communication, artwork, literature, and government records, this research demonstrates that the result was a chaotic Reconstruction that, much as in the South, turned violent as civil institutions either broke down or competed for primacy. The second objective of this study is to dispel the notion that federal state formation in the West (or state restoration in the South) were linear processes ushered by a collective of federal actors. The familiar cast of state-building agents, including settlers, territorial governors, newspaper publishers, mining companies, and railroad corporations, were often more invested in accruing their own power and profits rather than advancing the goals of federal state building. My final contention is that the existing literature on both Reconstruction and westward expansion has overstated the ability of the federal government to produce communal order through efforts like military occupation, property laws, and multitiered administrative systems such as the Bureau of Indian Affairs.[16] By essentializing the scale of local forces that stacked against federal administration in distant, contested spaces like

[15] The notion posited by Patrick Wolfe that settler colonialism is a structure rather than an event extends the trajectory of the motivations, objectives, and legacies of Reconstruction. Whereas colonialism broadly entails the extraction of land, labor, and resources from another polity, the objective of settler colonialism is to destroy and replace Indigenous communities and cultures with settler populations and customs. Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8:4 (2006), 388. https://doi.org/10.1080/14623520601056240.

[16] Recent studies of political history have offered a corrective to "stateless" depictions of the nineteenth-century United States and chart the growth of a centralized, American state. My argument here expands upon the foundations laid by Brian Balogh, Gregory P. Downs, William J. Novak, and others to emphasize the plurality and complexity of local political participation that did not always coincide with federal plans. See Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009); Gregory P. Downs, *After Appomattox: Military Occupation and the Ends of War* (Cambridge: Harvard University Press, 2015); and William J. Novak, *New Democracy: The Creation of the Modern American State* (Cambridge: Harvard University Press, 2022).

Montana, the ambitious designs to restore and expand the Union ultimately produced a more exclusionary, unstable, and violent nation.

**Greater Reconstruction, Reconstructions, or the World the Civil War Made?**

This study identifies Ashley's 1861 Reconstruction Bill as the beginning of national Reconstruction, a periodization meant to capture the historical moment when Congressional Republicans first articulated a comprehensive vision of a postwar United States. My argument extends Eric Foner's chronology in his foundational work, *Reconstruction: America's Unfinished Revolution, 1863-1877,* to account for both the prelude of partisan politics that led to Ashley's bill and the continuity of western territorial politics to assert and challenge federal interpretations of Reconstruction. Foner himself challenged the "postwar" scope and timeline of Reconstruction, arguing that "Expanding the chronological definition . . . allows for a fuller comparison of Southern events with developments in other parts of the country."[17] As a result, *Reconstruction*'s narrative begins in 1863, marked by debates over emancipation as an necessary condition of Reconstruction and Lincoln's Ten Percent Plan for the readmission of Southern states.[18] Foner's portrayal of Reconstruction as a national process encouraged others to integrate a broader geography or explore the historical experiences of non-Southerners at greater depth. Elliott West's notion of "Greater Reconstruction" begins in 1845 following the annexations of Texas and Oregon and closes with the pursuit of Hin-mah-too-yah-lat-kekt's (Chief Joseph's) band of Nimíipuu (Nez Percé) through Montana in 1877.[19] Steven Hahn employed the term

[17] Foner, *Reconstruction,* xxxvii.
[18] Foner's second chapter, "Rehearsals for Reconstruction" notes other decisive trials that shaped Reconstruction like Unionist efforts to recraft state constitutions and the Port Royal or Sea Island Experiment (1862). Yet, Foner situates these trials in the context of the Emancipation Proclamation and Lincoln's Ten Percent Plan. See Foner, *Reconstruction,* 35-36.
[19] Elliott West, "Reconstructing Race," *The Western Historical Quarterly,* 34, no.1 (Spring 2003): 8, 24, https://doi.org/10.2307/25047206; see also Elliot West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009).

"Reconstructions" to describe the unique social, political, and economic manifestations of Reconstruction in a century of global revolutions and civil wars. One of the most vital forms of Reconstruction, Hahn asserts, was an imperial Reconstruction in the late nineteenth century that shifted the status of the United States from a settler-colonial nation to an empire seeking new access and recognition from a global political economy.[20] By comparison, Gregory Downs' and Kate Masur's edited volume, *The World the Civil War Made*, departed from the term Reconstruction altogether and encouraged scholars to "examine the period, in its various complexities, as a postwar moment" without the structural limits that conventional Reconstruction imposes.[21] In the enduring effort to redefine Reconstruction as a period, process, or both, Foner's legacy continues to open critical avenues for reconfiguring its temporal, geographic, and thematic boundaries.

Scholars traditionally consider Reconstruction to be a succession of three conventional phases—Wartime Reconstruction (1863-1865), Presidential Reconstruction (1865-1867), and Congressional or Radical Reconstruction (1867-1877)—which entailed an unparalleled expansion of federal administrative powers during and after the war.[22] However, federal actors like Ashley remind us that Reconstruction was one program within a much older system of US state building through territorial acquisition. Reconstruction in this study, from 1861 to 1883, captures a heightened phase of colonial expansion in the West when federal and local actors used

[20] Steven Hahn, *A Nation Without Borders: The United States and Its World in an Age of Civil Wars, 1830-1910* (New York: Penguin Books, 2016), 487

[21] Gregory P. Downs and Kate Masur, eds., *The World the civil War Made* (Chapel Hill: The University of North Carolina Press, 2015), 5.

[22] Foundational studies on the postwar expansion of federal authority include Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009); Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (New York: Cambridge University Press, 1991); Joel H. Silbey, *The American Political Nation, 1838-1893* (Stanford: Stanford University Press, 1991); and Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities* (New York: Cambridge University Press, 1982).

space to express power. The foundations of Ashley's 1861 bill can be traced to the Northwest Ordinance in 1787 and its legacy extends into twentieth-century US imperial projects in the Caribbean and Pacific. While the dispossession of Native American lands was not unique to Reconstruction, acknowledging the continuity of colonialism that transcends US history is integral for depicting Reconstruction as an interdependent process of both restoration and expansion. Tracing these threads further reinforces how Reconstruction facilitated the transition of the United States from a settler state to an imperial nation.[23] In the case of Montana Territory and the greater West, the administrative reach of federal authority was not as unilateral as framers like Ashley imagined in 1861, and he experienced this reality firsthand when he became governor of Montana Territory in 1869. In both the South and the West, Reconstruction proved to be a chaotic process shaped from the ground that both defined and dismantled the meanings of citizenship and sovereignty throughout the nineteenth century.

Contemporaries of the Civil War Era perceived the West as a "safety valve" to relieve the tensions of Eastern urbanization, political strife, and economic imbalances. Frederick Jackson Turner capitalized on this notion to argue that the West exhibited a "nationalizing tendency" after the Civil War, where "North and South met and mingled into a nation" and engaged in a "cross-fertilization of ideas and institutions."[24] By the 1980s, historians critically reexamined these cultural beliefs by engaging the West through comparative regional studies with the North and the South. Eugene H. Berwanger's *The West and Reconstruction* (1981) was among the first to evaluate how Westerners became supporters of issues like Black suffrage and military occupation as it pertained to Reconstruction in the South.[25] Other scholars have traced the

[23] Hahn, *A Nation Without Borders,* 517.
[24] Frederick Jackson Turner, *The Frontier in American History* (New York: Holt and Company, 1920), 30.
[25] Eugene Berwanger, *The West and Reconstruction* (Urbana: University of Illinois Press, 1981), 6.

evolution of free labor ideology into late-nineteenth century conflicts of class and labor, often comparing Northern, Southern, and Western political economies to grapple with the development of a modern, industrial nation. Richard Franklin Bensel employed regionalism to critique state building during and after Reconstruction, observing that patterns of regional economic inequalities produced other forms of political conflict.[26] Heather Cox Richardson expanded upon Bensel's assertion to contend that the free labor ideology of the 1850s directly preceded the rise of a homogenized, middle class of workers across regions. This pervasive ideology was "both the greatest triumph and the greatest tragedy of Reconstruction," Richardson argues, because its universal rhetoric ultimately "rendered Americans unable to recognize systematic inequalities in American society."[27] Regional studies, comprehensive and general in scope, cannot always capture the nuances of contingency, nor how demographic patterns produced a diverse array of historical experiences.

**Reconstructing Sovereignty: Indigenous Political Participation in the Reconstruction West**

This study advances recent trends in Civil War and Reconstruction scholarship that raise a methodological question over how to integrate diverse communities, cultures, and ideas that made these processes national, and even global in scope.[28] Distinguished and emerging case studies on California, Indian Territory, and the Southwest exemplify how Reconstruction policy

[26] Richard Bensel, *The Political Economy of American Industrialization, 1877-1900* (Cambridge: Cambridge University Press, 2000), 4.
[27] Heather Cox Richardson, *West of Appomattox: The Reconstruction of America after the Civil War* (New Haven: Yale University Press, 2007), 7.
[28] There is an extensive literature on international perspectives of the Civil War and Reconstruction eras. See for instance Sven Beckert, *Empire of Cotton: A Global* History (New York: Knopf, 2014); Duncan Campbell *English Public Opinion and the American Civil* War (Suffolk, Eng: The Boydell Press, 2003); Niels Eichhorn, *Liberty and Slavery: European Separatists, Southern Secession, and the American Civil* War (Baton Rouge: Louisiana University Press, 2019); Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York: Random House, 2010); David Prior, ed., *Reconstruction in a Globalizing World* (New York: Fordham University Press, 2018); Peter N. Stearns, ed., *The American Civil War in a Global Context* (Richmond: Virginia Sesquicentennial of the American Civil War Commission, 2014).

translated into Western spaces and how Western actors responded to national interpretations of race, citizenship, suffrage, and labor protections. A key element of this approach emphasizes that the Civil War and Reconstruction did not simply "also" occur in the West, but that themes of interdependency, reciprocity, and exchange influenced the motivations and consequences of these processes. Conflict and violence become critical to this narrative of state building, as Native American, Latinx, Chinese, and Black populations also vied for survival and control in these spaces.[29] Historian Stacey L. Smith's study of California details how Reconstruction legislation interlocked with other policies and practices of exclusion, including the 1882 Chinese Exclusion Act and the proliferation of other unfree labor systems.[30] Slavery and state building likewise overlapped in Indian Territory, where removed populations of Tsalagi (Cherokee), Chahta Okla (Choctaw), Chikashsha (Chickasaw), Este Mvskokvlke (Muscogee Creek), and Seminole nations, enslaved and free African Americans, and local Indigenous communities produced a complex entanglement of people, labor, and land. By recognizing Reconstruction as a project to protect the freedom and rights of African Americans, as historian Alaina E. Roberts contends, "we must see western Indian nations as important spaces in which the convergence of race, belonging, and citizenship paralleled."[31] In Montana, as elsewhere throughout the West, Native American actors were full participants in national Reconstruction by enforcing federal

[29] Waite, *West of Slavery*, 8-9; see also, Megan Kate Nelson, *The Three-Cornered War: The Union, the Confederacy, and Native Peoples in the Fight for the West* (New York: Scribner, 2020).
[30] Stacey L. Smith, *Freedom's Frontier: California and the Struggle over Unfree labor, Emancipation, and Reconstruction* (Chapel Hill: The University of North Carolina Press, 2013), 4-5; see also D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman: University of Oklahoma Press, 2013)
[31] Roberts, *I've Been Here All the While*, 6-7, 11. See also, Tiya Miles, *Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005); Nakia D. Parker, "Trails of Tears and Freedom: Black Life in Indian Slave Country, 1830-1866," Dissertation, The University of Texas at Austin, 2019; and Alexandra E. Stern, "Reconstructing Indian Territory: Federal vs. Native Power and the Expansion of American Sovereignty, 1861-1907," Stanford University, 2020.

and local recognition of sovereignty amid widespread policies and efforts to dispossess Native nations of land, resources, and legal visibility.

The methods of Ethnohistory and Critical Indigenous Theory provide a sound framework for evaluating how the political participation of Native nations in Montana Territory influenced the state formation agenda of Reconstruction.[32] These lines of inquiry are important when examining Native American historical experiences because conventional studies of race during Reconstruction cannot fully encapsulate the dual consequences of both racialization and colonization. Likewise, studying only formal categories of political participation do not aid our interpretation of how entire communities that were sovereign, excluded from US citizenship, and ineligible to vote engaged in the politics and policies of Reconstruction. Indeed, it was because of Reconstruction legislation like the Civil Rights Act of 1866 and the Fourteenth Amendment to the Constitution that codified the exclusion of Native peoples under the definition of US citizenship: "All persons born in the United States and not subject to any foreign power, excluding Indians not taxed."[33] While the United States sought to contain the economic and political autonomy of Native nations, political theorist Kevin Bruyneel asserts, "Indigenous political actors work[ed] across American spatial and temporal boundaries, demanding rights and resources from the liberal democratic settler-state while also challenging the imposition of

[32] This study relies upon the foundational methods of Ethnohistory and Critical Indigenous Theory to articulate the many modalities of Indigenous sovereignty within colonial processes. Among many more, this includes Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of US-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007); Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011); Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); (Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham: Duke University Press, 2017); Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom Through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017); and Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014).

[33] An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication (Civil Rights Act of 1866)," in 14 stat. 27, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress. https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=014/llsl014.db&recNum=58.

colonial rule on their lives."[34] An ethnohistorical study of Native political participation during Reconstruction requires an intrinsic view into the mechanics of culture and history that guided negotiation, diplomacy, and resistance on the ground.

To recover the historical experiences of Northwestern Plains communities, anthropologist Ann Laura Stoler's method of "working along the grain," provides a useful framework to recenter Native voices in archival materials while recognizing the source's context of production and preservation.[35] This dissertation makes frequent use of Indian agency reports, annual reports from the Commissioner of Indian Affairs, correspondence between agents and Native individuals, and council meeting minutes. The nature of production behind this documentary evidence was often under coercive circumstances and usually through the interpretation of a translator who was not always a member of the community being represented. Scrutinizing this body of evidence is important, however, because it illustrates how Native communities were in regular dialogue with Indian agents, settlers, territorial governors, and federal officials. Examining these communications as they took place over several decades further reveals the generations of diplomacy, advocacy, negotiation, and resistance within these communities. Some historical actors, like Natoyist-Siksina, a Káínaa (Kainai/Blood) Blackfoot woman and diplomat who was at the fore of negotiating the 1855 Judith River (Lame Bull) Treaty, reappear at later flashpoints of negotiation. Others, like Salish Chief Victor and his son, Chief Charlot, who asserted their communal rights to the Bitterroot Valley between 1855 and 1892, reveal the generational continuity of resistance. Their words and actions, often recorded by non-Native contemporaries and under coercive circumstances, are contextualized by other Native-produced

[34] Bruyneel, *The Third Space of Sovereignty*, xvii.
[35] Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009), 53.

historical documents like cartography, artwork, literature, and oral history. An emphasis on Native political culture adds critical value to the study of Reconstruction by necessitating a long view of the relationship between power and space. Moreover, Reconstruction's most poignant legacies for the advocacy of freedom and civil rights parallels the ongoing battle for Indigenous self-determination, sovereignty, and community-centered empowerment.

**Chapter Organization**

The following chapters examine the territorial incorporation of Montana to recast Reconstruction into a series of state-building phases before, during, and after the Civil War. Chapters One and Two scrutinize the social, economic, and political forces that converged in the Upper Missouri River region and contributed to the course of disunion. These early chapters contextualize the trials of federal and local forms of authority that influenced a national view of Reconstruction. Chapter One introduces the Upper Missouri River region as a flourishing center of the global fur trade in the decades prior to the Civil War. By the 1840s, however, the federal government began to permeate the networks of the fur trade and guided the transition of trading posts into US Indian agencies. The strength of this political economy and the importance of negotiation with Native communities had lasting significance as Native leaders relied upon these diplomatic channels as a source of representation throughout the nineteenth century.

Chapter Two analyzes the motivations behind the federal incorporation of Montana Territory during Wartime Reconstruction (1861-1865). A major gold rush to the area in 1862 sparked the northbound movement of settler families from Missouri, a contentious border state during the Civil War. Although such settlements often followed the boom-and-bust cycles of mining, the wartime context of this migration led to sedentary communities that began to organize their own systems of governance. As mining communities pushed into peripheral

valleys to farm, surrounding Indigenous communities vocalized their concerns to agents and expected treaty agreements to be enforced. In the context of the Civil War, the pressure to incorporate Montana Territory resulted in a competition between local and federal institutions. Whereas settlers imagined that territorial organization meant legitimizing localism, federal organizers viewed territories as an opportunity to politically realign the region through territorial office appointments.

The later chapters illustrate how federal visions of a national Reconstruction broke down in Western spaces like Montana Territory. As in the South, local groups and institutions in Montana displaced the efforts of federal administration during the two postwar phases of Reconstruction: Presidential (1865-1867) and Congressional Reconstruction (1867-1877). Chapter Three examines how newspaper publishers in Montana used their territorial contacts and communities of readership to persuade policy and action throughout the territory. Unofficial reports on "Indian hostility" from local correspondents motivated the organization of a territorial militia and a series of campaigns which failed to identify actual threats. In response to settler newspapers, Native communities relied on their own communicative networks through agencies to protect themselves and assert their visibility.

When the US army reduced their occupation of the South in the late 1860s, the number of troops in the West increased through new posts to aid settler migration, and state building projects like roads, land surveys, and railroad construction. In so doing, violent confrontations increased between the US Army and Native communities despite federal proclamations of peace. Chapter Four examines the Piegan Massacre (1870) under the context of federal reform in Indian affairs during Reconstruction and amid a pervasive national rhetoric of reunion and reconciliation. Amskapi Piikáni (Piegan Blackfeet) documentary evidence—written, oral, and

visual—illustrate how Native actors responded to and critiqued President Ulysses Grant's "Peace Policy." By exposing the reality of the massacre to US agents, the Piegan community sparked a federal investigation into the Army's actions and contributed to halting the transfer of the Bureau of Indian Affairs from the Department of the Interior to the War Department. Their individual and collective actions provide a holistic view of how Native communities could affect change in policy despite efforts to exclude and isolate Indigenous people from the seat of US government.

By 1870, factionalism within the Republican Party diminished their commitment to Reconstruction from a federal level. In both the South and the West, local white constituencies increasingly challenged federal efforts of state restoration and formation. Chapter five examines the territorial governorship of Benjamin F. Potts, who served from 1870 through 1883 and is credited with ushering in a period of economic and political stability in Montana. Potts was a moderate Republican who mediated the political divides in the territory by shifting attention towards national projects like the Northern Pacific Railroad. Often depicted as agents of state building, railroad companies only cooperated with US authority when there were clear benefits to such collaboration. By following the construction of the Northern Pacific railroad through Montana in the 1870s, the issue of sovereignty becomes a central point of contention during Reconstruction. Native communities responded by relying on old and new channels of diplomacy, forming intertribal alliances, and using physical resistance. In Montana, the Apsáalooke (Crow Nation) and the Ktunaxa (Kootenai), Qlispé (Kalispel/ Pend d'Oreilles), and Séliš (Salish) communities of the Flathead Confederacy directly encountered the Northern Pacific during illegal surveys of their lands. As the US government restricted the mobility of Native people through the policing of reservations in the 1870s, community-driven responses

upheld the assertion of Native sovereignty from the ground and redefined the political relationship between people and space during Reconstruction.

## CHAPTER ONE:
## "2000 MILES ABOVE ST. LOUIS": THE UPPER MISSOURI RIVER REGION AND THE ANTEBELLUM WEST, 1801-1860

In 1801, a Siksiká (Blackfoot) chief named Ackomokki or "Feathers" collaborated with Peter Fidler of Hudson's Bay Company to sketch a birds-eye view of the Upper Missouri River and its tributaries. In their map, the headwaters of the Missouri descend eastward from the Rocky Mountains into surrounding foothills and valleys. Blackfoot placenames and their English translations specify Blackfoot villages, notable mountain peaks, and watersheds. Far to the north, an icon of a flagged fort represents the Hudson's Bay Company's southernmost factory, the Chesterfield House, at the confluence of the present-day South Saskatchewan and Red Deer rivers. Including Chesterfield House in this rendition was significant, as Ackomokki had recently concluded negotiations with Hudson's Bay to establish this post in Blackfoot territory to promote trade and maintain peace with their Nêhiyaw (Cree) and Nakoda (Assiniboine) neighbors. The scale of the map encompasses roughly 40,000 square miles of the Blackfoot homelands and includes the location and size of 32 Blackfoot villages.[1] The painstaking attention to detail would have been useful to explorers and fur traders, like Fidler, yet concedes to Ackomokki and his people control of the land and resources within its bounds. It is a map of commerce between sovereign peoples, not a map of concessions. A reproduction of the original map nearly fifty years later succinctly summarized the value of Blackfoot geographic knowledge to Euro-American newcomers: "His knowledge of the Missouri sources was greater than the information of our geographers at that time."[2]

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[1] Ackomokki and Peter Fidler, "An Indian Map of the Different Tribes that inhabit on the East & West Side of the Rocky Mountains with all the rivers & other remarkbl. places, also the number of Tents etc. Drawn by the Feathers or Ac ko mok ki -- a Black foot chief -- 7th Feby. 1801 -- reduced 1/4 from the Original Size -- by Peter Fidler" 1801, HBCA G.1/25, Hudson's Bay Company Archive, Archives of Manitoba, MB, Canada.

[2] Ackomokki, Peter Fidler, and J.G. Kohl, "An Indian Map of the Upper-Missouri, 1801," ca. 1850, Geography and Map Division, Library of Congress, Washington, DC, http://hdl.loc.gov/loc.gmd/g4127m.ct000579.

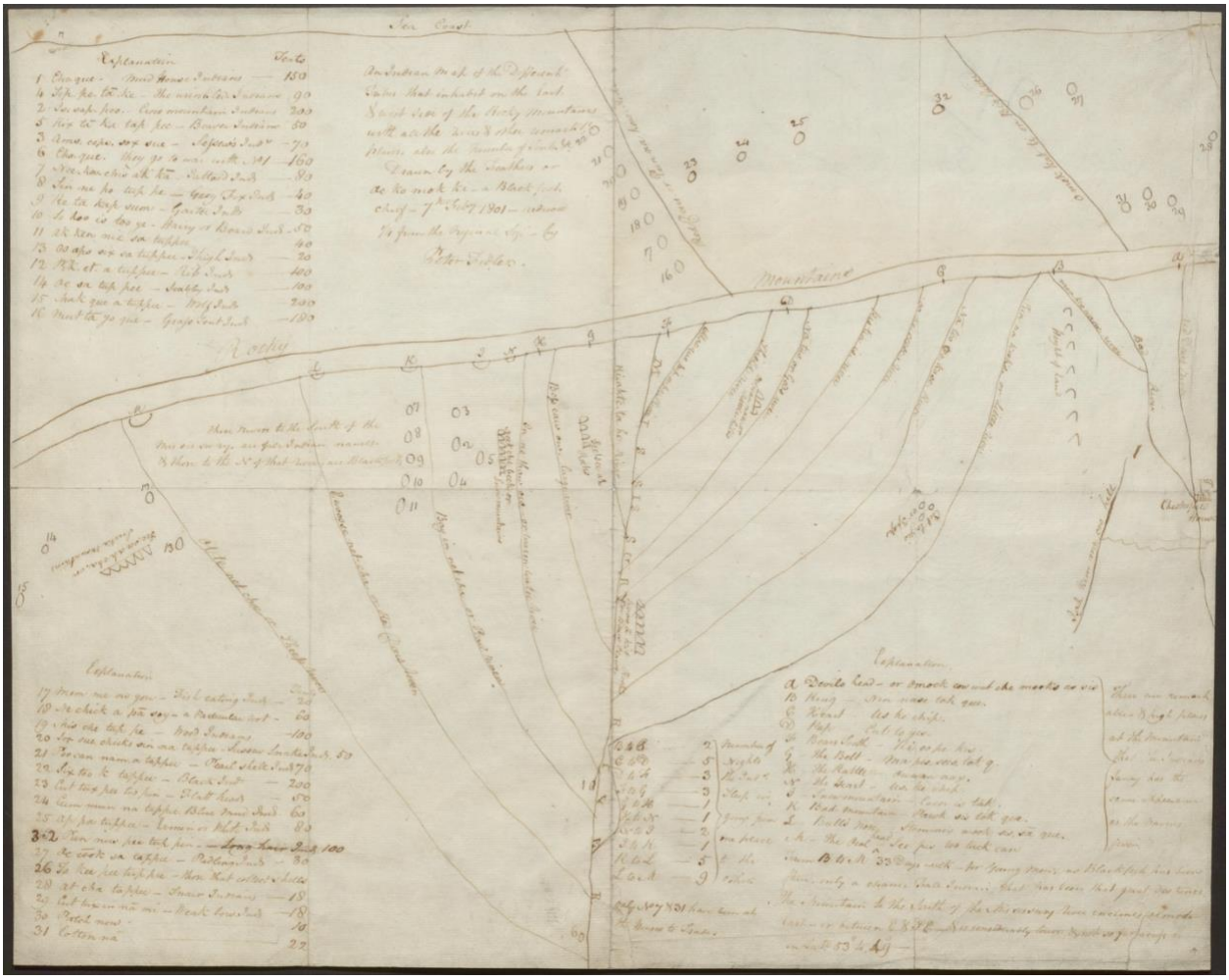

**Figure 1.1: Map of the Upper Missouri River Watershed, created by Ackomokki (Blackfeet) and Peter Fidler, 1801.**[3]

As Hudson's Bay pushed into southwestern Canada and what became the Northwestern Great Plains of the United States in the late eighteenth century, fur traders recognized the importance of learning Native languages, cultural customs, and the protocols of kinship to facilitate trade. More than a geographic snapshot of the Upper Missouri, Ackomokki's geography illustrates Blackfoot ways of endowing land with special meaning grounded in local knowledge, myth, and history. The continental divide of the Rocky Mountains cuts through the

[3] Ackomokki and Peter Fidler, "An Indian Map of the Different Tribes that inhabit on the East and West Side of the Rocky Mountains with all the rivers & other remarkbl. places, also the number of Tents etc. Drawn by the Feathers or Ac ko mok ki – a Black foot chief – 7th Feby 1801 – reduced ¼ from the Original size by Peter Fidler," 1801, HBCA G.1/25, Hudson's Bay Company Archives, Archives of Manitoba, MB, Canada.

center of the page, known in the Blackfoot language as *Miistakis* or "backbone." Consistent with many Indigenous cultures, Blackfoot geography is constructed based upon an inseparable understanding of space and time. As anthropologist Keith Basso observes, land is a fundamental aspect of Indigenous experiences and interactions, "that close companion of heart and mind" which connects landscape to identity.[4] Throughout the fur trade, Euro-American traders commodified such information to fulfill an important objective: to expand business and by extension, spheres of influence. As British and later US fur companies pursued profit, historian Ned Blackhawk writes, Euro-Americans "charted unmapped lands to meet the geographic needs of empire *while also identifying* suitable sites for colonization."[5] Within this process, the Blackfoot and surrounding Upper Missouri communities remained critical actors in the shifting geopolitical composition of the Northwestern Plains.

The historical relations between Indigenous communities during the fur trade varied over time, with alliances being created and dissolved according to the relative abundance or scarcity of animals, changing global prices for furs, or the migration of new Indigenous or white communities within their territories. The balance of power shifted so frequently that no single community held exclusive control throughout the fur trade of the eighteenth and early nineteenth centuries.[6] Anthropologist Loretta Fowler found that prior to a smallpox outbreak in 1781, "Shoshones, Flatheads, Kutenais, Pend'Oreilles, and Crows controlled the valley of the upper Missouri." As these communities became ill, the Blackfoot and their Gros Ventre allies asserted

[4] Keith Basso, *Wisdom Sits in Places: Landscape and Language among the Western Apache* (Albuquerque: University of New Mexico Press, 1996), 106.
[5] Ned Blackhawk, *Violence over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006), 151.
[6] John C. Ewers, "Ethnological Report on the Blackfeet and Gros Ventre Tribes of Indians," in *Blackfeet Indians: American Indian ethnohistory Series,* ed. David Agee Horr, (New York: Garland Publishing Company, 1974), 2.

more power in these spaces.[7] Thus, European traders had to successfully compete with other fur companies while gaining the trust and cooperation of Native communities who contested the land, resources, and terms of negotiation. Several other groups also inhabited the Upper Missouri River region, including the A'aninin (Gros Ventre), Ktunaxa (Kootenai), Nakoda (Assiniboine), Tsétsêhéstâhese and Só'taeo'o (Cheyenne), Nêhiyaw (Cree), Nimíipuu (Nez Percé), Očhéthi Šakówiŋ (Seven Council Fires or Sioux), Qi̇lispé (Kalispel), and Séliš (Salish). By the turn of the nineteenth century, the fur trade exhibited greater socio-political stability. British and French fur traders established successful posts along the North and South Saskatchewan rivers, which initiated direct lines of trade with interior communities. Despite the amicable appearance of the fur trade, however, it functioned as an arm of colonialism which produced an extractive economy, cultural disturbances, and violent conflicts.[8]

Within a generation, the business partnership Ackomokki solidified with Peter Fidler began to falter as the fur trade rapidly transformed under increasing economic, political, and environmental pressures. Part of the change came from Meriwether Louis and William Clark's well-publicized expedition of the Louisiana Purchase from 1804 to 1806 on behalf of the US government. By the 1820s, US fur companies like the American Fur Company (1808-1847), Missouri Fur Company (1809-1830), Pacific Fur Company (1810-1813), and the Rocky Mountain Fur Company (1822-1834) ventured into the Upper Missouri valley and posed a threat to not only Hudson's Bay, but British and Indigenous territorial hegemony in the region. When the French-Canadian Northwest Company merged with Hudson's Bay Company in 1821, the

[7] Loretta Fowler, *Shared Symbols, Contested Meanings: Gros Ventre Culture and History, 1778-1984* (Ithaca: Cornell University Press, 1987), 198. This outbreak of smallpox (1781-1782) reduced many Northern Plains communities by as much as half. See Elizabeth A. Fenn, *Encounters at the Heart of the World: A History of the Mandan* People (New York: Hill and Wang, 2014); Clark Wissler and Alice Beck Kehoe, *Amskapi Pikuni: The Blackfeet People* (Albany: State University of New York Press, 2012), 17.
[8] Blackhawk, *Violence over the Land*, 6.

British gained a near monopoly over the trade across the western Canadian plains and Pacific Northwest. Likewise, the American Fur Company soon became the largest US competitor of Hudson's Bay after acquiring Columbia Fur Company in 1827.[9]

The appearance of American Fur Company traders throughout the Upper Missouri River region sparked new perceptions about the hardiness of the fur trading interior's unique political economy, including the issue of Indigenous autonomy as trading partners. Although there was an agreement across American, British, and French Canadian companies to discourage permanent settlement in the region between the Upper Missouri and South Saskatchewan Rivers, the land itself became a valuable commodity and, in turn, became the means to assert national dominance over the trade, resources, and Indigenous participants.[10] From the time the American Fur Company established Fort Union on the Upper Missouri in 1828 until a series of treaties and land policies in the 1850s, federal and local actors of Westward expansion saw the potential of incorporating the region into the national polity through their participation in the trade, not by settlement. As part of a new national domain, fur traders evolved as diplomatic intermediaries among Native communities, what one Delaware newspaper coined as "Good Father[s]—a designation not inferior to 'Great Father' which they bestow upon the President," defining a new hierarchy of power and surveillance over the conduct of exchange.[11] Yet by 1850, the alliance between private commerce and US governance shifted drastically. Partisan debates over the extension of slavery into Western territories made the question of federal administration in the

[9] David J. Wishart, *The Fur Trade of the American West* (Lincoln: University of Nebraska Press, 1979), 53.
[10] Wissler and Kehoe, *Amskapi Pikuni*, 6. The effort to preserve the Upper Missouri fur trade was a product of the Great Lakes trade, which dissolved under pressure from US settlement following the War of 1812. See Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991), 517.
[11] *The Delaware register, or, Farmers', manufacturers' & mechanics' advocate* (Wilmington, DE), July 4, 1829, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84020593/1829-07-04/ed-1/seq-6/.

West a national process embroiled in sectional divides. A faltering global fur trade and the rise in US claims to western lands not only threatened the livelihood Upper Missouri Native communities, but joined a broader dispute over the political process of westward expansion. In turn, this contestation spawned violent conflicts like the Mexican-American War (1846-1848), Bleeding Kansas (1854-1859), and eventually the Civil War (1861-1865).[12]

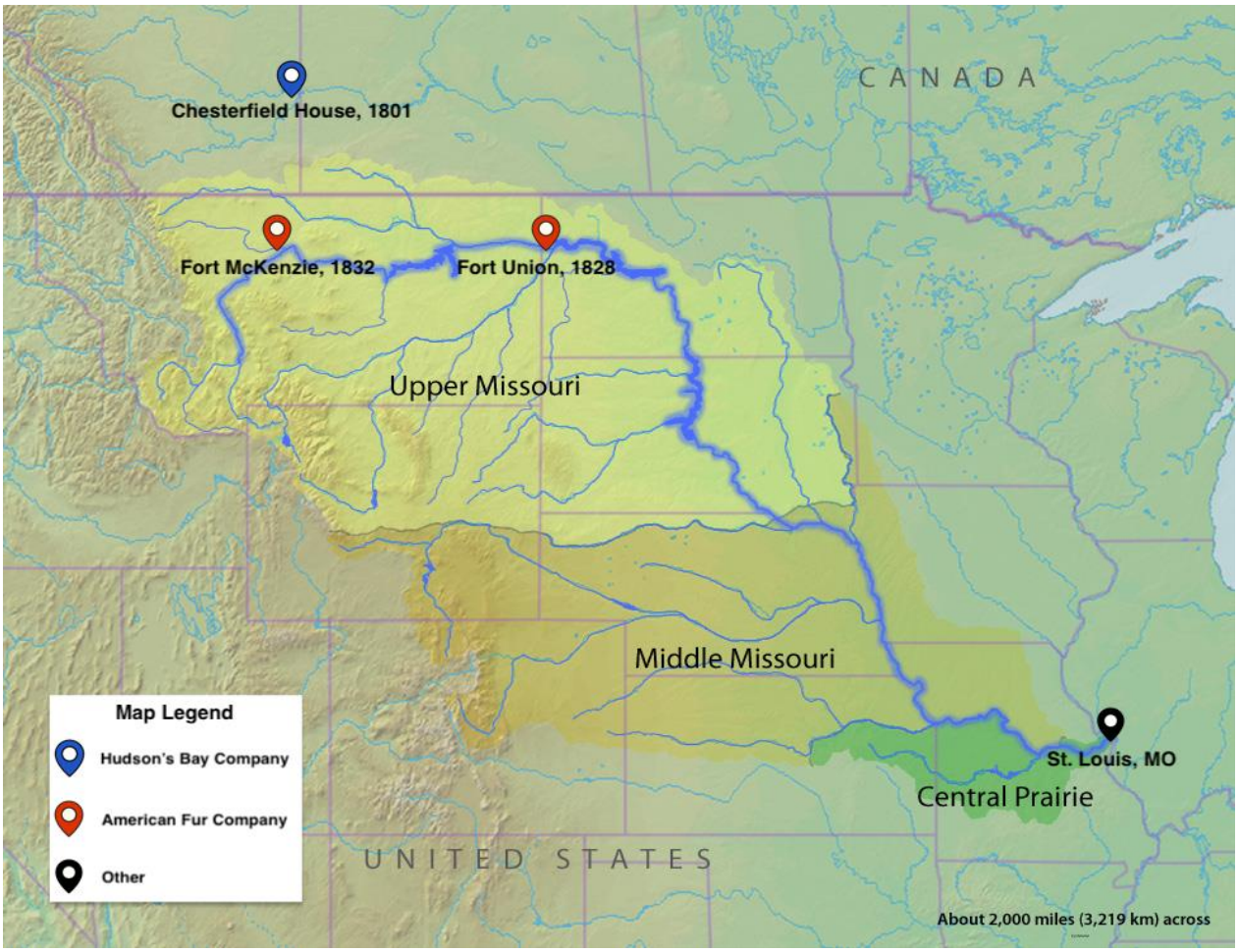


**Figure 1.2: Map of the Missouri River and Select Fur Company Outposts, 1801-1832.**[13]

[12] Elliott West, "Reconstructing Race," *The Western Historical Quarterly*, 34, no.1 (Spring 2003): 8, 24, accessed July 15, 2022, https://doi.org/10.2307/25047206.

[13] "Map of the Missouri River Watershed," adapted by the author to show approximate locations of Chesterfield House, Fort McKenzie, Fort Union, and St. Louis, MO, 2011, Wikimedia Commons. Media is in the Public Domain. https://commons.wikimedia.org/wiki/File:Missouririverecoregions.jpg.

**Ascending the Upper Missouri River**

When famed American artist George Catlin traveled on the steamboat *Yellow Stone* northwest-bound on the Missouri River, he described the waterway as "different in appearance and character from all other rivers in the world." He continued, "There is a terror in its manner which is sensibly felt, the moment we enter its muddy waters . . . I am now writing, to its junction with the Mississippi, a distance of 2000 miles . . . its water is always turbid and opaque; having, at all seasons of the year, the colour of a cup of chocolate or coffee, with sugar and cream stirred into it."[14] Between 1832 and 1839, Catlin journaled and painted his journey to the Northwestern Plains, living "amongst a number of the wildest and most remote tribes of the North American Indians."[15] His fascination with the region's Indigenous peoples equally translated into his artwork, joining a popular style adopted by other artists like Elbridge Ayer Burbank who viewed their art as a documentary record of scenes and subjects. In the wake of President Andrew Jackson's widespread Indian removal policies, Catlin believed he had "flown to their rescue—not of their lives or of their race (for they are *"doomed"* and must perish), but to the rescue of their looks and their modes, at which the acquisitive world may hurl their poison and every besom of destruction, and trample them down and crush them to death."[16] Through his art, Catlin hoped to capture a version of the Far West the he believed would soon disappear.

In late spring 1832, Catlin arrived at the American Fur Company's Fort Union near the confluence of the Missouri and Yellowstone Rivers. He observed that Fort Union was "a very substantial Fort, 300 feet square, with bastions armed with ordnance."[17] That same year, Catlin

[14] George Catlin, "Letter—No. 3, Mouth of the Yellowstone, *Upper Missouri*" in *Letters and Notes on the Manners, Customs, and Conditions of North American Indians,* vol. 1, 4th ed. (New York: Wiley and Putnam, 1842), 17.
[15] Catlin, "Letter—No. 1" in *Letters,* 1.
[16] Catlin, "Letter—No. 2, Mouth of the Yellow Stone, *Upper Missouri,* 1832" in *Letters,* 16.
[17] Catlin, "Letter—No. 2" in *Letters,* 14.

recreated his impression of the landscape from an elevated perspective, titled, *Fort Union, Mouth of the Yellowstone River, 2000 Miles above St. Louis.* To Catlin's eye, rolling foothills and lush Missouri-Yellowstone riverbanks encased the quiet prairies surrounding Fort Union, placed at the heart of the canvas. As a commercial hub, the trading post not only transformed the physical landscape, but also instilled a clear line of power as illustrated by the countless tipis surrounding the fort. Atop the hilly foreground, a Native American individual (represented by a headdress) interacts with a fur trader (shown with a rifle resting against his shoulder). Swiss painter Karl Bodmer similarly wanted to emphasize Fort Union's influence when he accompanied renowned German explorer Maximilian Zu Wied on an expedition throughout the Upper Missouri region from 1832 to 1834. Although Bodmer maintained Fort Union as the focal point of his painting, *Fort Union on the Missouri* (ca.1840-45), he chose to accentuate the mobility of Indigenous peoples to and from the fort. When compared to the modest representation of Chesterfield House in Ackomokki and Peter Fidler's map of the region, both Catlin's and Bodmer's paintings portrayed Fort Union as a transformative force in the landscape of the Upper Missouri. More importantly, Fort Union was a symbol of how private enterprise could guide national development in distant, unincorporated spaces. Supported, but not driven by the US government, the American Fur Company appeared to bring a new set of social, political, and economic relations to the landscape. At the same time, these illustrations do not fully encapsulate the political and cultural protocols that directed Euro-American and Indigenous relations nor the mutuality of exchange that in turn upheld Native sovereignty. [18]

[18] Wissler and Kehoe, *Amskapi Pikuni*, 28-29.

**Figure 1.3: George Catlin, *Fort Union,* 1832.**[19]

**Figure 1.4: Karl Bodmer, *Fort Union on the Missouri,* ca. 1841.[20]**

[19] George Catlin, *Fort Union, Mouth of the Yellowstone River, 2000 Miles above St. Louis*, 1832, Smithsonian American Art Museum, Gift of Mrs. Joseph Harrison, Jr., 1985.66.388. Media is in the Public Domain. https://americanart.si.edu/artwork/fort-union-mouth-yellowstone-river-2000-miles-above-st-louis-4063.

[20] Karl Bodmer, *Fort Union on the Missouri*, ca. 1841, The State Historical Society of Missouri Art Collection, 1958.0028. Media is in the Public Domain. https://cdm17228.contentdm.oclc.org/digital/collection/art/id/520.

Expanding westward throughout the Upper Missouri, subsequent American Fur Company posts adapted successfully to Indigenous socio-economic norms of the trade while extending the economic and political claims of the United States. As Kathleen DuVal contends in her case study of the Arkansas River Valley, Native peoples who entered trade with US fur companies continued to determine the terms of negotiation rather than compromise their autonomy to appease newcomers.[21] Fort Union quickly emerged as the most profitable and longest-lasting American Fur Company post, even attracting Northwestern Plains nations like the Assiniboine, Blackfoot, and Gros Ventre southward from Hudson's Bay posts along the Saskatchewan River. When the heightened trade of silk spelled ruin for many eastern sectors of the North American fur trade in the 1830s, a new segment of the market emerged for the sale of bison robes. One Iowa newspaper hurried to correct an earlier report that the American Fur Company went under, revising their column to read that the St. Louis branch "still continue[s] their trade with the Indians on their own responsibility."[22] In response to the demand in bison robes, the American Fur Company constructed Fort McKenzie (1832) and other trading posts along the Missouri River's northwestern tributaries. Fort McKenzie presented an opportunity for the company to improve trade relations with the Blackfoot, who had long partnered with Hudson's Bay.[23] The growth of sedentary trading posts provided a modality for increasing US governance and surveillance throughout the region, albeit from a private sphere. This approach towards national expansion was a political product of "Jacksonian democracy" which championed local, unrestricted modes of development in lieu of federal orchestration.[24]

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[21] DuVal, *The Native Ground*, 4-5.
[22] "American Fur Company" *Iowa Territorial Gazette and Advertiser* (Burlington, Iowa Territory), October 15, 1842, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84037932/1842-10-15/ed-1/seq-2/.
[23] Fowler, *Shared Symbols*, 24.
[24] Thomas R. Hietala, *Manifest Design: American Exceptionalism and Empire*, revised ed., (Ithaca: Cornell University Press, 2003), 3.

**Incorporating the Upper Missouri River Region**

Whigs, conversely, believed that the federal government needed to play an active role in determining the consolidation of territorial acquisitions. Their plan, called the American System, articulated a self-sufficient national economy with a national bank, high tariffs to protect US manufacturers from foreign competitors, and new roads and canals to increase white settlement in the trans-Mississippi West. The challenge for Jacksonian Democrats, as historian Thomas Hietala observes, was "to convince themselves and, if possible, their adversaries that the nation could expand indefinitely without resorting to undemocratic characteristics of imperial rule."[25] As the American Fur Company hoped to preserve their system of commerce, Whig newspapers criticized the autonomy of private businesses unchecked by the federal government. In their view, the agricultural lands of the Northwestern Plains were more than ready for white settlement. According to *Virginia Free Press*, "There is a world of unexhausted, almost untried fertility, in which new States will soon grow up to power . . . as the sons of this American generation, find abundant blessings, and a happy home for liberty."[26] So long as the American Fur Company maintained commercial control over the Upper Missouri, another newspaper opined, the region "will ever remain a *terra incognita* to the majority of the American people."[27]

On the ground, American Fur Company traders voiced their concerns over the company's stability, their relations with Native communities, and British competitors. At the same time, these traders assumed no responsibility for the political and economic fluctuations caused by declining fur stocks and heavy competition for trade. Instead, traders often blamed their

[25] Hietala, *Manifest Design,* 173.
[26] *The Virginia Free Press* (Charleston, VA), August 22, 1833, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84026784/1833-08-22/ed-1/seq-2/.
[27] "General Characteristics of the Upper Missouri River." *The Council Bluffs Nonpareil,* July 31, 1858, *Chronicling America: Historic American Newspapers,* Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84027096/1858-07-31/ed-1/seq-1/.

competitors for undermining Indigenous business partners. Edwin Denig, an American Fur Company trader for 23 years at Fort Union and author of one of the earliest histories of the Upper Missouri, *Indian Tribes of the Upper Missouri,* penned:

> The effects of strong rival companies have been more injurious and demoralizing to the Indians than any other circumstance. . . . When the American Fur Co. were alone in the country a trader's word or promise to the Indians was sacred, the Indians loved and respected their traders . . . but since corruption has been carried on we look in vain for that reliance on and good feeling toward traders.[28]

Denig's reference to a time when the American Fur Company was "alone" in the Upper Missouri softens the historical reality of how the company contributed to the challenges impressed upon Native communities and lifestyles. As anthropologist Loretta Fowler describes in her study of the Gros Ventre, intertribal hostilities escalated with the overall growth of the fur trade. For Native leaders, acquiring goods to redistribute to one's community reinforced older patterns of honor and reciprocity. Access to trade drove intertribal politics in divisive ways. Although the Gros Ventre had long allied with the Blackfoot, by mid-century they forged new alliances with the Assiniboine and at times, with the Crow.[29]

American Fur Company agents and their Indigenous partners also found themselves at the center of a national controversy between the United States and Britain over who should enjoy hegemony over the Upper Missouri River region. Eastern newspapers commented on the competitive nature of the fur trade, often relating the American Fur Company as a representation of US authority. The Democratic *Southern Planter* of Woodville, Mississippi looked to the American Fur Company's use of steam navigation to give an edge over "trade & intercourse with the Indians, and subtract from that of the British trader." Touting American business practices,

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[28] Edwin Thompson Denig, *Indian Tribes of the Upper Missouri*, in *Forty-Sixth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1928-1929,* ed. J.N.B. Hewitt, Bureau of American Ethnology (Washington, DC: Government Printing Office 1930), 458.
[29] Fowler, *Shared Symbols*, 47-49.

the *Planter* continued, "Many of the Indians who had been in the habit of trading with the Hudson's Bay Company, declared that the company could no longer compete with the Americans."[30] US-British tensions escalated in the 1840s when Hudson's Bay Company hunters and traders pressed southward, severely undercutting the American Fur Company's Native allies trapping west of the headwaters of the Missouri. Joint US and British control over the lands west of the Rocky Mountains as established by the treaty of 1818 began to falter. Washington, DC's anti-immigration paper, *The Native American,* argued that it was time to settle this "Oregon question," believing that "The Hudson Bay company already act[s] as if the whole of the country west of the Rocky Mountains belonged to Great Britain." Although the Upper Missouri was the most prosperous locale for the American Fur Company, bringing in $250,000 in peltries and furs in 1839, "[some] Americans have found it necessary to apply for employment to the British company" west of the Rocky Mountains.[31] Anti-British jingoism extended into the Pacific. Honolulu's bipartisan paper, the *Polynesian,* implored, "could not a portion of the influence and the wealth which are now devoted to party strife be applied with advantage to the establishment of our national rights in that region?" Responding to its own question, the *Polynesian* continued, "we should husband whatever of resources are contained within our national domain, before they are divested of a great source of wealth, by a horde of lawless trappers in the employ of a British corporation."[32] The critique of Hudson's Bay Company neatly folded into rising American

[30] *Southern Planter* (Woodville, MS), August 18, 1832, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn87065672/1832-08-18/ed-1/seq-1/.
[31] "The Oregon," *The Native American* (Washington, DC), October 10, 1840, *Chronicling America: Historic American Newspapers,* Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn86053569/1840-10-10/ed-1/seq-2/.
[32] "The American Fur Trade; From Hunt's Merchant's Magazine for Sept. 1840" *The Polynesian* (Honolulu, HI), August 21, 1841, *Chronicling America: Historic American Newspapers,* Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn82015413/1841-08-21/ed-1/seq-2/.

notions of Manifest Destiny advanced by both parties—but most earnestly by Jacksonian Democrats who viewed the American Fur Company as a symbol of US sovereignty.

Throughout the 1840s, a growing number of editors voiced their impatience with the fur trade and its omnipresence across the Northwestern Plains that marginalized settlers. Monopoly became the watchword of many critics as working Americans grew increasingly incensed with the failures of Jackson's Democratic successor, Martin Van Buren who failed to address the economic devastation caused by the Panic of 1837. "One man has as good right as another to any claim he may make" the *Iowa Territorial Gazette* argued, declaring itself an opposition paper to the American Fur Company which "drive[s] and frighten[s] the single citizen from his rights."[33] Some newspapers, like DC's *The Daily Union,* floated conspiracy theories that Hudson's Bay Company and the American Fur Company were collaborating with "tribes of Indians with whom they trade . . . so as to keep them hostile to the American government."[34] Such complaints merged readily with agrarian and free soil ideas driving worker and farmer movements in the East, including the Locofocos, the National Reform movement, and related groups. Wired from publisher to publisher throughout the East, readers learned about fur trade politics on the Northwestern Plains alongside other columns that debated Texas Annexation and the prospects of a war with Mexico. The Upper Missouri, so long considered off-limits to settlement, was being drawn into the debate over public access to national lands.

Yet the antics of the public sphere did not necessarily translate into a planned, sustained extension of federal authority throughout the Upper Missouri. The quasi-sedentary nature of both

[33] "Claims in the New Purchase" *Iowa Territorial Gazette and Advertiser* (Burlington, IA), October 22, 1842, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84037932/1842-10-22/ed-1/seq-2/.
[34] "Indians—Influence and Intrigues of the Hudson Bay Company, &c." *The Daily Union* (Washington, DC), February 20, 1846, Chronicling America: Historic American Newspapers, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn82003410/1846-02-20/ed-1/seq-1/.

trading posts and the Native communities surrounding them provided a measure of stability to disseminate US administrative control. Trading remained privatized and traders stationed at forts exercised managerial control over a network of trappers. Those who found personal success advanced to an executive rank known as the "bourgeois" in the trade. Within this framework, the US government engrafted its administrative capacities on existing political, cultural, and economic institutions of the fur trade by appointing company executives to serve as "Indian agents" to interior Native communities. The government chose agents almost exclusively from the fur trade—trappers, merchants, and managers—who were accomplished cultural go-betweens. Consistent with other sectors of the fur trade across North America, most Euro-American traders and agents married Indigenous women. Northwestern Plains communities also sought to sustain their involvement in the fur trade and intermarriage with traders enabled women to assert both individual authority and advance the interests of their communities.[35] Such was the case for Alexander Culbertson who married fifteen-year-old Natoyist-Siksina', the daughter of Two Suns, a prominent Káínaa (Kainai/Blood) Blackfoot chief. Their union in 1840 formally linked Culbertson within the Kainai kinship tradition. Attracting wide publicity in newspapers, art, and travel literature, the couple symbolized the future of diplomacy on the Northwestern Plains. Publishers' sensational portrayal of Natoyist-Siksina' has led some scholars to believe that her marriage to Culbertson was genuine, as opposed to a political and economic proposition.[36] Their relations produced clear benefits for Culbertson, who used his access to

[35] Susan Sleeper-Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (Amherst: University of Massachusetts Press, 2001), 5.
[36] Graybill, *The Red and the White*, 50. To date, much of the historiography in Native American women and gender studies employs terms that imply these unions were consensual. Although womanhood is culturally defined, many of these individuals were children unable to consent. For studies that address the history of sexual violence in Native American communities, see Venida S. Chenault, *Weaving Strength, Weaving Power: Violence and Abuse Against Indigenous Women* (Durham, NC: Carolina Academic press, 2011); Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis: University of Minnesota Press, 2015); and Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Boston: South End Press, 2005).

Natoyist-Siksina's community for personal advancement. As one of the most popular traders and Indian agents on the Upper Missouri, Culbertson became a principal negotiator for the 1851 Fort Laramie Treaty and 1855 Lame Bull Treaty—the former becoming the essential model for subsequent federal policies over Native lands.[37] As the ever-changing political climate of the 1850s would reveal, the political economy of the Northwestern Plains was built on an Indigenous platform.

Natoyist-Siksina' was hardly a bystander despite the public accolades showered upon her husband. As historian Lesley Wischmann contends, "Without Natawista, Culbertson almost certainly would not have been as effective."[38] Despite the necessity of Natoyist-Siksina' to US diplomacy on the Upper Missouri, newspapers only mentioned her when she wedded Culbertson "according to civilized rites" in an Illinois Catholic church in 1859.[39] Dubbing Natoyist-Siksina' a "second Pocahontas," as one Ohio newspaper remarked, her marriage to Culbertson suggested that diplomacy on the Upper Missouri was better illustrated as romantic mythmaking rather than a two-way function of sociocultural and economic exchange.[40] Newspapers noted Culbertson's embrace of Indigenous culture, yet still lauded his Euro-American rationality and culture—including his independence as a male actor. The *Weekly Minnesotian* described him as "An Interesting Stranger . . . he is a man of fine intelligence, though much aboriginized by his long residence beyond the usual range of the white man." Observing Culbertson's role as a go-between, the *Minnesotian* continued, "He is said already to have communicated to the Indian

[37] Wissler, *Amskapi Pikuni*, 35.
[38] Lesley Wischmann, *Frontier Diplomats: Alexander Culbertson and Natoyist-Siksina' Among the Blackfeet* (Norman: University of Oklahoma Press, 2004), 21.
[39] "A Novel Marriage Ceremony," *The Press and Tribune* (Chicago, IL), September 24, 1859, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn82014511/1859-09-24/ed-1/seq-3/.
[40] "Tribute to an Indian Woman" *Anti-Slavery Bugle* (New-Lisbon, OH), December 3, 1853, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83035487/1853-12-03/ed-1/seq-2/.

bureau many interesting and important facts bearing on the relations of the government to the Blackfeet."[41] Without reference to Natoyist-Siksina' or Culbertson's communication with the Kainai community, editorials portrayed Culbertson as a clever peacemaker despite his reliance on Blackfoot kinship to conduct negotiations. And, indeed, Culbertson's liminal position created a lifeline for the government in the distant reaches of the Northwestern Plains.

Despite the seminal role Indigenous women played in political culture of US-Native relations in the region, prominent visitors to the Culbertsons' home at Fort McKenzie seldom recognized Natoyist-Siksina as a political partner of her spouse. The explorer and naturalist John James Audubon stayed with the Culbertson family in the summer of 1843, journaling his reflections on the environment and encounters with Native peoples. Akin to Catlin's artworks, Audubon employed his literary skills to document subjects in a wilderness he believed was destined to disappear. Although he wrote admiringly of "Mrs. Culbertson," he mischaracterized Natoyist-Siksina's authority and agency into a trope of the "exotic other." While watching her ride horseback one evening, Audubon chronicled:

> Mrs. Culbertson and her maid rode astride like men, and all rode a furious race, under whip the whole way, for more than one mile on the prairie; and how amazed would have been any European lady, or some of our modern belles who boast their equestrian skill, at seeing the magnificent riding of this Indian princess—for that is Mrs. Culbertson's rank. [42]

Audubon's decision to call Natoyist-Siksina' an "Indian princess" reveals how outsiders perceived her status and assumed the subordination of Indigenous women to their Euro-American husbands. Although Audubon expressed respect for Natoyist-Siksina' and was

[41] "An Interesting Stranger" *The Weekly Minnesotian* (St. Paul, MN Territory), February 11, 1854, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83016750/1854-02-11/ed-1/seq-1/.
[42] Audubon "July 14, Friday" *Audubon and his Journals,* 88.

intrigued by her skills and worldview, he described her as exceptional because of her marriage to a leading white trader, not for her impact on US-Native relations.[43]

Natoyist-Siksina' was in the heart of both the turmoil affecting Native communities like her own as well as the effort to navigate US expansionist policy on the Northwestern Plains. Both Natoyist-Siksina' and Culbertson negotiated the establishment of Fort Lewis in Blackfoot territory in 1846. The fort was the last American Fur Company post built in the Upper Missouri River region. Four years later, Culbertson renamed the post "Fort Benton" after the Democratic Senator Thomas Hart Benton of Missouri. Throughout the 1850s, the couple served as key federal negotiators charged with codifying—and reducing—Indigenous land claims through a series of treaties aimed at opening key resources to white exploitation and settlement. Yet their affiliation with the Blackfoot and other Native nations reflected a shift in the political participation of Native people and how communities used treaty negotiations to assert sovereignty and preserve their rights to land and resources. The first major treaty negotiation, the Horse Creek Treaty of 1851 (popularly known as the first Fort Laramie Treaty), defined the dominions of the Hinono'eiteen (Arapaho), Sahnish (Arikara), Assiniboine, Cheyenne, Crow, Hiraacá (Hidatsa), Numakaki (Mandan), and Seven Council Fires nations. The easternmost of these communities were already experiencing dislocations caused by US settlement, an issue the treaty hoped to resolve through a strategic "intermixture with the Anglo-Saxon race."[44]

Treaties and other federal legislation marked a change in US interests from preserving the system of commerce in the Upper Missouri to implementing a centralized management of the land and resources through territorial incorporation. Treaties operated in the backdrop of other

[43] For a detailed interpretation of Audubon's journals detailing his experience while staying with the Culbertson family, see Wischmann, *Frontier Diplomats.*
[44] Report of D.D. Mitchell, Commissioner of Indian Affairs, *Papers Accompanying the Annual Report of the Commissioner of Indian Affairs for the year 1851* (Washington, DC: US General Printing Office, 1851).

policies like the Compromise of 1850, which comprised a series of acts to mediate sectional divides over the extension of slavery into territory acquired from the Mexican-American War (1846-1848). To appease antislavery proponents, the Compromise prohibited the slave trade in Washington, DC and California entered the Union as a free state. To pacify Democrats and their slaveholding constituents, officials passed a strict Fugitive Slave Law to recover runaway enslaved people. Lastly, the land acquired from the Mexican Cession would be organized as Utah and New Mexico territories, where slavery would be determined by popular sovereignty, a hallmark of Democratic ideology. If the Compromise of 1850 was a strategy for unity, the respite was only temporary. National consolidation through settlement (federally directed or otherwise) was a recurring sectional issue. Another element, Indigenous sovereignty within these spaces, added to the docket of arguments foreshadowing disunion.[45]

The language of debates over the Compromise of 1850 illustrates the centrality of the West to the nation's future while also striking a careful balance to manage the institution of slavery. Henry Clay, the "Great Compromiser" from Kentucky, consistently led the effort to settle disputes over slavery that would satisfy both slavery and antislavery groups. In an impassioned speech vouching for his proposal to compromise, Clay hoped to settle the "subject of slavery" without either side sacrificing "any great principle."[46] Fearing the prospects of a civil war, Clay's central argument concerned the power of Congress to regulate settlement and define the limits of "settler sovereignty" to determine the spread of slavery. To justify some need for federal control over territorial expansion, Clay cited the proliferation of settler-Native violence in distant regions. A convention held in Santa Fe, New Mexico Territory, relayed local demands for

[45] Blackhawk, *Violence over the Land*, 146.
[46] Henry Clay, "Speech of the Hon. Henry Clay, of Kentucky, On taking up his Compromise resolutions on the Subject of Slavery. Delivered in the Senate, Feb. 5th & 6th, 1850" (New York: Stringer and Townsend, 1850), General Collections, Library of Congress, Washington, DC, 4.

federal support. New Mexican settlers professed their suffering "under the paralyzing effects of government undefined and doubtful in its character . . . the various barbarous tribes of Indians that surround us on every side has prevented the extension of settlements upon our valuable domain."[47] By this logic, Clay concluded, it was the duty of Congress to extend its full authority and protection over territories until the settler populace demonstrated the capability of self-government awarded through statehood. Westward expansion promised a future of prosperity, according to Clay, "the glorious fruits which are now threatened with subversion and destruction."[48]

Not everyone believed Clay's reasoning. Louisiana Senator Solomon Downs addressed the floor: "Is this constant warfare of the North against the South, and the South against the North, a desirable state of things?" Responding to the issues in New Mexico, Downs argued, "The principle was, that the territorial government should not prohibit slavery in the Territories . . . it should occur to our Northern friends that they should not, on the other hand, have the power to establish it." Since Congress had to approve any measure passed by territorial legislatures, Downs felt that there was no reason to restrict popular sovereignty on the issue of slavery. According to Downs, protecting all forms of settler property safeguarded other uncertainties, including "when American settlers have driven back those Indian tribes to their fastnesses, and open these mines, that they will be found to be of great value."[49] Like Clay, Downs identified a close bond between territorial expansion, citizenship, and democratic processes. The disagreement remained, however, over how white settlement would take place.

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[47] Clay, "Speech," 12.
[48] Clay, "Speech," 30.
[49] Solomon W. Downs, "The Compromise Bill. Speech of Mr. Downs, of Louisiana, In the Senate of the United States, May 22, 1850" in *Congressional Globe,* House of Representatives, 31st Cong., 1st Sess., May 22, 1850, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress, 636-639. https://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=024/llcg024.db&recNum=655.

Ultimately, as historian Paul Frymer has shown, the federal government would try regulating western settlement "by controlling its direction, pace, and scale" to secure its own authority.[50] In the Upper Missouri, a new federal emphasis on reducing Indigenous claims to encourage settlement or open transportation routes to the Northwestern Plains reveals how political and economic interests changed at a federal level. Plans for infrastructural projects like the Mullan Road from Fort Benton to Fort Walla Walla in Oregon Territory circulated as early as 1852 and Congress considered a northern railroad route to the Pacific while debating a subsidy for a transcontinental railroad in 1856.[51] Put simply, each of these shared a common theme: they represented changing national interest in a region largely autonomous from federal authority before 1850. To initiate state formation through the consolidation of territory, the United States required a reconstruction of the hybrid Native and US fur trade political economy. Historian Sheila McManus maintains that land policies and efficient diplomacy with Northwestern Plains communities "were a prime concern for the United States and Canada . . . because it was their western domains that held the key to their futures as wealthy, mature North American nations."[52] The knowledge produced in the first half of the nineteenth century, from Ackomokki's map to the Pacific Railroad Survey from 1853 to 1855, resulted in a privatized federal policy with considerable local Indigenous authority embedded within it. As Ned Blackhawk points out, however, Native peoples faced dual fronts of American state formation; both "*national* military

[50] Paul Frymer, *Building an American State: The Era of Territorial and Political Expansion* (Princeton: Princeton University Press, 2017), 9. See also: Brian Balogh, *A Government out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009).
[51] Report of the Select Committee on the Pacific Railroad and Telegraph, House of Representatives, 34th Cong., 2nd Sess., August 16, 1856, (Washington, DC: Government Printing Office, 1856).
[52] Sheila McManus, *The Line Which Separates: Race, Gender, and the Making of the Alberta-Montana Borderlands* (Lincoln: University of Nebraska Press, 2005), 37.

and political actors" and "*regional* white interests, which often cared little about enforcing the nation's Indian policies."[53]

Reports show that both Natoyist-Siksina' and Culbertson were present for the signing of the Horse Creek Treaty in western Nebraska, an event heralded by Eastern publishers as a "covenant of perpetual peace and amity."[54] Because fur companies could not, and did not, seek treaties with Native communities, the treaty-making power of Congress resulted in yet another shift in the spheres of influence in the Upper Missouri. The Horse Creek Treaty formally restricted the movement of Native communities, prepared for propertied settlement, and regulated the flow of commerce and development through roads and multi-purposed fur trade posts. This policy deserves careful consideration for the way it prepared US settlement on Indigenous lands and the economic incorporation of the Northwestern Plains. It was a significant departure from Andrew Jackson's plans of a single, protected "Indian Territory" by designating specific boundaries of each nation and enabling the production of "roads, military and other posts, within their respective territories."[55] The treaty is controversial for its hasty land allocation and its reduction of the total annuity pay period from fifty to ten years (with an additional five years at the discretion of the president) between its signing in 1851 and ratification in 1852. The annuity agreement was altered through a vote in the Senate with the pending approval of the original tribal delegates, which never occurred.[56] Although many newspapers applauded the

[53] Blackhawk, *Violence over the Land*, 178.
[54] "Another Treaty – More Lands for Settlers" *Glasgow Weekly Times* (Glasgow, MO), October 30, 1851, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn86063325/1851-10-30/ed-1/seq-2/.
[55] *Treaty between the United States and the Sioux, Cheyenne, Arapho, Crow, Assiniboin, Gros Ventre, Madan and Arikara Indians at Fort Laramie, Indian Territory,* September 17, 1851, record group 75, Records of the Bureau of Indian Affairs, U.S. Department of the Interior, National Archives, Washington, DC.
[56] "Proceedings of the Senate on the treaty made with certain Indian tribes therein named, at Fort Laramie, in the Indian Territory, on the 17th September, 1851," in *Journal of the Senate of the United States of America,* vol. 43, 32nd Cong., 1st Sess., February 17, 1852, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875,* Library of Congress, 700-704. https://memory.loc.gov/cgi-

treaty for procuring "a most important acquisition to the country," newspapers closer to the epicenter of Northern Plains politics, like Iowa's *Frontier Guardian,* were more skeptical; "Treaties are very good; but powder and lead are the only effectual treaties that can secure the white man and his property from the rapacity of that people."[57]


**Figure 1.5: Pierre-Jean de Smet, *Map of the Upper Great Plains and Rocky Mountains Region,* 1851.**[58]

Increased federal interest in the Upper Missouri escalated with the Pacific Railroad Survey that began in 1853. Isaac I. Stevens, the Governor and Superintendent of Indian Affairs in Washington Territory, led the initiative. Stevens relied upon Natoyist-Siksina' and Culbertson for geographic intelligence, diplomacy, and safe passage. His companion, the artist John Mix

bin/ampage?collId=llsj&fileName=043/llsj043.db&recNum=699&itemLink=D?hlaw:1:./temp/~ammem_FLf7::%230430700&linkText=1.

[57] *Frontier Guardian* (Kanesville, IA), Oct. 1851, published in "The Indian Treaty concluded at the Treaty Ground, near Fort Laramie" *The New York Herald,* December 10, 1851, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83030313/1851-12-10/ed-1/seq-7/.

[58] Pierre-Jean de Smet, *Map of the Upper Great Plains and Rocky Mountains Region,* 1851, Geography and Map Division, Library of Congress Washington, DC, http://hdl.loc.gov/loc.gmd/g4050.ct000883.

Stanley, developed a close friendship with the Culbertsons as well. Over the next few years, Stanley painted renditions of Natoyist-Siksina' and her Kainai family. The first of two works, *Barter for a Bride (Family Group)* (ca. 1854) features Natoyist-Siksina' as the central figure in bright crimson sitting among other members of her family.[59] An individual on horseback approaches the family with goods in tow, an act that could be interpreted as a marriage proposal.[60] The multigenerational nature of the painting illuminates the family's powerful status, further supported by Stanley's choice in the red shawl covering Natoyist-Siksina' and the prominent adornment of her father seated in the left foreground. The family later reappeared in Stanley's allegorical painting, *The Last of their Race* (1857). Natoyist-Siksina' again dons her red shawl and appears seated with her hands gently clasped on her knee. Stanley's depiction of Natoyist-Siksina' and her family occurred at the precipice of what scholars might label as the beginning of federal state formation in the Upper Missouri. The dusky tones and dramatic coastline in *The Last of their Race* suggest that the family is being physically pushed to land's edge at the very moment the region was being surveyed. The skeletal remains of a bison in the foreground alludes to the subjects' impending demise, a theme that would have been familiar to white audiences.[61] When taken in sequence, Stanley's paintings tell a historical narrative of the Upper Missouri as it transitioned from a multi-autonomous, economic zone into a federal domain with new political boundaries.

[59] *Barter for a Bride* was a twentieth-century adaptation of the title, leaving speculation about whether the painting depicts an exchange for a marriage proposal or a simple family gathering. See Peter Hassrick and Mindy N. Besaw, *Painted Journeys: The Art of John Mix Stanley* (Norman: University of Oklahoma Press, 2015), 210.
[60] Lisa Strong, "John Mix Stanley and the Peculiar Advantages" in Hassrick and Besaw, *Painted Journeys,* 76.
[61] Mindy N. Besaw, "John Mix Stanley's *The Last of their Race* and the 'Doomed Indian' in American Culture" in Hassrick and Besaw, *Painted Journeys,* 94.

**Figure 1.6: John Mix Stanley, *Barter for a Bride (Family Group),* ca. 1854.**[62]

**Figure 1.7: John Mix Stanley, *The Last of their Race,* 1857.**[63]

[62] John Mix Stanley, *Barter for a Bride* (Family Group), ca. 1854, Oil, Courtesy of the Diplomatic Reception Rooms, U.S. Department of State, Washington, DC.
[63] John Mix Stanley, *The Last of their Race*, 1857, Oil, Courtesy of the Buffalo Bill Center of the West, Cody, Wyoming, Whitney Western Art Museum.

During Stevens' Pacific Railroad Survey, Natoyist-Siksina' and Culbertson aided treaty negotiations with the remainder of Northwestern Plains communities who were not included in the Horse Creek Treaty of 1851. In summer 1855, the Kalispel, Kootenai, and Salish communities of the Flathead Confederacy negotiated the Hellgate Treaty. This agreement to relinquish specified tracts of land in the Bitterroot Valley preserved other land "for the use and occupation of said confederated tribes" and sparked a decades-long conflict over the communities' right to remain the valley.[64] In early October 1855, leaders from the Flathead Confederacy joined a few thousand representatives from the Niitsítapi (Blackfoot Confederacy), Gros Ventre, and Nimíipuu (Nez Percé) who assembled in council near the mouth of the Judith River in Nebraska Territory. On October 17, the parties negotiated the Judith River Treaty, or more popularly Lame Bull's Treaty, which designated communal boundaries and common hunting grounds, promised federal annuity payments for ten years, and codified the communities' "dependence on the Government of the United States."[65] Both the Hellgate and Judith River Treaties formalized the bureaucratization of federal power into a network of Indian agencies throughout the entire region, a process first guided by the management of the American Fur Company.

Native communities viewed these treaties as an assault on communal sovereignty, diplomacy, and trading interests. At the Judith River council, community leaders voiced their apprehension over boundaries and their communities' accessibility to hunting grounds. Chief Big Canoe (Kalispel) questioned the validity of imposing such boundaries, stating, "I thought our

[64] Charles J. Kappler, "Treaty with the Flatheads, etc., 1855," in *Indian Affairs: Laws and Treaties*, vol. 2, (Washington, DC: Government Printing Office, 1904), Digital Collections, Oklahoma State University Library, Oklahoma State University, 722. https://dc.library.okstate.edu/digital/collection/kapplers/id/29647.
[65] Kappler, "Treaty with the Blackfeet, 1855," vol. 2, 738. https://dc.library.okstate.edu/digital/collection/kapplers/id/29651.

roads would be all over this country. Now you tell us different. Supposing that we *do* stick together and *do* make peace . . . Now you tell me not to step over that way. I have a mind to go there." Natoyist-Siksina's brother, Seen From Afar, doubted the treaty's intentions of promoting intertribal peace and remarked, "The Crows are not here to smoke the pipe with us." [66] After deliberations, the commissioners, interpreters, witnesses, and representatives from each community signed the treaty, either by name or by an X mark. Following the conclusion of the council and distribution of gifts, Isaac Stevens forwarded the treaty to Washington, DC, where it would be ratified the next spring.

Despite the systematic federal efforts to reorganize and redraw the Northwestern Plains, the Blackfoot and their Indigenous neighbors did not back down as historical actors. Contrary to Stanley's *Last of Their Race,* Native communities continued to shape diplomacy and negotiation in a way that stabilized their survivance despite subsequent federal efforts to incorporate the Upper Missouri into the national polity. The longevity of the region's unique political economy further explains why Democrats and, later, Republicans took such interest in affairs on the Northwestern Plains. Although the US acknowledged the economic and political existence of Native polities, Native studies scholar Mark Rifkin reminds us that the federally government utilized that recognition to strategically consolidate and expand US authority.[67] At the same time, it is equally important to acknowledge the limitations of such efforts to expand and integrate federal power in distant places. Even with ostensibly sweeping treaties and land policies, the national process of western territorial expansion was complicated, uneven, and met with varying degrees of both local participation and resistance.

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[66] John C. Ewers, *The Blackfeet: Raiders on the Northwestern Plains* (Norman: Oklahoma University Press, 1958), 218-220.
[67] Mark Rifkin, *Manifesting America: The Imperial Construction of US National Space* (New York: Oxford University Press, 2009), 5.

## Conclusion

On the East Coast at the close of the decade, the abolitionist John Brown awaited his execution in Charles Town, Virginia, for his role in the 1859 raid of the federal arsenal at Harper's Ferry. Known for his leadership behind the antislavery, free-soil forces in Bleeding Kansas (1854-1859), Brown attempted to incite what the *New York Herald* described as an "Extensive Negro Conspiracy in Virginia and Maryland." Brown and his party of twenty-two men defended their position at Harper's Ferry for three days.[68] After his capture, Brown was given a hasty trial in Virginia and found guilty on counts of treason, murder, and inciting a slave insurrection. Coincidentally, two newly elected Republican representatives from Ohio, and future governors of what would become Montana Territory, were en route to DC when the execution was set to take place. Sidney Edgerton of Ohio's 18th District and James M. Ashley of Ohio's 5th District were both determined to see Brown one last time.

As known Republicans traveling through proslavery Virginia, Ashley and Edgerton endangered themselves by making the journey. As Ashley recalled "until I left, I was not only watched, but gazed at by everybody, as if I were a second John Brown."[69] Ashley closely admired Brown, with whom he shared a similar radical stance on abolition. In the previous months, Ashley led a successful campaign trail giving impassioned antislavery speeches and condemning the actions of Democrats in congress who "produced a crisis such as this country has never witnessed . . . brought upon us by a conspiracy of slaveholders and dough-faces, who have determined to nationalize slavery."[70] Edgerton, a lawyer and friend of the Brown family,

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[68] *The New York Herald*, October 18, 1859, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83030313/1859-10-18/ed-1/seq-3/.
[69] "Ashley's Account: The Execution and Interesting Particulars" *Toledo Blade* (Toledo, Ohio), December 2, 1859.
[70] Typescript of Second Chapter of Memoir, 1895-1896, MSS-002, Box 1, Folder 10, James M. Ashley Papers, 1860-1960, University of Toledo Ward M. Canaday Center Archives, Toledo, Ohio.

was asked to arrange John Brown's final affairs and will. As he recalled, "On arriving at Charlestown[sic], I found cannon placed, soldiers drilling, and the town having the appearance of being in a state of siege."[71] Edgerton only made it as far as the town's periphery before General William Taliaferro, commander of the Virginia State Militia, arranged for a stagecoach to take him back to DC. James Ashley, conversely, managed to slip through the "forbidden limits of Charlestown" and found a room for the night, but "owing to the crowded condition of this small city," Ashley's son later recounted, "he could find no place to sleep except by sharing a hotel bed with a southerner. They quarreled all night and neither slept."[72]

On the morning of the execution, Ashley felt a personal sense of responsibility to remember the details of the execution for Brown's wife, Mary Ann Day, who was not present. Most of the details were picked up by the *Toledo Blade* and told in Ashley's own prose: "When I told her how like a man he acted – and how like a hero he died – and that to the question again asked him, if he 'desired the services of a clergyman,' he replied, 'No. I do not desire the prayers of any minister who approves of the enslavement of one of God's children.'" After watching Brown on the scaffold for fourteen minutes before his death, Ashley then lamented, "Now that the old man is gone, what will be said of him? Who shall reconcile the conflicting statements? What will be the verdict of history? He only lived to help the helpless . . . I cannot but admire his heroism, his straight-forward independence, and his undoubted courage."[73] Ashley's heartfelt eulogy of John Brown arrived on the eve of impending war and captured the weight of the

[71] Sidney Edgerton quoted in Martha Edgerton Plassmann, "Biographical Sketch of Hon. Sidney Edgerton. First Territorial Governor," *Contributions to the Historical Society of Montana,* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 335.
[72] Charles Ashley, "Governor Ashley's Biography and Messages," *Contributions to the Historical Society of Montana,* vol. 6 (Helena, MT: Rocky Mountain Publishing Co., 1907), 167.
[73] *Toledo Blade,* December 2, 1859.

historical moment. The patterns of violence and hostilities that erupted across the country—from East to West—soon engulfed every stretch of the nation.

That same year, Alexander Culbertson arrived in St. Louis, Missouri with $1500 dollars' worth in gold dust extracted from the divide between the Missouri and Columbia Rivers. The *Washington Union* in DC reported that although the gold found was not of superior grade, "what it lacks in quality is made up in quantity, as it is said to exist in that region in abundance."[74] Noting the accessibility of steamboats to the region, the Upper Missouri entered a new era of social, political, and economic transformations. The federal permeation of the Upper Missouri's political economy secured future efforts of territorial incorporation. What the *Washington Union* could not have predicted, however, was the scale to which territorial expansion in the Northwestern Plains continued to influence partisan visions of national consolidation, and eventually, a national Reconstruction. Indeed, the enduring question of federal administration in the West continued to provoke violent confrontations, even at the nation's peripheries.

[74] "A New Gold Discovery" *The Washington Union* (Washington, DC), February 12, 1859, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn82006534/1859-02-12/ed-1/seq-2/.

## CHAPTER TWO:
## "TO DAZZLE THE EYES OF CONGRESSMEN": FEDERAL LEGITIMACY IN THE WEST DURING WARTIME RECONSTRUCTION, 1861-1865

The 1860 platform adopted by the National Republican Convention in Chicago issued seventeen declarations specifying how their nominee, Abraham Lincoln, and other Republican leaders would utilize their authority in office. Three points in particular responded directly to the question of federal administration in the West: federal support for a transcontinental railroad to the Pacific, homesteading legislation, and a commitment to "deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States."[1] After Lincoln won the election and took office in 1861, his Republican colleagues anxiously mobilized to codify the platform's principles into policy and repudiate the ideologies of Democratic administrations that dominated since 1853. In reaction to the election, seven states across the South seceded from the Union between December 1860 and February 1861. Representative James Ashley of Ohio quickly responded to the urgency of the secession crisis, using his position as the Chairman of the House Committee on Territories to its fullest authority. As Ashley's son Charles later described of his father's chairmanship, "Considering that opposition to the extension of slavery into territories was the cardinal point of Republican policy, this was a fine position. It was no doubt a reward of his earnestness on the slavery question."[2] Within three months after Confederate forces launched an attack on Fort Sumter on April 12, 1861, Ashley proposed a comprehensive plan for national Reconstruction.[3]

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[1] "National Republican Platform. Adopted by the National Republican Convention, held in Chicago," (Chicago: Chicago Press and Tribune Office, 1860), The Alfred Whital Stern Collection of Lincolniana, Online Collection, Library of Congress. https://www.loc.gov/item/scsm000716/.

[2] Charles Ashley, "Governor Ashley's Biography and Messages," *Contributions to the Historical Society of Montana* vol. 6 (Helena, MT: Rocky Mountain Publishing Co., 1907), 169.

[3] H.R. 236, in *Bills and Resolutions*, House of Representatives, 37th Cong., 2nd Sess., January 20, 1862, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress. http://memory.loc.gov/cgi-bin/ampage?collId=llhb&fileName=037/llhb037.db&recNum=1032.

If enacted, Ashley's national Reconstruction plan would have abolished slavery two years before the Emancipation Proclamation and would have placed rebellious states in territorial condition until Congress approved their readmission to the Union. When it became clear that the war would not end quickly, the House tabled Ashley's bill and later established the Committee on Rebellious States and the Committee on Reconstruction in 1864 and 1865, respectively. Ashley and the Committee on Territories remained a vital part of shaping Reconstruction policy, however, and contributed to five Reconstruction bills between 1862 and 1866.[4] During Ashley's chairmanship, Congress also incorporated the territories of Colorado (1861), Nevada (1861), Dakota (1861), Arizona (1863), Idaho (1863), Montana (1864), and Wyoming (1868). The rapid sequence of these projects was in direct reaction to Confederate imperial strategies to incorporate the West into a transcontinental empire of slavery. Rebel leadership contemplated imperialism both within and beyond the United States, as historian Kevin Waite observes, because they believed that "expansion was imperative to slavery's long-term survival."[5] To Ashley and other Radical Republicans in power, US territorial expansion in the West presented an opportunity to fulfill the party's visions of federally determined westward expansion. As a result, state formation in the West and state restoration in the South formed two halves of national Reconstruction. When approached as a phase of state building, it becomes evident how Reconstruction was susceptible to shifting partisan forces at local and federal levels.

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[4] The House Committee on Territories contributed to and/or amended bills H.R. 236 (37th Cong., 2nd Sess., 1862), H.R. 244 (38th Cong., 2nd Sess., 1864), H.R. 543 (39th Cong., 2nd Sess., 1866), H.R. 882 (39th Cong., 2nd Sess., 1866), and H.R. 894 (39th Cong., 2nd Sess., 1866). The last of these bills, H.R. 894, established "civil governments for. . . the restoration of said districts to their forfeited rights as States of the Union." See H.R. 894, in *Bills and Resolutions,* House of Representatives, 39th Cong., 2nd Sess., January 20, 1862, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875,* Library of Congress. http://memory.loc.gov/cgi-bin/ampage?collId=llhb&fileName=039/llhb039.db&recNum=4762.

[4] Ashley, "Copy of the First Reconstruction Bill," 360-361.

[5] Kevin Waite, *West of Slavery: The Southern Dream of a Transcontinental Empire* (Chapel Hill: University of North Carolina Press, 2021), 182.

In the Upper Missouri River Region and the space that would become Montana Territory in 1864, state building never sustained a consistent guise and always fluctuated between partisan agendas. As a product of the unique political economy that flourished in the first half of the nineteenth century, both territorial and locally organized institutions like Indian agencies, miners' courts, and vigilance committees scrambled for power against a loose system of federal surveillance. The magnitude of contestation on the ground between federal and local actors, Democrats and Republicans, loyalists and rebels, and settlers and Native American nations would test the limits of US administration in distant places during Wartime Reconstruction. Conspiracies that another front of the Civil War between Britain, Native communities, or both, sparked federal concerns about rebellious sentiment across the Northwestern Plains.

In 1861, for example, the US Bureau of Indian Affairs replaced Fort Benton's Indian Agent Alfred Vaughan with Henry Reed, an avowed "Northern man" who often failed to deliver annuity payments to the Niitsitapi (Blackfoot Confederacy).[6] Other conspiracies about the British assisting plots for a pan-Indigenous uprising circulated as well. The prominent Northern Plains missionary, Father Jean Pierre de Smet, corroborated the severity of this anxiety in an annual report to the Bureau of Indian Affairs: "I heard it frequently stated by American traders that the Indians of the plains had been greatly tampered with by the English traders along the boundary line, and expected to assist them in the then expected war between Great Britain and the United States." As a precautionary measure, the report also included a strong recommendation to the War Department that two military posts should be established at Fort Benton and the Fort Berthold agencies.[7] Such rumors propagated widespread local violence and attacks against

[6] Clark Wissler and Alice Beck Kehoe, *Amskapi Pikuni*, 78-79; Ryan Hall, *Beneath the Backbone of the World, 146.*
[7] William Jayne, "Dakota Superintendency, No. 35, Yancton, Dakota Territory, Executive Office, October 8, 1862," *Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1862), 179.

Native communities. In 1862, the Secretary of the Interior specifically cited the "Indian hostilities in Minnesota" that prefaced the US-Dakota War to argue that the "chief cause is to be found in the insurrection of the southern States." Compared to similar conflicts in Utah, the Secretary described, "Several prominent chiefs were endeavoring to effect a general rising of the tribes in that region, to exterminate the white settlers." [8] Although the real cause of widespread conflict with Indigenous nations was a combination of late or failed annuities, broken treaty obligations, and the encroachment of settlers on their lands, the federal government utilized these conspiracies to justify militaristic intervention instead of addressing the structural problems of federal Indian affairs. Conflicts and massacres like the US-Dakota War (1862-1864), the Sand Creek Massacre (1864), the Navajo Long Walk and internment at Hwéeldi (1864-1866) contribute to the national scope of violence during the Civil War.

**The Upper Missouri: A New Political Economy**

On Independence Day in 1862, Indian Agent Samuel N. Latta recorded a peculiar incident at Fort Union:

> On the 4th of July, a flag with eight stars was run up, and remained up until night. Mr. Hodgkiss, who had just come in charge of this post, a Pennsylvanian by birth, assured me that on the next 4th he should have every state in the Union represented. A discharged Union soldier assured me that they were all secessionists at this post and had threatened his life for the part he had taken in the Springfield battle. He consequently left. I do not wish to be understood as charging every member or employé of this company with disloyalty or dishonesty; a few only can I except, however.[9]

The flag that Latta described was the early "stars and bars" flag of the Confederate States of America. The suspicion of disloyalty among fur company posts like Fort Union was both a political and economic issue that reignited the tensions between private, local enterprise and

[8] "Extract from the report of the Secretary of the Interior," *1862 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1862), 4-5

[9] Samuel N. Latta, "Yancton, Dakota Territory, August 27, 1862," *Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1862), 197.

federal primacy on the ground. In response to Latta's report, the federal government took the radical step of militarizing fur trading posts. Several US companies of volunteer troops arrived at Fort Union between 1863 and 1864. Per government orders, officers persuaded the American Fur Company to sell Fort Union and other posts by refusing trade licenses. The company conceded in 1867.[10] The transition of Fort Union into a US Army post marked the end of the hybrid private-public governance of the Northern Plains that had defined federal policy since the Jackson administration. The Army became the face of federal power.

However, this transition was not seamless, as the growth of mining interests in the Upper Missouri contributed to the rising "disloyal" character of the region and added a new front to the national contest between local interests and central authority. The pattern of western mining—however uneven and episodic—was a driving force for the industrializing North as the costs of the Civil War placed immense pressure on the nation's fiscal policy and monetary system. Without a central bank, the only recognized currency was gold and silver coins as well as state-chartered bank notes redeemable by gold and silver on demand. In 1862 and 1863 respectively, President Abraham Lincoln signed into law the Legal Tender Act and the National Banking Act, which authorized the Department of the Treasury to issue uniform paper money and established a system of national banks. The concept of paper money backed by "the full faith and credit" of the United States was novel, however, the federal government continued to pursue new supplies of gold and silver to support the value of paper currency. The incorporation of Western lands rich in precious metals provided an incentive for the wartime government to incorporate these spaces and ensure that their wealth would be reserved for the Union. At the same time, territorial incorporation also became the hallmark of what political scientist James C. Scott identified as

[10] Merrill Burlingame, *The Montana Frontier* (Helena, MT: State Publishing Company, 1942), 110-111.

"high modernism," a state project relying on systems of corporations and bureaucracies to reorder distant places.[11] Therefore, this process was rooted in social, political, and economic national goals that produced early iterations of the type of conflict historian Alan Trachtenberg exemplifies in *The Incorporation of America,* which argues that incorporation "wrenched American society from the moorings of familiar values" and increased ground-level opposition and resistance politics that formed the core of late-nineteenth century American culture.[12]

In July 1862, a major gold discovery in Grasshopper Creek (present-day southwestern Montana) initiated this remaking of the Upper Missouri's political economy, placing it under the Union's watchful eye during the Civil War. The extraction of precious metals soon replaced the fur trade as the primary economic activity, attracting large numbers of whites who displaced Indigenous communities and upset social and cultural norms that had persisted in the region for decades. Fort Benton awakened into a bustling river port that shuttled freight and people to and from the gold fields. Fort Benton also had the good fortune of being connected by the richly debated Mullan Road to the Pacific Northwest, another major trail to Salt Lake City, Utah, as well as the Missouri River system reaching St. Louis, Missouri. The addition of the Bozeman Trail in 1863 provided another route to the gold fields by branching from the well-trekked Oregon Trail. Overland transportation constituted most of the initial gold rush settlement, primarily as the result of other failed prospecting ventures across the West. Increased seasonal water traffic initiated the second phase of arrivals to the Upper Missouri. In 1862, First Lieutenant James H. Bradley recorded only four steamboat arrivals at Fort Benton. By 1866,

[11] James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1999), 4.
[12] Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age* (New York: Hill and Wang, 2007), 7. Two additional studies notably inform the relationship between economic incorporation, politics, and culture in the nineteenth century, see Alfred D. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Cambridge, MA: Harvard University Press, 1977); and Robert Wiebe, *The Search For Order, 1877-1920* (New York: Hill and Wang, 1967).

however, thirty-one arrived "laden with emigrants and merchandise, principally for the mines." He also noted that between the wagon, foot, and boat traffic migrating in and out of the region, an estimated $86 million dollars of gold also came out the Upper Missouri between the peak years of 1863 to 1868.[13]

Steamers that brought freight and people from St. Louis and other major cities also carried ideas, aspirations, and troubles from the East. Since St. Louis continued to be the primary eastern port, the Upper Missouri River region began to replicate the historical experience of contentious Border States like Missouri during the Civil War era. As historian Adam Arenson demonstrates in his study of the significance of Missouri to the Civil War, local political leaders "long sought to control settlement in the West, dictating the patterns of political compromise and multiethnic cooperation as far away as New Mexico and California."[14] Slaveholding Democrats clashed with antislavery Republicans in violent encounters throughout the state. President Lincoln made extraordinary efforts to keep Missouri in the Union, and in 1861 declared martial law and suspended the writ of habeas corpus. The harsh assertion of federal authority met armed resistance in the state, which deteriorated into guerilla violence. For many Missourians, the threat of violence pushed them to abandon their homes and flee the state.[15] The prospects of gold in the Upper Missouri River region drew many of these folks looking to escape the violence, dodge Civil War drafts, or both. They brought their beliefs, ideas, and politics with them. Back at Fort Benton, agents like Alexander Culbertson and Henry Reed witnessed the influx of these newcomers firsthand. While on board a mackinaw boat in summer 1862, Culbertson quickly

[13] James H. Bradley, "Bradley Manuscript—Book II: Miscellaneous Events at Fort Benton," *Contributions to the Historical Society of Montana*, vol. 8 (Helena, MT: Rocky Mountain Publishing Co., 1917), 128-129.
[14] Adam Arenson, *The Great Heart of the Republic: St. Louis and the Cultural Civil War* (Cambridge: Harvard University Press, 2011), 67. See also, Diane Mutti Burke, "Scattered People: The Long History of Forced Eviction in the Kansas-Missouri Borderlands" in *Civil War Wests: Testing the Limits of the United States*, eds. Adam Arenson and Andrew Graybill (Oakland: University of California Press, 2015).
[15] Arenson, *The Great Heart of the Republic*, 74, 78-79.

realized he was in the company of "twenty Missouri rebels, who had come up the river to escape the war."[16] Reed reacted with greater anxiety as the agent for the Piegan Blackfeet and demanded "prompt attention" to the flow of incoming Missourians. He proclaimed, "Many of these emigrants, and some of the residents, are not the best friends of the government, and could easily operate on the credulity and passion of the Indians to the great injury of all concerned."[17] Reed's sentiment alludes to the lack of infrastructure to manage these population spikes that began to form entire communities with strong ideas about their rights and power.

The extent of "secessionist feelings" throughout the Upper Missouri has long been a subject of debate among scholars. To date, most studies that rely on quantitative data dismiss Confederate sentiment in the Upper Missouri as a myth perpetuated by overreacting Republicans.[18] Historian Eugene Berwanger, who conducted one of the earliest studies of Civil War and Reconstruction politics in the American West, argued that depictions of Confederate numbers drawn from manuscript collections conflict with Montana's first census recording in 1870. He explained that many Southerners who came to the region in the early 1860s chose to return to the South after 1868, thus making their actual numbers unknown by the 1870 census.[19] Although a quantitative approach would support this conclusion, one cannot rely solely on population data to determine the population of Confederate settlers in the Upper Missouri. It is just as critical to scrutinize descriptive evidence in historical records to evaluate the configuration of these communities. In addition to a population of Southerners, as historian Clark C. Spence argues, there was a substantial portion of Northern Democrats who "wavered at times;

[16] James H. Bradley, "Affairs at Fort Benton from 1831 to 1869 from Lieut. Bradley's Journal" *Contributions to the Historical Society of Montana,* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 281.
[17] Henry W. Reed, "No. 72., Washington, January 14, 1863," *Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1863), 165.
[18] See, for example, James L. Thane Jr., "The Myth of Confederate Sentiment," *Montana the Magazine of Western History,* Vol. 17, No. 2, April 1967.
[19] Eugene Berwanger, *The West and Reconstruction* (Urbana: University of Illinois Press, 1981), 19-20.

but in the end, because they were branded as traitors and "Copperheads" by the Unionists, they often cast their lot with the southern Democrats in the formative years."[20] By taking a qualitative approach towards the political composition of early mining communities, it becomes evident that Confederate sympathy would not only shape the region's politics well into territorial organization, but also indicate the limits of federal authority in Montana during postwar Reconstruction.

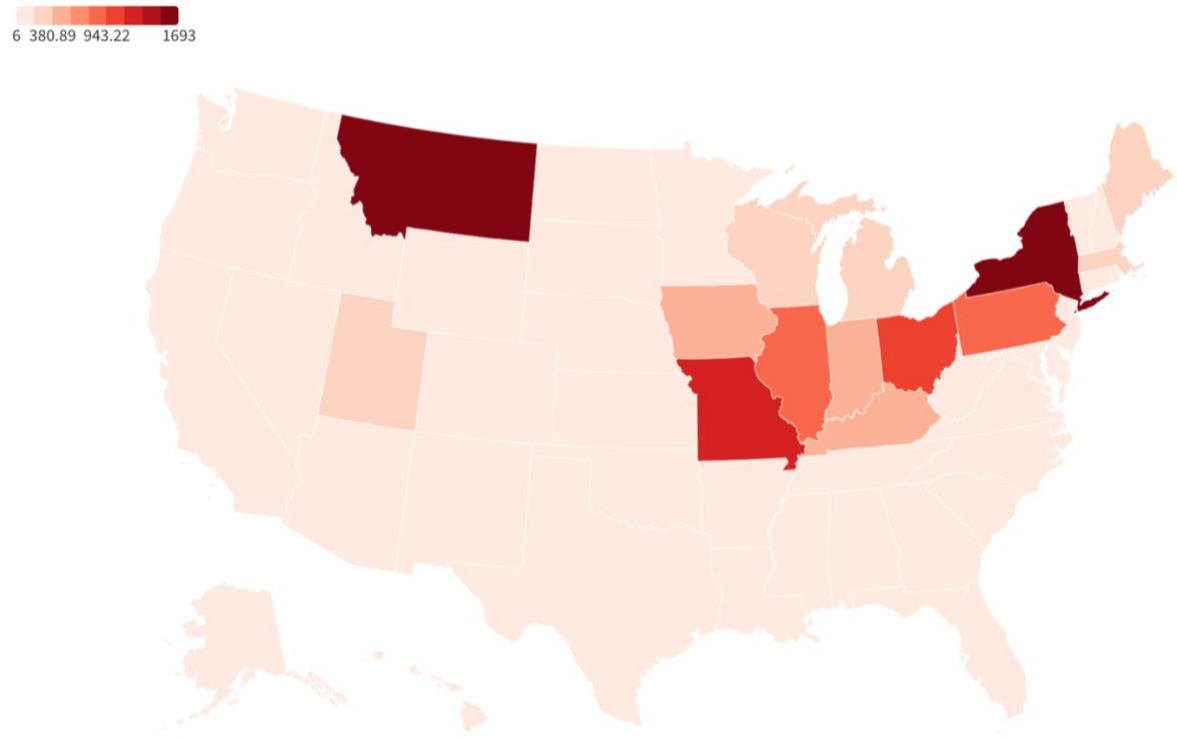


**Figure 2.1: Map Showing Montana Territory's Settler Nativity by Density, 1870.**[21]

The major gold discoveries in Grasshopper Creek (1862) and in Alder Creek (1863) gave way to two significant mining towns, Bannack and Virginia City respectively, later to become

[20] Clark C. Spence, *Territorial Politics and Government in Montana 1864-89* (Urbana: University of Illinois Press, 1975), 22.

[21] Map depicting settler nativity according to the US Census in Montana Territory, 1870. Steven Manson, Jonathan Schroeder, David Van Riper, Tracy Kugler, and Steven Ruggles, IPUMS National Historical Geographic Information System: Version 17.0 [dataset] (Minneapolis, MN, 2022), http://doi.org/10.18128/D050.V17.0. Projection Map by Flourish Studio: https://app.flourish.studio/@flourish/projection-map/11. An interactive version of this visualization is available on Flourish: https://public.flourish.studio/visualisation/9433564/.

the first two territorial capitals of Montana. Early local histories of this period echo the tidings of the wealth that brought waves of newcomers—firstly from nearby declining mining centers and secondly from the more distant east. The Civil War also determined patterns of migration, as one local recalled, "During the following two years [after 1863] came the defeated and impoverished veterans from the south, presently to meet their erstwhile enemies from the north now discharged from an arduous service . . . each anxious to forget the arts and antagonisms of war."[22] An early local historian, Clifton B. Worthen, emphasized Missouri's role in the gold rush: "Many of the miners who had come up from Missouri had been paroled Confederate soldiers or had been strong sympathizers of the Confederacy."[23] Settler groups who shared similar backgrounds and ideas influenced the demographics of mining communities that formed almost overnight, complete with shanty multipurpose buildings for general stores, hotels, and saloons, and homes that varied from wooden shacks to earth-carved dwellings in hillsides. Compared to the gold towns that formed during the California gold rush that primarily attracted unattached men, the context of war resulted in a greater migration of women and entire families to mining centers in the southwestern gold fields of the Upper Missouri.[24]

Emily Meredith was one such resident of Bannack and wrote to her father describing her concerns and living conditions of the town in its earliest days. She was a Unionist from the East and wrote at great lengths about Bannack's place in the nation. "Concerning the war," she explained, "we scarcely hear anything. The last news we had was a little more favorable & there

[22] Theodore Brantly, "Judicial Department," *Contributions to the Historical Society of Montana*, vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1903), 110.
[23] Typescript of "Montana History Outline," 1940, MC 75, Box 1, Folder 7, Clifton Boyd Worthen Research Collection: Central Montana History, Montana Historical Society Research Center, Helena, Montana.
[24] Susan Lee Johnson provides a strong overview of the gendered and racialized characteristics that typified mining towns. According to Johnson, "Skewed sex ratios meant drastically altered divisions of labor in which men took on tasks that their womenfolk would have performed back home." Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W.W. Norton, 2000), 100-101.

have been some rumors lately of a peace, but nothing reliable. I fear times are going to be very hard in the states but I do not know yet whether this country will be much of a refuge for broken fortunes." Meredith and her husband primarily lived in Bannack, but also managed a nearby ranch, a smart financial move for their part. She did not have a favorable view of mining ventures, believing that they usually resulted in a "permanent investment." In her own words, mining, the Civil War, and the struggle to build community were inseparable issues:

> I never would advise anyone to come to a new mining country because there is a great deal to risk, & and a great deal to endure, nevertheless many persons undoubtedly will come here this summer & make more than they could do in years at home. And they ought to, a person ought to make money pretty fast here to pay them for living in such a place. I should like to see a pagoda or a mosque or anything to indicate that there is a religious principle in man. If 'labor is worship' this is a most worshipful community, but of any other kind of worship there is not public manifestation whatever. I verily believe that two thirds of the people here are infidel and 'secesh.' . . . There are times when it is really unsafe to go through the main street on the other side of the creek, the bullets whiz around so, & no one thinks of punishing a man for shooting another. What do you think of a place where men will openly walk the streets with shot guns waiting for a chance to shoot some one against whom they have a grudge & no one attempt to prevent it?

Meredith also expressed fear about the implications of the town's uncontained violence. Above all, she described unprovoked violence against Native Americans as commonplace, a striking difference from the fur trading period. Unlike fur companies that depended upon fostering strong relations with Indigenous peoples for the purpose of trade, mining communities felt no such incentive. As Meredith described, "Last winter there were a few Indian lodges here; one night in a drunken spree some men fired into them killing five Indians and two white men. The Indians left the place immediately, & of course with no very friendly feelings. The men who made the disturbance were arrested & some persons were in favor of hanging them." In another instance, a party of miners organized to attack a nearby Indigenous encampment, but the camp fled after

learning about the miners' plan.[25] Such episodes were not unique to Bannack; rather, they were manifestations of the failure of federal officials to put in place new governing institutions as the American Fur Company's authority waned. In effect, incoming whites found little evidence of civil government and, as Meredith described, would be forced to create their own so long as the vacuum remained.

Just fifty miles east, the town of Virginia City shared a similar experience to Bannack. The settlement appeared to attract even larger numbers of Confederate sympathizers, which was reflected in the town's original name, Varina, a namesake honoring the wife of Confederate President Jefferson Davis. This community was in the "fabulously rich" gold fields of Alder Gulch, as one local recounted, "where everybody reserved the sacred right to do pretty much as he pleased, [was] subject only to a gentle remonstrance at the nuzzle of his neighbor's pistol if he intruded."[26] The abundant support for the Confederacy in Virginia City set the stage for later political confrontations in the formative years of Montana Territory. One couple who migrated from Missouri, Harriet and John Smith, maintained close ties to the secessionists. In a letter dated September 19, 1863, Harriet Smith's brother, S.M. Keaton, wrote to his sister from his prison cell at Fort Delaware, a Union penitentiary off the northeast coast of Delaware. Keaton served in Company A of the First Missouri Cavalry under General Sterling Price, the proslavery former governor of Missouri who led numerous campaigns to recapture Missouri from the Union.[27] Keaton closed his letter with a message that Price "sends his respects to you and father"

[25] Letter from Emily R. Meredith to her father, April 30, 1863, Collection 0926, Emily Meredith Letter and Photographs, 1863-1868, Merrill G. Burlingame Special Collections, Montana State University Library, Bozeman, Montana.
[26] Granville Stuart, "A Memoir of the Life of James Stuart, A Pioneer of Montana, and a Corporate Member of the Historical Society," *Contributions to the Historical Society of Montana* vol. 1 (Helena, MT: Rocky Mountain Publishing Co., 1876), 56.
[27] Textual Record for Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Missouri, War Department, The Adjutant General's Office, record group 109, roll no. 34, National Archives, Washington, DC. For studies on Sterling Price's role in the trans-Mississippi western theater of the Civil

and enclosed a Confederate ten dollar bill.[28] The Smith family remained in Virginia City for at least the remainder of the war and became outspoken Democrats during the early territorial period. Similar experiences to the Smiths' contributed to local lore that the remnants of Price's Missouri militia formed the founding generation of Virginia City. For example, on Independence Day in 1864 a group of Unionists prepared a celebratory "Fourth of July Pole" when some of "Papa Price's Left Wing" cut the flag staff into pieces during the night. As one disgruntled Unionist noted, that was "the first hard work they had done in the country."[29] Although the political tensions and clashes in Virginia City and other mining centers never fully materialized in actual violence on record, the strength of these sentiments continued to inform the complex of local tradition for years to come.

**A Nation Looking In: The Prospects of the Upper Missouri River Region**

From a federal perspective, the war presented an opportunity to weld the bond between capital development and the US government through policies aimed at territorial growth in the West. By championing a capitalistic approach towards westward expansion, Republicans set about transforming the role of the federal government in national economic development. The foundations of these policies were also inherently political, given the newfound power of the Republican Party within the federal government beginning in 1861. The vacancies of Democrats in Congress following the secession of rebel states emboldened Republicans to pursue an aggressive plan to control land management, resource extraction, and to support major industrial

War, see Albert E. Castel, *General Sterling Price and the Civil War in the West* (Baton Rouge: Louisiana State University Press, 1968); Robert E. Shalhope, *Sterling Price, Portrait of a Southerner* (Columbia: University of Missouri Press, 1971); and Kyle Sinisi, *The Last Hurrah: Sterling Price's Missouri Expedition of 1864* (Lanham: Rowman & Littlefield, 2015).

[28] Letter from S.M. Keaton to Harriet Keaton Smith, September 19, 1863, SC 75, Harriet Keaton Smith Collection, 1863-1904, Montana Historical Society, Helena, Montana.

[29] J.X.Biedler quoted in Merrill G. Burlingame, *The Montana Frontier* (Helena, MT: State Publishing Company, 1942), 155-156.

projects. The first federal income tax (1861), the Homestead Act (1862), the Land-Grant College Act (1862), and the federal subsidization of railroads through the Pacific Railway Act (1862) together functioned to consolidate federal power throughout the United States.[30] These policies had two major consequences in the West: first, they intentionally directed white settlement on lands in the public domain, and secondly, they permitted private companies to control massive land tracts and resources.[31] Due to the timing and geography of territorial development in the West—first from California and the Southwest during the 1850s and progressively towards the interior by the 1860s—the largely unincorporated territory of the Northwestern Plains came under the careful watch of Republican leaders in DC during the war and postwar years.

Back in Congress, James Ashley tended to his duties by advocating policies aimed at abolishing slavery and increasing federal power through territorial expansion. In 1862, Ashley introduced a bill for the abolition of slavery in Washington, DC; an early model for the Thirteenth Amendment abolishing slavery in the United States.[32] During Ashley's chairmanship on the Committee on Territories, Congress also incorporated the territories of Colorado (1861), Nevada (1861), Dakota (1861), Arizona (1863), Idaho (1863), Montana (1864), and Wyoming (1868). These projects reflect how Republican architects sought to secure lands from Confederate imperial designs as well as addressing the influx of Confederate sympathizing

[30] Brian Balogh, *A Government out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge: Cambridge University Press, 2009), 287. Similar studies also support the historical relationship between westward expansion and capitalism, see Richard Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (Cambridge: Cambridge University Press, 1991); Steven Hahn, *A Nation Without Borders: The United States and its World in an Age of Civil Wars 1830-1910* (New York: Viking Publishing, 2016); and Heather Cox Richardson, *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven: Yale University Press, 2007).

[31] Although Republicans supported an antislavery platform, most did not advocate racial equality or civil rights. See Paul Frymer, *Building an American Empire: The Era of Territorial and Political Expansion* (Princeton: Princeton University Press, 2017), 132-133; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970); William E. Gienapp, *The Origins of the Republican Party, 1852-1856* (New York: Oxford University Press, 1987), 445.

[32] James Ashley, "Governor Ashley's Biography and Messages," *Contributions to the Historical Society of Montana* vol. 6 (Helena, MT: Rocky Mountain Publishing Co., 1907), 21-23.

settlers throughout the Upper Missouri and Intermountain West. At least on paper, federally determined westward expansion appeared to recast the US government's authority into the administrative networks of territories.

With Ashley's sponsorship, an act of Congress established Idaho Territory on March 3, 1863, with a full territorial government and court system appointed by the President of the United States. The territory encompassed most of the northern Rocky Mountains and Northwestern plains, spanning between the eastern border of Oregon and Washington Territory to the western border of Dakota Territory. The territorial capital, Lewiston (in present-day northwestern Idaho), was physically isolated from the portion of the territory east of the Rockies. Ashley's Republican colleague from Ohio, Representative Sidney Edgerton, experienced the problems of the capital's location firsthand when he was appointed as the first Chief Justice of Idaho Territory in 1863. That summer, Edgerton left Ohio with his family. Edgerton's daughter, Martha, recalled that their travels were "safely terminated on September 17, 1863, when the worn out oxen were unyoked in Bannack . . . but hundreds of miles from Lewiston." With autumn waning, the Edgerton family decided to stay in Bannack through the first winter. Upon arrival, Edgerton's niece, Lucia Darling, noted "the view was not an inspiring one" and "in the distance, the most conspicuous sight was the gallows . . . and on which we had been told Union men were hung. Of course, this was only a report, but it was during the time of the Civil War, and much bitter feeling existed among the people, many of whom had fled to the mountains to avoid the troubles consequent thereon."[33] Despite Darling's uncharmed impression of Bannack,

[33] Lucia Darling, "The First School in Montana," *Contributions to the Historical Society of Montana,* vol. 5 (Helena, MT: Rocky Mountain Publishing Co., 1904), 189.

her interactions with families with children in the town inspired her to keep a permanent residence and establish the town's first school.


**Figure 2.2: Map of Idaho Territory in 1863.**[34]

Sidney Edgerton likewise saw other needs of the community for which he could offer his own expertise. While exploring Bannack's main street, Edgerton came across a miners' court hearing taking place in a shoddily constructed inn. The judge saw Edgerton at the entryway and invited him to take a seat while the case proceeded. "But not for long," Edgerton's daughter Martha recalled, "when it was interrupted by the suggestion of some one present that it was time liquid refreshments should be served." After the recess, "When the liquor was exhausted and . . . those in attendance upon it sufficiently stimulated, the trial went on, only to meet a similar interruption in the course of half an hour or so. This was the initiation of the new Chief Justice into western methods of legal procedure."[35] As it appeared to the Edgerton family, the social and civil infrastructure that should have been present throughout Idaho Territory did not appear to

[34] "Idaho Territory in 1863," 2004, Wikimedia Commons. Media is in the Public Domain. https://commons.wikimedia.org/wiki/File:Wpdms_idaho_territory_1863_idx.png.
[35] Martha Edgerton Plassman, "Biographical Sketch of Hon. Sidney Edgerton. First Territorial Governor." *Contributions to the Historical Society of Montana*, vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 336-337.

extend east of the Rocky Mountains. Despite the absence of territorial organization, however, Edgerton witnessed firsthand how Upper Missouri mining towns attempted to regulate, organize, and control the locals and their businesses in the area. As one newcomer recounted, "The people preceded the law and its machinery. But they brought with them their knowledge of natural and constitutional law and justice. . . . Where they discovered diggings, they found themselves in possession of property cast and frequently rich—which as American citizens, they knew they had the natural and constitutional right to protect and enjoy."[36] Edgerton similarly witnessed the collective efforts of these miner-citizens who attempted their own systems of law knowing that the public benefits of doing so would protect individual mining interests.

To illustrate the scenes and people Edgerton encountered in Bannack, Charles Nahl's *Sunday Morning at the Gold Mines* (1872) provides an artistic representation of the often-contrasting experiences of people living in mining districts. Gold rushes throughout the West produced communities of individuals who believed they were entitled to what Edgerton labeled as natural rights: self-determination above all, even at the cost of self-destruction. One notable feature of Nahl's work is the centered tree that divides the canvas into two disparate realities of a mining camp on a bright Sunday morning. On the right side, the prospectors observe their day of rest and religious worship by reading from bibles, writing letters, or washing and mending worn clothes. They appear studious and responsible, fixated on their tasks while their tools and sluice boxes are set aside in the foreground. In contrast, the left canvas pane depicts a group on horseback racing through the camp, two men whisking away an intoxicated miner as he slings a bag of gold dust in the air, and a rowdy fight over a gambling table in the background. Liquor

[36] W.Y. Pemberton, "Montana's Pioneer Courts," *Contributions to the Historical Society of Montana*, vol. 8 (Helena, MT: Rocky Mountain Publishing Co., 1917), 99.

bottles litter the shrubbery in the foreground, an antagonistic symbol resting parallel to the tools of labor in the camp.

**Figure 2.3: Charles Nahl, *Sunday Morning at the Mines*, 1872.**[37]

Nahl's interpretation of mining camps was allegorical, yet it draws attention to important themes about the formation of these communities and their role in territorial expansion. Some scholars have criticized depictions of the West as a lawless space where violence and disorder ran as rampantly as bandits and outlaws. Terry L. Anderson and Peter J. Hill push this critique further to suggest that although some conflict occurred, the desire to create law and order

[37] Charles Nahl, *Sunday Morning at the Mines*, 1872, Oil, E.B. Crocker Collection, Crocker Art Museum, Sacramento, California, Wikimedia Commons. Image is in the Public Domain. https://commons.wikimedia.org/wiki/File:Nahl_1872,_Sunday_Morning_in_the_Mines.jpg.

through property rights prevailed in spaces like mining communities.[38] Certainly the testimonies of Meredith, Edgerton, and others speak to this impulse: in the face of no government, miners and other settlers relied on what they considered to be natural laws to stake claims, create local governments, try criminals, and form agreements with Native communities. Yet these exercises in community democracy came at a price. In the absence of statutory law, civil institutions, and law enforcement, locally organized governance could spawn vigilante justice, political violence, and racialized attacks on Indigenous peoples. Sidney Edgerton certainly witnessed this deficit of territorial power in the southwestern gold fields of the Upper Missouri, where an estimated 15,822 settlers struggled to establish order through popularly controlled institutions like miners' courts and local vigilance committees.[39]

During Wartime Reconstruction, therefore, the Upper Missouri rarely mirrored the ideal promoted by Republicans in Washington, DC. Ashley's vision of the West, as summarized by historian Andre Fleche, embodied an ideology that "stressed the achievement of liberty through order" and supported the existence of centralized government and the expansion of federal power to protect those ideals in times of war. Instead, the region was marked by fluid, overlapping, or conflicting local jurisdictions, scant leadership at the territorial level, and few federal officials able to mediate conflicts between settlers, business interests, and Native communities.[40] The Committee on Territories responded by redrawing territorial boundaries to parse the vast space of the Northern Plains into governable sections. Penning a territorial organic act was a far cry

[38] Terry L. Anderson and Peter J. Hill, *The Not So Wild, Wild West: Property Rights on the Frontier* (Stanford: Stanford University Press, 2004), 104-105.
[39] "Population of Montana" *The Montana Post* (Virginia City, MT), October 8,1864, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-10-08/ed-1/seq-3/.
[40] Andre M. Fleche, *The Revolution of 1861: The American Civil War in the Age of Nationalist Conflict* (Chapel Hill: University of North Carolina Press, 2012), 78.

from installing a functional arm of US governance in the West, however, as the latter would take years to emplace.

Semi-permanent communities like Bannack and Virginia City tried to construct their own systems of "law and order," but townspeople knew their efforts were futile in the absence of effective territorial organization. "A mining district was an independent republic," one local lawyer declared, "and although miners' courts were neither in law nor fact tribunals of record, their decisions were final."[41] A miners' court, like the one Edgerton witnessed when he first arrived at Bannack, was a grassroots effort to establish a judicial system that settled civil property claims and disputes through a speedy trial with jury participation. These courts replicated similar systems in California from the 1850s, and like the California experience, they were ill-equipped for criminal cases that involved violence, murder, or major theft.[42] For example, the first trial held by a miners' court in the Upper Missouri region occurred in March 1862 and took place in "Bolte's saloon." The plaintiff, "Tin Cup Joe," sued Baron O'Keefe for $40 in damages for slaughtering his horse. A Justice of the Peace, two attorneys, and six jury members presided over the trial, which became "less harmonious" according to the plaintiff's attorney and broke out into a fight causing the jury to flee "for dear life."[43] In other cases that involved more serious offenses like murder, the court rarely meted out harsh punishments and often allowed the defendants to walk free.

[41] Henry N. Blake, "Historical Address. Historical Sketch of Madison County, Montana Territory, July 4, 1876," *Contributions to the Historical Society of Montana,* vol. 2 (Helena, MT: State Publishing Company, State Printers and Binders, 1896), 83.
[42] Mark C. Dillon, *The Montana Vigilantes 1863-1870: Gold, Guns and Gallows* (Logan: Utah State University Press, 2013), 24.
[43] F. H. Woody, "A Sketch of the Early History of Western Montana," 1876-1877, *Contributions to the Historical Society of Montana,* vol. 2 (Helena, MT: State Publishing Company, State Printers and Binders, 1896), 100-101.

In May 1863, Bannack held an election for essential criminal justice positions and added a judge, sheriff, and coroner.[44] The first sheriff, Henry Plummer, seemed well-suited for the role, having served as city marshal of Nevada City, California. At the time of the election, however, the Bannack townspeople did not know that Plummer recently served twelve years at San Quentin prison for second-degree murder. Throughout the remainder of the year, criminal activity increased across the gold region and locals grew dissatisfied with their elected justice leaders and the efficacy of miners' courts. To make matters worse, a spike in murderous trail robberies around Bannack and Virginia City sparked public concern that the serial pattern of the crimes was evidence of gang activity. The highwaymen used scarves to mark travelling coaches for attack, killing at least 102 people between 1862 and 1864.[45] To suppress the violence, collective efforts across mining districts led to the formation of a regional vigilance committee. Both Sidney Edgerton and his nephew, Wilbur Fisk Sanders, were instrumental in the foundation of the vigilantes alongside other outspoken citizens. While vigilante membership did not follow a socio-economic pattern, historians have noted that vigilantism is "always a political phenomenon" and in this instance, represented a "hard core" of Free Masons and Union Leaguers.[46]

On December 23, 1863, twenty-four people were sworn into the Bannack vigilance committee taking the oath, "We the undersigned uniting ourselves in a party for the . . . purpos[sic] of arresting theivs[sic] & murderers & recovering stollen[sic] propperty[sic] do pledge ourselves by our sacred honor each to all others & do solemnly swear that we will reveal

[44] "Bannack Mining District miners' meeting minutes, 1863 May 24," 1862-1863," May 24, 1863, Bannack Mining District Records, 1862-1863, SC 238, *Montana Memory Project*, Montana Historical Society Research Center, Helena, Montana. https://www.mtmemory.org/nodes/view/90322.
[45] Federal Writers' Project, *Montana: A State Guide Book* (New York: The Viking Press, 1939), 46.
[46] Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890* (Norman: University of Oklahoma Press, 1985), 136-137; Spence, *Territorial Politics and Government in Montana*, 9.

no secrets, violate no laws of right & never desert each other or our standard of justice so help us God."[47] In addition to the formal pledge, the vigilance committee crafted bylaws, managed an account book, and assigned captains to supervise different mining districts. In a matter of days, the vigilantes aggressively zeroed in on the trail robbers and captured two associates, Erastus "Red" Yeager and George Brown, who confessed that Sheriff Henry Plummer was their leader. The vigilantes arrested and executed members of Plummer's gang in rapid succession, effectively eradicating the criminals by the end of January 1864. Historian Mark C. Dillon coined January 14, 1864 as the "deadliest single day in [Montana] vigilante history" with the capture of five members of Plummer's band who were then hanged from a beam in an unfinished building in Virginia City.[48] Boone Helm, reportedly one of the most violent of Plummer's men, allegedly exclaimed "Every man for his principles—hurrah for Jeff Davis! Let her rip!" before kicking away the scaffold himself.[49] As one relieved Virginia City resident gleamed, "by the Vigilantes, order was restored, and all . . . knew by the spring of 1864 that if they valued their lives, honesty was not only a virtue, but a necessity."[50]

The vigilantes maintained their presence well into the 1870s, only waning once a formal territorial justice system was put in place. It must be underscored that the vigilance committees did not represent federal authority in any direct way, despite the participation of eminent leaders like Edgerton. Rather, they formed and operated beyond the purview of federal authority. They drew on traditions of community regulation that enforced unwritten codes of conduct.

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[47] John S. Lott, "Vigilance Committee Membership Oath," Vigilante Records, 1863-1864, SC 953, Montana Historical Society Research Center, Helena, Montana.
[48] Dillon, *The Montana Vigilantes*, 145.
[49] Michael P. Malone and Richard B. Roeder, *Montana: A History of Two Centuries* (Seattle: University of Washington Press, 1976), 63.
[50] Hezekiah L. Hosmer and J.H. Hosmer (ed.), "Biographical Sketch of Hezekiah L. Hosmer. First Chief Justice of the Territory of Montana," *Contributions to the Historical Society of Montana* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 335.

Furthermore, they did not claim to be neutral enforcers of the law. The vigilantes supported the Union; many of their targets voiced support for the Confederacy. They employed terror to achieve their ends, such as posting the numerical code "3-7-77" on executed victims or the homes of their next targets as a warning and public expression of their power. Their long history—well over a decade—testifies to the federal government's languid efforts to establish statutory law in the Upper Missouri. Rather, much like during the fur trade era, resource extraction took precedence over the construction of civic institutions. For all the ambitious designs from the architects of a reconstructed West, governance on the ground was privatized. Unlike the political economy of the fur trade, however, "law and order" had shifted from select Indian Agents and fur traders into the hands of the democratic masses.[51]

[51] One of the earliest narratives on vigilantism in Montana was written by Thomas J. Dimsdale, first published serially in the *Montana Post* in 1865 and as a book in 1866. See Thomas J. Dimsdale, *The Vigilantes of Montana, Or Popular Justice in the Rocky Mountains* (Virginia City, MT: D.W. Tilton & Co., 1866).


**Figure 2.4: Arthur Rothstein, "Hangman's Building. Virginia City, Montana," 1939.**[52]

The proliferation of extralegal justice in the gold fields of the Upper Missouri reflected the strength of localism to produce distinct interpretations of justice and public safety. The vigilantes also believed they provided a locally grown "checks and balances" system in the presence of relatively weak court systems and individual sheriffs and judges. At the same time, however, settlers knew that their efforts were provisional in the absence of Idaho's territorial authority. After a meeting of citizens from Bannack, Virginia City, and surrounding mining districts, concerned residents selected Sidney Edgerton to lead the pursuit of their own separate territory east of the Rocky Mountains. As one of the few people who had connections to

[52] Arthur Rothstein, "Hangman's Building. Virginia City, Montana," 1939, Farm Security Administration/Office of War Information Black-and-White Negatives, Prints & Photographs Division, Library of Congress, Washington, DC. https://loc.gov/pictures/resource/fsa.8b17715/.

Washington, DC, Edgerton was the ideal candidate to advocate on behalf of the isolated mining districts. Despite being a Radical Republican, Edgerton earned the trust of the Democratic-leaning locals by embracing vigilantism enthusiastically. Ironically, any political tensions cast aside to prioritize business interests would quickly reignite following the new level of federal supervision introduced into the region. The urgency of the matter was enough to make Edgerton leave Bannack in mid-winter 1864. To make a persuasive case, as Edgerton's daughter explained, "Ingots [of gold] were quilted into the lining of my father's overcoat and he carried in his valise immense nuggets wherewith to dazzle the eyes of Congressmen."[53]

**Montana Territory and the Union**

When Sidney Edgerton arrived in DC, he was pleased to learn that his longtime friend and colleague, James Ashley, already submitted a bill to provide a "temporary government for the Territory of Montana" on December 14, 1863. Coincidentally, it was the same day that Ashley introduced the Thirteenth Amendment to the Constitution, "prohibiting slavery, or involuntary servitude, in all of the States and Territories now owned, or which may be hereafter acquired by the United States."[54] Once both bills were under review by their respective committees, Edgerton worked closely with Ashley and other congressmen to secure support for Montana's territorial incorporation. When the Committee on the Territories reported the territorial bill back to the House floor in mid-March, there was minimal opposition. Among the few dissenting voices was Republican Representative Rufus Spalding, who was skeptical of the necessity of dividing Idaho Territory and thus doubling the costs to manage territorial

[53] Martha Edgerton Plassman, "Biographical Sketch of Hon. Sidney Edgerton. First Territorial Governor." *Contributions to the Historical Society of Montana* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 336-337.

[54] "Amendment to the Constitution," December 14, 1863, in *Congressional Globe,* House of Representatives, 38th Cong., 1st Sess., *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875,* Library of Congress, 19-20. https://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=064/llcg064.db&recNum=90.

governments in the region. Republican Representative Fernando Beaman countered that Edgerton's views demonstrated the need for immediate action: "I am informed by one of the judges of Idaho that not long since, under orders of a vigilance committee, the people hung twenty-one men. . . . I am also informed that the population is increasing there very rapidly."[55]

James Ashley interjected in the conversation, stressing the national importance of territorial incorporation in the West: "Now, sir, I claim as a matter of economy, to say nothing about justice and the imperative obligation resting upon Congress to protect its citizens, it is better to erect not only this Territory, but other Territories." He went on to proclaim, "I can tell this House that if the northern part of Dakota had been organized into a territorial government, with proper territorial officers . . . we should not have had that terrible massacre of the citizens of Minnesota which we had last year." Ashley's reference to the US-Dakota War reignited older conspiracies that a pan-Indigenous uprising would threaten the lives and property of unprotected US citizens in unorganized lands. In conclusion, Ashley argued, "There can be no greater act of injustice to our own people, and certainly no more unwise course of economy, than that which permits our citizens to go into this Territory without having any government, thereby forcing them to the necessity of having vigilance committees to protect themselves."[56] Despite delivering one of the most significant amendments to end slavery that same day, Ashley's angst over conflict with Native communities reveals how beliefs like the erasure of Indigenous sovereignty

[55] "Territory of Montana," in *Congressional Globe*, House of Representatives, 38th Cong., 1st Sess., December 14, 1863, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress, 1168. http://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=065/llcg065.db&recNum=193.

[56] "Territory of Montana," *Congressional Globe*, December 14, 1863, 1169. https://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=065/llcg065.db&recNum=194. For more discussion on the conspiracy related to the migration of Confederate settlers in Dakota Territory and Minnesota, see Paul Finkelman and Donald R. Kennon, eds., *Civil War Congress and the Creation of Modern America: A Revolution on the Home Front* (Athens: Ohio University Press, 2018), 127-128.

coexisted alongside anti-slavery platforms. Unphased by the inconsistency, Ashley advocated policies that continued to enshrine the inclusion of some at the exclusion of others.[57]

The bill faced additional challenges in the Senate. Some members raised concern over the bill's voting clause and how it defined the role of race and citizenship in suffrage. Republican Morton S. Wilkinson motioned to replace the phrase "white male inhabitant" with "free male citizen of the United States" to clarify that voting rights would exclude the British and French Canadians who either continued to reside in the Upper Missouri region or could migrate there with the malevolent intent of participating in a Montana's territorial government. Democrat Reverdy Johnson, an arch conservative, feared that replacing "white" with "free" would imply the suffrage of freed Black men pending the passage of the Thirteenth Amendment. Johnson went on to warn, "They may go, for aught I know, in numbers to the proposed Territory, and may get the whole control of the Territory."[58] With Johnson's fear of a Northern Plains maroon community aside, Wilkinson's recommendation returned to the House where the Committee on the Territories offered a new modification: "That all citizens of the United States . . . and qualified under the fifth section of the act of congress providing for a temporary government . . . shall be entitled to vote."[59] Under the act, suffrage remained limited to white males who were at least twenty-one years of age, therefore generating a small legal loophole to dodge the

[57] The notion of the "American Paradox" as conceptualized by historian Edmund S. Morgan describes how the institution of slavery conflicted with the language of equality and liberty that shaped the foundation of the United States. See Edmund S. Morgan, "Slavery and Freedom: The American Paradox," *The Journal of American History* 59, no.1 (June 1972): 5-29. https://doi.org/10.2307/1888384; and Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton & Co., 1975).

[58] "Territory of Montana," in *Congressional Globe*, House of Representatives, 38th Congress, 1st Session, March 30, 1864, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress, 1346. https://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=065/llcg065.db&recNum=371.

[59] "Territory of Montana," in *Congressional Globe*, House of Representatives, 38th Congress, 1st Session, May 19, 1864, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress, 2347. https://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=066/llcg066.db&recNum=396.

confrontation of race and voting rights at that time. Without further revisions, the Organic Act to establish Montana Territory officially passed on May 26, 1864, and the settlers of Montana Territory appeared to have the desired legal framework for government they entrusted Sidney Edgerton to secure on their behalf.

The formal organization of Montana Territory in 1864 conformed to US precedents and, at least on the surface, promised to supplant informal governance with orderly, constitutional republican institutions. With Senate approval, the President appointed a territorial governor, secretary, and three Supreme Court justices.[60] Throughout Montana's territorial life, most of these appointees were nonresidents, had little experience in territorial government, and were almost always Republican.[61] Although an elected legislative assembly had the authority to pass laws for the citizens of the territory, Congress had the right to nullify any acts passed by the legislature. After reaching a sufficient population size, the territorial government would be able to draft a state constitution and petition the federal government for admission into the Union.

Nevertheless, the unique socio-political composition of Montana Territory—and the historical moment when it was created—made its pathway to statehood complex. For one, the matter of who was (or who was not) eligible for citizenship remained alive, despite Reverdy Johnson and other Democrats' successful effort to restrict voting in the territory to whites. It was not evident at the time that this question would persist as Lincoln unveiled his "pardon and amnesty" plan in December 1863, which included encouragement of Black voting in Louisiana. Second, although Republicans like Ashley assumed Indigenous tribes would be out of the bounds of citizenship, there was ample evidence that Native nations in the Upper Missouri intended to

[60] The first candidates to fulfill these roles were Sidney Edgerton (Governor), Thomas Francis Meagher (Secretary), Hezekiah Lord Hosmer (Chief Justice), Ammi Giddings (Associate Justice), and Lorenzo Williston (Associate Justice). See Spence, *Territorial Politics,* 18.
[61] Spence, *Territorial Politics*, 19.

maintain communal sovereignty. How they would figure into the new territory's development was an open question. Third, as with other US territories, there was no guarantee that settler communities and their local institutions would defer to federal authority if their interests dictated otherwise. Conversely, competing interests might play one authority against the other to gain advantage. Lastly, partisan politics could not be ignored. Vocal Democratic settlers quickly found themselves on a collision course with a territorial government dominated by Republican outsiders who represented eastern capital and political interests.

As the ink dried on the Montana Territory's Organic Act, Sidney Edgerton met with President Lincoln prior to returning home to Bannack. Edgerton was one of several names that circulated in the bid for governor, but one of his adversaries in the Senate protested his appointment. When Edgerton pried, Lincoln said that it was because he called the senator a liar. "I insisted it was the truth" Edgerton replied, "and if he (Mr. Lincoln) chose to appoint some of the other applicants, it would be satisfactory." On his way out, Edgerton told Lincoln, "I should return home and mine, as Dosheimer kept tavern." The name "Dosheimer" triggered a fond memory for Lincoln, "'Dosheimer!' exclaimed Mr. Lincoln; 'I knew Dosheimer. What was the story?" Edgerton went on to explain that their friend (probably Philip Dorsheimer, a politician and wealthy hotel owner in upstate New York) attended a convention in Utica to be nominated as a canal commissioner. "He was defeated, and rising from his seat, said: 'Shentlemen, I goes back to Puffalo and keeps tavern like hell!'" Edgerton mimicked, "I left Mr. Lincoln laughing heartily at the story. It was the last time I saw him."[62] Appealing to Lincoln's love of humor must have

[62] Sidney Edgerton quoted in Martha Edgerton Plassmann, "Biographical Sketch of Hon. Sidney Edgerton. First Territorial Governor," *Contributions to the Historical Society of Montana* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 338-339.

worked, because once Edgerton reached Salt Lake City he learned of his appointment as the first territorial governor of Montana Territory.

In Bannack, the Civil War and its politics remained at the forefront of daily life and interactions. The addition of a functioning territorial structure increased the visibility of these tensions on the ground. When Edgerton arrived to fulfill his new federal role with real administrative power, the locals treated him as a Radical Republican outsider governing a Democratic territory. Edgerton's family felt immediate ramifications. His daughter Martha recalled:

> Threats had been made that any one would be shot who dared to raise the star spangled banner. My father heard of this, and out flew the old flag from above the house which sheltered his wife and children. The threats appeared to be mere bravado; but drunken horsemen galloping by at night often fired random shots at the red, white and blue target while hurrahing hastily for Jeff Davis.[63]

Edgerton closed the year with his first address to the legislative assembly, an event which sparked a direct confrontation with the territory's political dissenters. In his message, Edgerton devoted time to discussing the war and reminded the assembly, "Although we are far removed from the scene of strife . . . We are part of the great American Nation, and a part of that Nation we must ever remain." He concluded with a note on the "Prospects of Peace," but the steely words sounded more like a warning: "The power of the rebellion is already broken: our victorious armies now occupy the very heart of the rebellious States, and thunder at the gates of their capital. As true and loyal citizens of the United States, we may well rejoice at the triumph of National Arms."[64]

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[63] Martha Edgerton Plassmann, "Biographical Sketch of Hon. Sidney Edgerton. First Territorial Governor," *Contributions to the Historical Society of Montana* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 339.

[64] "Governor Edgerton's First Message to the First Legislative Assembly of the Territory of Montana," December 12, 1864, *Contributions to the Historical Society of Montana* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 341.

**Figure 2.5: Edgerton Family Home in Bannack, Montana.**[65]

Edgerton's next action startled the assembly. In a move that foreshadowed the Reconstruction of the South, the governor insisted that the entire assembly swear to the Ironclad Oath to prove their loyalty to the Union under the promise, "We have never borne arms against the United States . . . we have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto. . . . That we have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto."[66] All members abided except one, John Rogers, who fought in the Confederate

[65] Edgerton Family Home in Bannack, Montana, photo taken by author, 2019.
[66] "Oaths of Council and House Employees" December 12, 1864, LR-TERR 1, Box 1, Folder 25, 1st Montana Territorial legislative Assembly Records 1864-1865, Montana Historical Society, Helena, Montana.

Army and demanded admission without taking the required oath. A new oath to fit "so delicate a case" satisfied Rogers, who was then admitted to the assembly without further issues.[67]

The remainder of 1864 and early 1865 were busy for the new territorial government, which introduced several key pieces of legislation to solve many of the pre-territorial ailments of mining communities: securing the peace and protecting property. The variety of bills included a new requirement for submitting mining claims to a county office, an act to prohibit carrying concealed weapons, an act to incorporate mining companies to buy and sell claims, and the establishment of a civil, criminal, and juvenile territorial court system.[68] Of these laws, the act to incorporate mining companies alludes to yet another gradual shift in the region's political economy. After the initial mining boom throughout the southwest gold fields of the Upper Missouri River region, there was a decline of individual prospectors in favor of companies that hired wage labor to work large-scale equipment for extraction, smelting, and refining precious metals. By 1866, a second "General Incorporation Act" enabled three or more people to form a company in Montana "for the purposes of manufacturing mining, mechanical, or chemical business" and offered stock options for the company. Codifying and easing the chartering of corporations within the territory resonates with the broader Republican agenda at the end of the war: the deepening partnership between the federal government and capital to accomplish economic growth. Yet, given the partisan divides in Montana, it was not clear that resource extraction on an industrial scale would triumph over the small stakeholders who dotted the landscape.

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[67] Martha Edgerton Plassmann, "Biographical Sketch of Hon. Sidney Edgerton. First Territorial Governor," *Contributions to the Historical Society of Montana* vol. 3 (Helena, MT: Rocky Mountain Publishing Co., 1900), 339.

[68] Textual Records of House Bills 14, 50, 78, and "Title I," LR-TERR 1, Box 1, Folders 2-6, 1st Montana Territorial legislative Assembly Records 1864-1865, Montana Historical Society, Helena, Montana.

## Conclusion

The creation of Montana Territory in 1864 completed the transition from fur posts into a managerial system of federal Indian affairs. In this hierarchy, the US Department of the Interior housed the Bureau of Indian Affairs which relied upon territorial governors to carry the responsibility of ex-officio Superintendent of Indian Affairs and supervise the Indian agencies throughout their territory. Far from being a constructive network of administration, the functionality of Indian affairs at all levels proved to standardize the removal, starvation, and eradication of Indigenous peoples. Like many governors in these dual roles, Sidney Edgerton not only dismissed his obligations to Montana's Indigenous communities by bestowing full jurisdiction to local agencies, but he openly exercised a discourse of organized violence. Edgerton perceived sovereign Native polities as an obstacle to the fulfillment of the Republican Party's free labor ideology which advocated a homogenous citizenry with secured rights to labor and property. In the Secretary of the Interior's statement for the 1865 annual report on Indian affairs, Commissioner Dennis N. Cooley noted that Governor Edgerton had yet to submit reports for 1864 and 1865 to the department.[69] During that time, Edgerton issued a proclamation calling for the immediate enrollment of a territorial militia. Although one local newspaper believed the purpose was to protect Montanans from any "assault upon the person or property," being "surrounded by hostile savages" was equally important in framing this request.[70]

As a booming mining political economy eclipsed the remnants of the global fur trade, these changes also ushered in a new system of relations with the diverse Indigenous nations of

[69] John P. Usher, "Montana Superintendency. No. 137. Blackfeet Agency, Fort Benton, Montana Territory, September 1, 1864," *1864 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1864), 293.
[70] "Territorial Militia," *The Montana Post* (Virginia City, MT), October 22, 1864, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-10-22/ed-1/seq-2/.

the Upper Missouri. Some Indian agencies like Fort Benton (representing the A'aninin [Gros Ventre], Ktunaxa [Kootenai], Niitsítapi [Blackfoot Confederacy], Qi̓lispé [Kalispel / Pend d'Oreilles], and Séliš [Salish] communities) encouraged agricultural projects to replace their communities' livelihood from the fur trade. These "farms" existed throughout valleys of the Rocky Mountains. In 1861, Fort Benton agent Henry Reed reported that due to widespread crop failures, the Blackfeet did not receive "very encouraging views of farming from this experiment."[71] After submitting his report, Reed spent the remainder of his tenure at his home in Epsworth, Iowa until a new agent arrived nearly a year later. Reed's absence reflected similar patterns of abandonment at other agencies during the Civil War era, due to little federal enforcement and support. Their frequent departure, however, left Indigenous communities with little reason to trust the US government and treaty promises.[72]

As a result, communities that signed treaties like the Horse Creek Treaty (1851), the Blackfeet Treaty (1855), and the Hellgate Treaty (1855) felt justified in resuming hunting and conducting raids outside of treaty-defined boundaries. Comparatively, Flathead agent Calvin Hale wrote about the measurable success of their farms despite the delay in annuity arrivals that included necessary farming equipment. With greater empathy than Reed, Hale acknowledged, "The failure on the part of the government to meet its treaty stipulations is cause of much dissatisfaction here, as elsewhere." Hale also relayed requests from local elders that settlers were not permitted to reside within the fertile Bitterroot Valley near the southwestern gold fields, as stipulated in article eleven of the Hellgate Treaty. Echoing these concerns, he stated, "The

[71] Henry W. Reed, "B.—No. 36. Blackfeet Agency, Dakota Territory, October 1, 1862," *1862 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1862), 179.
[72] Scholars of Indigenous history in the Upper Missouri River region often attribute the high turnover rate of Indian agents to the fluctuating political and economic demands of the Civil War. See Loretta Fowler, *Shared Symbols, Contested Meanings: Gros Ventre Culture and History, 1778-1984* (Ithaca: Cornell University Press, 1987), 52-53; Andrew Graybill, *The Red and the White: A Family Saga of the American West* (New York: W.W. Norton & Co.), 237; Ryan Hall, *Beneath the Backbone of the World:* 146-150;

Flatheads chiefly reside in this valley; they claim that it is better adapted to their wants than the general reservation, and complain that the engagement entered into has not been carried out."[73] Conveying these sentiments in a report did not result in real action, however, because even when Indian agencies were functional, communities largely struggled to find adequate representation.

In response, Indigenous nations throughout the Upper Missouri found ways to navigate the new territorial structures and assert their sovereignty to refashion the course of interactions, exchange, and diplomacy with the US government. When compared to earlier annual reports, those from 1864 and 1865 detail more direct appeals from Indigenous people who utilized these platforms to take charge of their communities' welfare. In 1864, Agent Gad Upson for the Blackfeet and Gros Ventre wrote:

> No agent having been in the country for over eighteen months, the Indians began to feel as though they were forgotten by their 'Great Father,' and expressed themselves to that effect. This feeling was fostered and increased by the failure on the part of the contractors to deliver their annuities last year, and, to a certain extent, led the Indians to believe that the government was unable, or did not in good faith intend, to carry out the treaty obligations.[74]

Likewise, agent Charles Hutchins of the Flathead Agency documented the frustrations of the Confederated Kalispel, Kootenai, and Salish Nations, who faced violent confrontations with the Blackfeet and the Crow (Apsáalooke), when they hunted buffalo. "By treaty," the confederated nations expressed to Hutchins, they are "permitted to hunt, fish, and gather roots and berries at their accustomed places . . . and ask why steps are not being taken to punish the Blackfeet for

[73] C.H. Hale, "Flatheads, Kootenays, and Upper Pend D'Oreilles," *1862 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: US General Printing Office, 1862), 394.
[74] Gad. E. Upson, "Montana Superintendency. No. 137. Blackfeet Agency, Fort Benton, Montana Territory, September 1, 1864," *1864 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1864), 293.

their depredations."[75] Such examples represent the extent to which Upper Missouri nations continued to practice familiar forms of diplomacy to navigate a foreign territorial system.

As matters worsened, Chief Victor of the Flatheads made an appeal directly to Governor Edgerton about the encroachment of settlers in the Bitterroot Valley. His letter began by addressing a personal matter, offering to replace four horses that some of his men stole as well as one horse as a gift to the governor. He then addressed Edgerton on the behalf of his community:

> Some of the big men among the white settlers . . . spoke to send us away from our country. . . . I, Victor, therefore do send you the horse abovementioned to pray you take pity on us, and to put an end to such talkings, and to stop the whites from building themselves houses in our own land guaranteed to us by treaty. We are almost given to despondency seeing every day new houses started up, and farms taken by whites in our land, We got this spring some ploughs from governement[sic], and we are all busy, and in great earnest to make ourselves fields; but after a little while there will be no more room for us in our own country if you do not stop the whites.[76]

In an effort to negotiate with the governor, Victor's plea points to specific treaty obligations that he expected the new territorial government to honor, just as the legislative assembly worked to address the needs of prospectors, settlers, and companies in their first meeting. The reference to the increasing sprawl of settlers into the Bitterroot Valley was the result of failing prospecting communities after the initial boom of the gold rush. It was a pattern that continued throughout most of Montana, sparking conflict and violence that would increasingly characterize the years following the Civil War.

It was by coincidence that Chief Victor wrote this letter on April 15, 1865. It was the day after Lincoln's assassination, an event which Montanans would not learn about in the press until

[75] Charles Hutchins, "No. 84 Office Flathead Agency, Jocko, M.T., June 30, 1865," *1865 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: 1865), 245.
[76] Correspondence from Chief Victor to Governor Sidney Edgerton, April 15, 1865, MC 26, Box 1, Folder 8a, Sidney Edgerton Family Papers, 1859-1884, Montana Historical Society Research Center, Helena, Montana.

over two weeks later.[77] As the final negotiations and fighting of the Civil War formally ended after Confederate General Robert E. Lee's surrender at Appomattox Courthouse, Montana Territory continued to occupy a precarious position in the deep northern interior of the United States. The combination of strong localism in politics and the efforts of Indigenous communities to demand visibility in the territorial framework reflect the malleability of that system despite the appearance of federal administrative control. Likewise, the expansion of federal administration through territorialism did not end with the creation of new territories, but rather became more deeply entrenched through the growth of bureaucracies and agencies. In the effort to nationalize Reconstruction, the contestation between local and federal jurisdictions, Democratic and Republican politics, and Native nations and the settler state would exemplify the continuity of conflict. Far from a narrative of reconciliation, the combined re-entry of rebel states into the Union and the addition of new territories on the path to statehood reflect a more complex national vision of Reconstruction and its limitations. In Montana and the grater territorial West, the war was long from over.

[77] "Horrible Assassination of President Lincoln and Secretary Seward," *The Montana Post* (Virginia City, Montana), April 29, 1865, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1865-04-29/ed-1/seq-1/.

## CHAPTER THREE:
## PAPER TOWNS: COMMUNICATING CITIZENSHIP AND SOVEREIGNTY DURING NATIONAL RECONSTRUCTION, 1865-1869

From June to September 1865, Ohio Representative James Ashley embarked on a tour of western states and territories on behalf of the Committee on Territories. Congress was in recess, and Ashley felt that it was his duty as committee chairman to familiarize himself with western geography and inspect the "actual condition" of western settlements.[1] During his travels, Ashley delivered several speeches that affirmed his support of the territories' needs as well as taking the rare opportunity to speak to westerners about their part in postwar Reconstruction. Fully aware of the political strife and Confederate sympathy in Montana Territory, Ashley made sure that one of his stops included Virginia City, the new territorial capital. His late-July speech likely took place at the Virginia Hotel on Wallace Street, where the appearance of a proselytizing Radical Republican was surely a spectacle for the large gathering of Democratic miners and their families. "There are numbers of the citizens of Montana, who have come from the South," Ashley addressed the crowd with hesitation, "let us subordinate all minor distinctions and work together for the good of our common country. Here, surrounded by hostile Indians . . . you can unite in a manner and with a cordiality unknown to those who have never shared danger and privation, together, in a distant land." According to one local Republican newspaper, his appeal to patriotic unity under a common cause was well received by the crowd. Sensing that his words struck a chord, Ashley continued, "Let us unite to make this country the noblest and greatest on the face of the earth. Adopt the old idea of unity which our forefathers held—believing the country to be nothing without it. Let us bring our Northern and Southern brethren together."[2]

[1] "Speech of the Hon. J.M. Ashley," *Montana Post,* July 29, 1865, *Chronicling America: Historic American Newspapers,* Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1865-07-29/ed-1/seq-2/.
[2] "Speech of the Hon. J.M. Ashley," *Montana Post,* July 29, 1865, *Chronicling America,* Library of Congress.

For historians, Ashley's speech reveals a great deal about how Republicans responded to a changing political landscape in summer 1865 and the political choices they would make during Reconstruction. Delivered in a dusty, bustling mining town in the rolling hills of southwestern Montana, one might dismiss Ashley's call for unity as a standard boilerplate for nineteenth-century US politicians. Yet Ashley was no ordinary politician. In addition to being a firm abolitionist long before the Civil War, Ashley stood among the most ardent Radical Republicans in Congress. In 1861, he drafted a Reconstruction proposal that would have reduced rebel states to territorial status, he proposed a bill in 1863 that became the Thirteenth Amendment abolishing slavery, and he later led the House impeachment of President Andrew Johnson in 1867. Throughout these efforts he remained Chairman of the Committee on Territories as the United States entered postwar Reconstruction. Just two months after the last Confederate surrender in Texas, Ashley spoke to a common Republican fear in his 1865 speech: that their wartime dominance in Congress might diminish. They had cause for concern as Johnson, a War Democrat, granted pardons to rebel leaders and allowed Confederate states to reconstruct with little oversight.

Ashley's call for unity under this context reveals much about the political compromises that Republicans contemplated early in Reconstruction. In Ashley's case, he was willing to appeal to white nationalism to bring Montana into the Union as a loyal state. By shifting attention from party divisions that bedeviled Montana's nascent political system towards vanquishing "real" enemies, Ashley made clear that even the most Radical Republicans were willing to turn whites against Indigenous people in pursuit of partisan advantage. As events would show, Republicans did not easily win the hearts and minds of Montana's settlers even when Ashley dangled the promise of statehood in return for their support: "With the old love of

our flag revived and re-kindled, let us make this Territory a great State; and, I hope, before I resign the Chairmanship of the Committee, to welcome Montana into the Union."[3] Indeed, the summer of 1865 implores three related questions. First, what would the Republican architects of Western territories do if white populism failed to achieve political solidarity? Second, how would local Democratic strategies shape territorial politics? And third, what tactics would Native nations adopt to ensure their political objectives could be met in an increasingly restrictive and hostile political economy? In Montana, Reconstruction hinged on these inquiries.

This chapter investigates how these questions were debated, interpreted, and shaped during the formative years of Montana Territory. Throughout the 1860s, the development of a strong network of communication through newspaper publishing brought a sense of permanence, security, and representation to a settler population that became increasingly sedentary. Newspapers like the *Montana Post* and the *Montana Democrat* were significant vehicles for nationalizing Reconstruction while facilitating ideas about community, power, and belonging. Press and polity functioned "in tandem as institutions of the public sphere," as journalism scholar Richard Kaplan observes, and newspapers offered their readers solidarity during a time of much uncertainty and change.[4] This system of communication also included other documentary practices—like correspondence, militia orders, council notes, and treaties—that created the foundation for an expanding settler state. By studying the patterns of communication in Montana Territory throughout the 1860s, the national scope of Reconstruction as a state building project

[3] "Speech of the Hon. J.M. Ashley," *Montana Post*, July 29, 1865, *Chronicling America*, Library of Congress.
[4] Richard Kaplan, *Politics and the American Press: The Rise of Objectivity, 1865-1920*, (Cambridge: Cambridge University Press, 2002), 2. Such behavior also supports electoral trends captured in classic political histories like Joel Silbey's *The American Political Nation, 1838-1893*, which dispels the notion that the Civil War was a political rupture and instead emphasizes the survival of a strong two-party system. Montana settlers' political behavior deviates, however, from studies of political activity in the West that suggest weak partisan bonding and susceptibility to short-term, local forces; see Joel Silbey, *The American Political Nation* (Stanford: Stanford University Press), 157; Paul Kleppner, "Voters and Parties in the Western States, 1876-1900," *Western Historical Quarterly* 14:1 (Jan. 1983), 57. https://doi.org/10.2307/968433.

becomes more visible. This process also showcases how the networks and practices of communication fueled territorial and federal action against Montana's Indigenous communities at a time when there were critical national debates about expanding citizenship and civil rights legislation. The lines of communication were mutual, however, and reveals how Reconstruction was a process that reconceptualized how people imagined their own sense of belonging, how they perceived one another, and how they defined their relationship to authority.

**Communicating National Reconstruction**

The partisan press played a decisive role in the debate over Reconstruction in the West as editors linked national and local events in their columns. Montana also proved to be fertile ground for ambitious publishers. In 1864, John Buchanan left his career as a county clerk in Ohio with the intent "to bring a press to the 'far West'" and to "publish a journal devoted to the interest of the people now inhabiting . . . this new and soon to be, most important territory of the United States."[5] Bound for the gold fields in Montana, Buchanan first stopped at a local foundry in St. Louis, Missouri, where he purchased a printing press, type sets, and other materials before taking a steamboat north on the "Big Muddy" Missouri River. Arriving at Fort Benton nearly three months later, Buchanan waited for his freight to be delivered before trekking south, eventually settling in Virginia City. A few informal news sheets circulated in the locale as early as January 1864, but it was not until Buchanan's *Montana Post* that Montana Territory had its first regular edition newspaper.[6] A weekly Saturday paper beginning just four months after achieving territorial status and in the waning months of the Civil War, the *Post* was a devoutly

[5] "Trip to the Gold Fields of Idaho," *Montana Post*, August 27, 1864, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-08-27/ed-1/seq-1/.
[6] The first news sheet began in Virginia City while another small paper, the *News Letter* appeared in Bannack in spring 1864. No copies of either news sheet exist today. See Federal Writers' Project, *Montana: A State Guide Book*, (New York: The Viking Press, 1939), 115.

Radical Republican paper committed to the Union cause. Despite Buchanan's heavy personal investment and arduous journey to Virginia City, he ran issues for only four weeks before suddenly selling the *Post* to a local printshop owner, Daniel W. Tilton, for $3000.[7]

At the time the *Montana Post* was established, Virginia City succeeded Bannack as the new territorial capital. The change in capital marked a distinctive transition in the efforts by white residents to attain permanence, security, and a path to statehood. Like many towns in Montana, Virginia City remained in an unstable political condition at the conclusion of the Civil War and posed similar problems for Reconstruction as seen with former state governments in the American South. The town was originally named after the Confederacy's First Lady Varina Howell Davis and grew into a substantial boomtown during the Civil War years by attracting miners from nearby depleting gold camps. Moving the territorial seat coincided with the creation of new laws and infrastructure, including a school system, limited pure food and drug laws, gambling laws, and statutory laws regarding livestock.[8] Moreover, US citizens in territories could not vote in national elections nor did they have a voting representative in Congress. Such conditions therefore influenced how Montana settlers perceived and interacted with the state, imploring local modes and methods for cultivating interpersonal, community, and civic relations.

[7] Daniel W. Tilton, "Account Journal: Montana Post," 1865, Box 2, Folder 4, Daniel Webster Tilton Family Papers, 1851-1976, Montana Historical Society Research Center, Helena, MT.
[8] Clark C. Spence, *Territorial Politics and Government in Montana 1864-89* (Urbana: University of Illinois Press, 1975), 27.

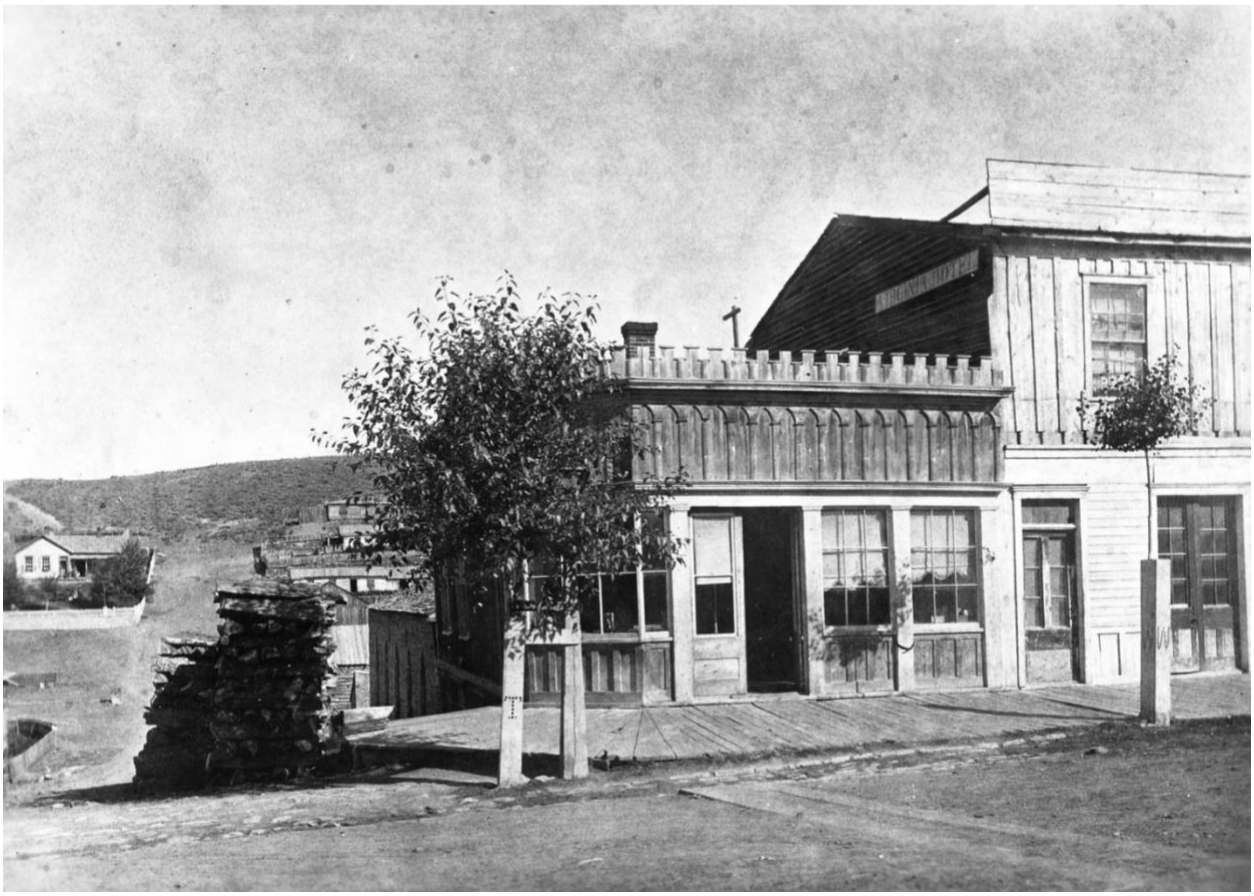

**Figure 3.1: Photo of the *Montana Post* Building, ca. 1920-1935.**[9]

The press emerged in this transition as a powerful accessory to state building that replicated a sense of community and profoundly shaped Reconstruction discourse in the West. A strong network of communication was mandatory for the growth of territories, and the *Montana Post* became a Republican ally to the state building process in Montana. Studies of newspapers and print journalism in the West often describe the nuanced relationship between mass communication and community formation, especially in remote areas. This chapter employs journalism scholar David Paul Nord's notion of the "public community" in which newspapers fostered "a kind of association founded upon . . . interdependence and identity, of sentiment and sympathy, yet powered by formal organizations and activist government and guided by the new

[9] "*Montana Post* Building, Virginia City, Montana," ca. 1920-1935, Photograph, 5 x 7 1/4 in., Montana Historical Society Research Center, Helena, Montana.

agencies of mass communication."[10] Even newspapers (and their readers) in rural Western towns were undeniably drawn into the ethos of the modern American city. The public nature of newspapers reinforced the private bonds between readers and their town by filling columns with local events, business advertisements, services, and products in addition to lists of jury summons, those who owed debt, or who had mail at the local post office.[11] As journalism scholar Hazel Dicken-Garcia has shown in her seminal work on nineteenth-century journalism, the Reconstruction-era press actively drew readers into a discussion of their relations between one another and the higher institutions that governed them. "The press's power was great," she remarks, "it took people when their information was incomplete, their reasoning not yet worked out, their opinions not fixed, and it suggested, intimated, and insinuated opinion."[12] In addition to preying on the partisan divides between readers and their territorial leaders, newspapers stirred emotions, panic, and controversy. The Federal Writer's Project *American Guide Series* once noted that although Montana's newspapers were "filled with zestful matter pertaining to gold strikes, Indian raids, hold ups, and range affairs, [they] held a faithful mirror to frontier life."[13] To understand the consequences that newspapers had on state building in the West during Reconstruction, one must look to lines of social, political, and economic networks behind newspapers and the communities they served. In this context, the partisan drama of territorial

[10] David Paul Nord, *Communities of Journalism: A History of American Newspapers and their Readers* (Urbana: University of Illinois Press, 2001), 109.
[11] For studies on US print capitalism, the business of the press, and related systems of communication, see; Joseph Adelman, *Revolutionary Networks: The Business and Politics of Printing the News, 1763-1789* (Baltimore: Johns Hopkins University Press, 2019); Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983); Barbara Cloud, *The Business of Newspapers on the Western Frontier* (Reno: University of Nevada Press, 1992); and Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge: Harvard University Press, 1995).
[12] Hazel Dicken-Garcia, *Journalistic Standards in Nineteenth-Century America* (Madison: The University of Wisconsin Press, 1989), 162.
[13] Federal Writers' Project, *Montana: A State Guide Book,* (New York: The Viking Press, 1939), 116.

governance, the battle for local legitimacy, and the status of territorial Indian affairs was not merely a matter of semantics, but emboldened people to act on these sentiments as well.

When Buchanan introduced the *Montana Post* to its readership on August 27, 1864, he devoted a few columns towards describing American journalistic principles and emphasized the necessity of a free and open press to the welfare of the republic. Despite Buchanan's clear Republican partisanship and support for the Union cause, he insisted, "Believing that political demagogues have well nigh ruined our country, we shall not make our paper the organ of any clique or faction." As an "*independent* (not neutral) paper," the *Post* "shall independently give our views on all national questions as they affect the American people" while reserving the right for their opponents to do the same. The *Post* was soon to be a "fixed fact" in the territory, Buchanan believed, and its use of casual language reflected the newspaper's mission to reach "plain and honest people."[14] The *Post* had impressive social networks as well—including a host of postmasters and Indian agents—who were authorized to sell subscriptions, receive advertisements, and curate local news. As a prominent institution of communication, the *Montana Post* reinforced Virginia City as the social, political, and economic nucleus of the territory. Buchanan played the role of town booster as well, glowingly writing, "Virginia City is not a myth, a paper town, but a reality."[15] After buying the *Post,* Daniel W. Tilton pledged to uphold these same values and asserted that it was through the Republican *Montana Post* that Montana Territory would be judged by the whole nation.[16]

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[14] John Buchanan, "Introductory," *Montana Post,* August 27, 1864, *Chronicling America: Historic American Newspapers,* Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-08-27/ed-1/seq-2/.
[15] John Buchanan, "Virginia City," *Montana Post,* August 27, 1864, *Chronicling America: Historic American Newspapers,* Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-08-27/ed-1/seq-3/.
[16] "Salutatory," *Montana Post,* September 10, 1864, *Chronicling America: Historic American Newspapers,* Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-09-10/ed-1/seq-2/.

From its inception, the *Post* functioned as a vital appendage of territorial affairs and political life. The newspaper immediately threw its support behind Republican Governor Sidney Edgerton, Ashley's ally, and frequently covered his speeches, travels, and activities. With a significant election in fall 1864 that decided on the non-voting territorial delegate to the US House of Representatives, the *Post* canvassed on behalf of the Republican nominee, Wilbur F. Sanders. As the first election since territorial organization, the *Post* observed, "It remains to be seen whether the inhabitants of this territory are faithful to the Union . . . or whether it shall be ignobly and basely prostrate at the feet of the arch traitor, Jeff Davis."[17] In another issue, the *Post* pleaded among voters to cast their ballots for the Union ticket, threatening that territorial Democrats "long for a disruption of the peace" and "a crusade against the national authorities."[18] Yet the Democratic candidate, Colonel Samuel McClean, won the November election by a sweeping majority. Ensuing friction between the Democratic majority and the federally appointed Republican leadership compromised efforts by the *Post* to claim to speak for the populace. The new Montana Legislative Assembly passed legislation that greatly expanded their power and gerrymandered voting districts to be in favor of the Democratic Party. In the uproar, Governor Edgerton vetoed these laws and led to a political confrontation that backfired against Democrats. Flustered with Edgerton, the 1864 assembly adjourned without creating new electoral districts and without setting a date for the legislature to reconvene—a critical error that produced a series of informal "Bogus Legislatures" over the next two years. The breakdown in territorial governance also effected the executive branch, as Edgerton left Montana and returned to his old family home in Akron, Ohio, where he resumed his private law practice in fall 1865.

[17] "The Election," *Montana Post*, October 1, 1864, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-10-01/ed-1/seq-2/.
[18] "The Situation," *Montana Post*, October 8, 1864, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1864-10-08/ed-1/seq-2/.

Edgerton's sudden departure opened an opportunity for Democrats to stage a series of victories in their struggle to gain partisan control of territorial affairs. Two new arrivals to Virginia City in 1865 proved critical to this surge: Territorial Secretary Thomas Francis Meagher, who quickly assumed the role of acting governor, and John P. Bruce, the proprietor and editor of the newly minted *Montana Democrat*. This transition also ushered in the convergence of two defining issues in Montana during the immediate postwar era: the quest for statehood and the future of Reconstruction. The press facilitated the entanglement of these subjects, as journalism scholar Dennis Swibold attests, "In the post-Civil War tension that colored much of Montana's territorial period, editors' battles over the efficacy and patronage of territorial government shared space with bitter exchanges over Reconstruction."[19] The *Montana Post* was initially supportive of Meagher's ascendancy to governorship. The paper welcomed Meagher as a War Democrat and championed his Union service as general of the Irish Brigade during the Civil War. "His banner is the stars and stripes," the *Post* asserted, "and this he regards as the flag of our nation, and not of a party."[20] Yet Meagher had been appointed by President Johnson, also a War Democrat, who by late summer 1865 strayed from Republican Party positions on Reconstruction and seemed adamant about forming a new conservative coalition of moderate Republicans and unionist Democrats to challenge racial equality and federal authority within the states. Over time, Meagher drifted into alignment with Montana Democrats, placing himself at odds with Republican officials in the territory, as well as Congress.

Among Meagher's actions as the senior federal official on the ground was to endorse the *Montana Democrat* as the official newspaper of the territory. This was a boldly partisan and self-

[19] Dennis L. Swibold, *Copper Chorus: Mining, Politics, and the Montana Press, 1889-1959* (Helena: Montana Historical Society Press, 2006), 21.
[20] "The Arrival of General Meagher," *Montana Post*, September 30, 1865, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1865-09-30/ed-1/seq-2/.

serving move. Whereas Republican newspapers like the *Post* catered to its audience by reminding readers of the Civil War's toll and the importance of unification, rival Democratic editors saw an opportunity to serve Montana's contingent of Confederate sympathizers by preying on readers' fears of federal oversight, racial equality, and Republicans stifling the territory's progress towards statehood. John P. Bruce, a printer from Missouri, capitalized on these anxieties and gave a voice to these political sentiments in the *Montana Democrat.* One biographer described Bruce as "doubtless the most eccentric character that ever toiled in the newspaper field in the territory." Purchasing a press and printing materials in Salt Lake City, he arrived in Virginia City in fall 1865 and began the *Democrat* under the banner, "the only champion of the Democratic Party in the territory."[21] To Bruce, Meagher, and other like-minded Democrats in Montana, the citizenry had no obligation to heed Ashley's call to unite behind the Republican Party or its territorial policies. Rather, they believed they had every right to seek statehood on their own terms. The emerging Democratic clique in the capital argued that the territory's loyalty to Johnson's Reconstruction policies—which allowed rebel states to write constitutions that denied African American civil rights, refused to renounce Confederate debts, and other belligerent clauses—was sufficient proof of their qualifications for statehood. The *Democrat* had no objection with the most controversial of Johnson's actions: "the full pardon . . . extended to all persons who directly or indirectly participated in the late rebellion, with the restoration of all privileges, immunities, and rights of property, except as to property with regard to slaves," except for high-ranking Confederate officials or the wealthiest planters.[22] As for the

[21] Thomas Baker, "Major John P. Bruce," in James H. Mills, "Reminiscences of an Editor," *Contributions to the Historical Society of Montana* vol. 5 (Helena, MT: Rocky Mountain Publishing Co., 1904), 279.
[22] "President's Proclamation," *Montana Democrat,* September 21, 1867, microfilm, reel V-830, Montana Historical Society Research Center, Helena, MT.

latter, Johnson granted regular presidential pardons. The Republican Congress that reconvened in December 1865 immediately set to work to undo Johnson's lenient policies.

As Johnson defended his stance on Reconstruction when Congress reconvened in December 1865, Acting Governor Meagher faced a similar confrontation with territorial Republicans. Although Meagher initially deemed the settler population to be "thoroughly disloyal," he changed his tune when leading Republicans thwarted his attempts to call legislative assembly sessions. Meagher sympathized more with Johnson's approach than Congressional Republicans like Ashley. To him, territorial and state legislatures, rather than the federal government, represented the needs and interests of the local population. Whether building the state of Montana or engaging in state restoration throughout the South, Meagher agreed with Johnson that the people ought to define their own future so long as they were loyal and accepted a constitutional government. In this view, Meagher regarded Montana's path to statehood as complying with Johnson's approach to national Reconstruction, being "in cordial concurrence with the conciliatory and harmonizing spirit which animates the President and his cabinet, and which he and they labour with such sincere patriotism."[23] Meagher wrote in confidence to Secretary of State William H. Seward in February 1866 detailing his change of heart towards the Democratic majority in Montana. Meagher stated that he misperceived local Democratic partisanship for disloyalty. He now felt differently:

> I have frankly to express I was greatly in error. . . . I can truly and safely say that these very Southerners and Southern sympathizers are now heartily to be relied upon by the Administration and its friends as any other men in the Territory. For my part, I have experienced nothing but earnest goodwill and the friendliest support of their hands, and I do nothing more than simple justice to myself, in claiming that I have won their territory to the principles of American unity and brotherhood. . . . The speech I enclose . . . will inform you of the spirit in which I have acted and the relations I bear to the two great

[23] Thomas F. Meagher to William H. Seward, "Account of Situation of Montana," December 11,1865, *National Archives and Records Administration*: *Territorial Papers: Montana Territory*, record group 59, microcopy no. M356, roll no. 1, *Readex: Territorial Papers of the United States*.

> parties of the Territory. . . . Had I acted otherwise than I have done, Montaña would this day be no better than I had found it—the hot-bed of virulent factions and a grave embarrassment to the government and its grand plan and purpose of reconciliation.[24]

Meagher coupled his newfound support among Democrats with a firm policy of statehood for Montana in the postwar era, an issue his Republican counterparts opposed so long as Montana had a Democratic majority. "Montaña would not indeed dress up with the Republican line," Meagher acknowledged, "but it would . . . not fail to be recognised at once and permanently as a golden pillar of the restored nation, irreversible and invaluable."[25] By embracing Johnson's conciliatory stance, Meagher set himself against Republicans in Congress at a critical moment in Reconstruction. His actions mirrored the Southern resistance to federal interference in the Reconstruction of the former rebel states. Though the federal government took steps towards creating an administrative nation-state, such centralization rapidly collapsed after the war as partisan divisions resurfaced. These circumstances were just as true in Montana, where a federally appointed administrator actively blocked efforts by congressional Republicans to reconstruct the nation in their image.

Within the territory, Meagher's administration fueled new political turbulence. The *Montana Post* vocalized opposition to Meagher's leadership when he called upon the second and third legislative assemblies to organize without Republican voting members in 1865 and 1866. Until Congress later nullified the acts of these "bogus" legislatures in 1867, the *Post*'s editor Henry Blake carried on a personal dispute with Meagher over the subject: "The conduct of Gen. Meagher was criticized in caustic terms by Republican speakers and writers, and some of the

[24] Thomas F. Meagher to William H. Seward, "Character and Sentiments of Territorial Population, Legislative Affairs, Railroads, Indian and Military Matters," February 20, 1866, *National Archives and Records Administration: Territorial Papers: Montana Territory,* record group 59, microcopy no. M356, roll no. 1. *Readex: Territorial Papers of the United States.*
[25] Thomas F. Meagher to William H. Seward, "Character and Sentiments," February 20, 1866, *Readex.*

sentences in my compositions induced him [Meagher] to send me a challenge to fight a duel."[26] In early 1866, Meagher denounced the *Montana Post* as a Radical Republican paper out of step with the people, quipping that it was "anti-reconstructionist of the Thad. Stevens school." Instead, Meagher formally endorsed the *Montana Democrat* as the official newspaper of the territory. He awarded the *Democrat* exclusive rights to publish all "laws of Congress or any other printing to be done on Federal account in this territory."[27] The alliance between Meagher and the *Democrat* reinforced one another's power and influence in the territory. Additionally, such partnerships further illuminate how newspapers fostered a sense of political stability among consistent communities of readership and were a staple of political life in the territorial West.

The push for statehood took on decidedly partisan overtones in spring 1866 amid Johnson's confrontation with Congress over Reconstruction policy. Montana Democrats supported Johnson even though Congress, not the president, had the authority to set the terms of admission to the Union. In March 1866, the *Montana Democrat* reported on a delegation of Montana citizens who met with the president to showcase that the territory had the "correct political sentiments" and a fervent commitment to the administration. In response, Johnson affirmed that Montana indeed had a place in the postwar nation: "Let us, then, join in this great work of restoration. . . . So far as regards any aid or assistance that can be given here in the progress and in the consummation of this great work of building up new States, as well as in the restoration of all the former States, you will find me a willing and a cordial helper."[28] Johnson's dedication to state building in both the South and the West was marked by a particularly

[26] Henry N. Blake, "The First Newspaper in Montana," *Contributions to the Historical Society of Montana*, vol. 5 (Helena, MT: Rocky Mountain Publishing Co., 1904), 258.
[27] Thomas F. Meagher to William H. Seward, "All Public Printing Should Be Awarded to Montana Democrat," February 21, 1866, *National Archives and Records Administration: Territorial Papers: Montana Territory*, record group 59, microcopy no. M356, roll no. 1, *Readex: Territorial Papers of the United States*.
[28] "President Johnson's Address to the Montana Delegation," *Montana Democrat* (Virginia City, Montana Territory), March 15, 1866, Everett D. Graff Collection on Western Americana, Newberry Library, Chicago.

momentous occasion in Virginia City several months later: the completion of the first telegraph line from Salt Lake City. The *Montana Post* wrote in celebration, "Montana is no longer an unknown Territory. . . . Absent friends and relatives who may be separated from us by a chasm of several thousand miles, can converse with us and make us feel that we are dwelling in cherished homes in the States." Johnson's new appointee for Montana Governor, Green Clay Smith, sent the first message by wire on an early November afternoon to none other than President Johnson himself. "Montana sends greetings," Smith transmitted, "We are brought in hourly communication with the United States and the world. God save the Union."[29]

As exemplified by the tone of this message, communication feats like the telegraph not only enabled Montana settlers to feel reconnected with their families in the East, but that the entire territory reached a new benchmark of state formation. Telegraphs were not merely an extension of communication, but a symbol and tool of westward expansion as depicted in paintings like John Gast's *American Progress* (1872). The telegraph wires carried by the image of Columbia in Gast's painting are central in the act of bridging East and West—sharply distinguished by light and dark hues dividing the landscape. The *Post* concurred with such sentiments towards the new telegraph line, observing, "What will Indians, grizzly bears, and similar animals think, when they see the lightning flashing over their wigwams and lairs, and proclaiming their destruction?"[30] Personified into a divine flash of lightning, telegraphs not only represented an achievement of national communication, but reinforced the myth that such accessories heralded *modern* state formation across the remote Western prairies. Scholars mistakenly assume that Native Americans had little to no knowledge of telegraph systems, but as

[29] "The Telegraph between Great Salt Lake and Virginia City is finished!," *Montana Post*, November 3, 1866, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1866-11-03/ed-1/seq-4/.
[30] "The Telegraph," *Montana Post*, November 3, 1866, *Chronicling America*, Library of Congress.

media scholar James Schwoch points out, it is more than probable that Indigenous peoples observed, learned, and engaged in Morse code and sending telegrams.[31]

**Figure 3.2: John Gast, *American Progress*, 1872.**[32]

**National Reconstruction and the Language of Exclusion**

The development of strong networks of communication in Montana Territory and its ability to network the power of an expanding settler state intersected with increasingly violent policies against Native Americans in the latter half of the 1860s. As Montana's political economy shifted towards permanence during the immediate postwar period, the migration of settlers into areas beyond mining centers placed new pressure on surrounding Native American

[31] James Schwoch, *Wired into Nature: The Telegraph and the North American Frontier* (Urbana: University of Illinois Press, 2018), 80-81.
[32] John Gast, American Progress, 1872, Oil on Canvas, Wikimedia Commons. Media is in the Public Domain. https://en.wikipedia.org/wiki/American_Progress#/media/File:American_Progress_(John_Gast_painting).jpg.

communities. Although surface-level placer mining continued to thrive in most Montana gold towns, mining companies gradually absorbed much of the space and labor to support larger ventures in mining quartz, silver, and copper, all of which required heavy machinery and capital. A new class of wage-earning individuals emerged alongside those who went in the direction of agriculture and ranching, ushering a migratory sprawl of settlers into nearby valleys like Gallatin, Deer Lodge, Bitter Root, Madison, and Jefferson. To meet the needs of these new settlements of farmers and ranchers, Montana's newspaper publishers relied upon an extended network of agents to carry out the business of selling newspapers and acquiring information. Alongside common affiliates like postmasters and couriers were US Indian agents, who had the good fortune of living in fort-based towns and near Native communities. In this position, Indian agents like Major Gad Upson, an official agent of the *Montana Post* at Fort Benton and US Indian agent for the Blackfoot, could contribute the latest news from the periphery that publishers coveted in their weeklies. More often, however, Indian agents found themselves at odds with publishers because editors preferred volunteer correspondents who wrote reactionary pieces that were embellished and misinformed.

While Indian agents had long served as mediators between the federal government and the Native communities they represented, their interactions with Indigenous people, territorial leaders, federal departments, and newspaper publishers also reveal a dense web of conflicting knowledge, anti-objectivity, and inconsistent diplomacy. As anthropologist Mindy Morgan has shown in her study of literacy and language ideologies in Montana's Fort Belknap Nakoda (Assiniboine) and A'aninin (Gros Ventre) community, the documentary paper trail of mid-nineteenth century US bureaucracy tokenized power through communicative practice that in turn

supported state building projects.[33] New types of documentary representation and interaction with Native communities not only altered Indigenous diplomacy with the United States, but also produced extensive miscommunication, abuse of power, and violence. Furthermore, Indigenous historical experiences and their navigation of these new power structures stand in sharp contrast to the critical national debates about expanding citizenship, suffrage, and civil rights legislation during Reconstruction.

The ten-year expiration of the Blackfeet and Hellgate treaties (1855) and increased overland traffic on the newly blazed Bozeman Trail (1863) assisted the invasive flow of settlers into Montana's rich agricultural valleys. As promised by treaty, the A'aninin (Gros Ventre), Ktunaxa (Kootenai), Niitsítapi (Blackfoot Confederacy), Q̓lispé (Kalispel/ Pend d'Oreille), and Séliš (Salish) were guaranteed the occupation and use of these western valleys for their own agency-sanctioned farms. Although inadequate supplies and equipment led to inconsistent participation, annual reports from the Bureau of Indian Affairs recognize the significance of these valleys to the livelihood of Native communities. In 1865, Agent Charles Hutchins of the Flathead Agency reflected, "Much attention has this year been paid by these Indians to agriculture; [however] many citizens have settled in the Bitter Root valley, on the lands conditionally reserved for the Flatheads . . . despite the conditions guaranteed by the treaty . . . at the same time subjecting him to the evils of unrestrained intercourse with the whites."[34] As a solution, Agent Hutchins recommended that the Confederated Salish and Kootenai of the Flathead agency should be removed to a reservation, a decision that these communities opposed and resisted for the next decade. Similarly in the north, Agent Upson returned to the Blackfeet

[33] Mindy J. Morgan, *The Bearer of this Letter: Language Ideologies, Literacy Practices, and the Fort Belknap Indian Community* (Lincoln: University of Nebraska Press, 2009), 32-33.
[34] Charles Hutchins, "No. 84—Office Flathead Indian Agency, Jocko, M.T., June 30, 1865," *1865 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1865), 247.

Agency with instructions from the US Commissioner of Indian Affairs to negotiate a new treaty with the confederated Blackfoot and Gros Ventre communities to retract the southern boundary northward and open lands for white settlement. In exchange for relinquishing the land, these communities agreed to receive $50,000 per annum over a period of twenty years. However, after news that a series of skirmishes occurred between the Blackfoot and white settlers near Fort Benton in late summer 1865, the Secretary of the Interior rescinded the treaty.[35] This decision failed to circulate back to the Blackfoot and Gros Ventre and put these communities in a particularly vulnerable position as they waited for wintering goods and annuities that would never arrive.

The discontinuity of treaty obligations in 1865 was the result of a broader pattern of abandonment in territorial Indian affairs and discrepancies in power at different bureaucratic levels. Until 1869, territorial governors also served as ex-officio Superintendent of Indian Affairs, a responsibility that most wholly neglected or abused. In the first two years of Montana Territory's existence, for example, Governor Sidney Edgerton failed to submit required annual reports to the US Commissioner of Indian Affairs. By comparison, Edgerton was far more invested in organizing the Montana Volunteers Militia to police the region's Native communities and guard overland trails and mail routes. Although he expressed a commitment to impartiality in territorial Indian affairs when he addressed the legislative assembly in 1864, Edgerton also envisioned the Montana Volunteers as a political tool to achieve a future without Native Americans. In the same speech to the assembly, Edgerton argued that Republican plans for state formation in the West necessitated eliminating Native America rights to the land. On this vision he remarked, "I trust that the Government will, at an early day, take steps for the extinguishment

[35] "Treaties, Laws, Executive Orders," 1980, Box 2, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.

of the Indian title in this territory, in order that our lands may be brought to market."[36] Although Edgerton's tenure as governor was brief, the tradition of maintaining a standing volunteer militia expanded greatly between 1865 and 1868, causing an administrative rift between territorial leadership, the US Army, the Bureau of Indian Affairs, and sovereign Native communities. Doing so also exemplifies the emergence of the Reconstruction-era "stockade state" that scholars Gregory Downs and Kate Masur describe, in which a collection of civilian and military outposts spotted southern and western landscapes with overlapping and competitive jurisdictional authority.[37] The ability of territorial governments like Montana to demonstrate such power in this "stockade state" further illustrates the limitations of federal reach and control, especially in distant places.

After Edgerton's sudden departure in late 1865, Acting Governor Meagher expanded the Montana Volunteers under the pretext of securing the Montana, Bridger, and Bozeman trails for increased overland transportation. The most critical among these was the Bozeman Trail, which opened in 1863. Although the Bozeman Trail offered a shortcut from the Oregon trail to Virginia City, it cut through Apsáalooke (Crow) lands and the Powder River Basin hunting grounds of the Lakȟóta (Lakota), Notameohmésêhese (Northern Cheyenne), and Nank'haanseine'nan (Northern Arapaho) who joined in alliance after the massacre of Black Kettle's and Left Hand's bands at Sand Creek in 1864.[38] The establishment of several new forts managed by the US Army

[36] Sidney Edgerton, "Governor Edgerton's First Message to the First Legislative Assembly of the Territory of Montana," *Contributions to the Historical Society of Montana,* Vol. 3, (Helena, MT: Rocky Mountain Publishing Co., 1900), 344.
[37] Gregory P. Downs and Kate Masur, eds., *The World the Civil War Made* (Chapel Hill: The University of North Carolina Press, 2015), 6-7; see also, Gregory P. Downs, *After Appomattox: Military Occupation and the Ends of War* (Cambridge: Harvard University Press, 2015).
[38] Conflicts involving the Bozeman Trail were often a product of Red Cloud's War from 1866 to 1868. See Jeffrey Ostler, *The Plains Sioux and US Colonialism from Lewis and Clark to Wounded Knee* (New York: Cambridge University Press, 2004), 45; Ari Kelman, *A Misplaced Massacre: Struggling over the Memory of Sand Creek* (Cambridge: Harvard University Press, 2013).

(however scantly staffed) and the postwar emigration of settlers into Montana alarmed these communities, who responded with sporadic attacks as well as larger, strategic maneuvers like wašíču opáwiŋğe wičháktepi or "they kill one hundred white men" (the Fetterman Fight) in December 1866. The Lakota and their allies were behind most of the attacks, while the Crow abstained in order to preserve their alliance with the US and to restore their hunting grounds from Lakota incursion.[39] The 1866 Commissioner of Indian Affairs annual report described the hostilities as shocking, yet an attribute of "custom more than revenge," because "They have no newspapers to relate their success, and have to make ocular exhibitions to their enemies and friends, as proof of their vengeance and success."[40] The commissioner's correlation between the scale of attack and the absence of Native newspapers mirrors the popular assumption that Native Americans did not have advanced communicative practice and were thus antithetical to state building. The allies' actions were more than just spectacles, however, and ultimately proved pivotal in closing the Bozeman Trail in 1868.

The vulnerability of transportation and commerce on overland routes concerned Acting Governor Meagher, who sought an additional cavalry force from the War department as early as December 1865. The acting governor's stance on territorial Indian affairs was more proactive and aggressive compared to Edgerton, as he once remarked, "It is my clear and positive conviction that they [Native Americans] will never be reduced to friendly and reliable relations with the whites but by the strong and crushing hand of the military power of the nation."[41] Two months later, General William T. Sherman, in his first postwar role as commander of the Military

[39] Frederick E. Hoxie, *Parading Through History: The Making of the Crow Nation in America, 1805-1935* (Cambridge: Cambridge University Press, 1995), 89.
[40] "Right of Way for Roads," *1866 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1866), 173.
[41] Thomas F. Meagher, "Montana Superintendency," December 14, 1865, *1866 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1866), 197.

Division of the Missouri, responded to Meagher denying cavalry support on the count of the shifting postwar context that allowed one regiment of cavalry for the entire western division. Sherman responded to Meagher by describing the unique postwar challenge he faced: "A still more important question is now under debate, whether to the hostile Indians we are to add all the white people of the South as permanent enemies to be watched and kept in subjection by military force. As soon as those are determined, we can arrive at the approximate estimate of what troops can be spared for Montana."[42] Sherman's inability to allocate troops for Montana and his prioritizing of former Southern states counters prevailing assumptions that the federal government had the authoritative capacity to control every stretch of the nation. Although the federal government did have vastly expanded wartime (and postwar) powers, the national landscape during Reconstruction depicted a patchwork of competing Indigenous, territorial, and federal powers.

Meagher acknowledged the receipt of Sherman's letter nearly a month later and lamented in his writing, "For some months at least, Montana will have to depend upon herself for protection against the enemies of her peace and progress."[43] Realizing that he would have to rely on internal resources to secure support for sustaining a volunteer militia, Meagher wrote to an unspecified council for the appropriation of $25,000 for "military purposes" and safeguarding public interests. In April 1866, Meagher also appealed to the Commissioner of Indian Affairs for support, claiming that "there is no hope whatever to be entertained that such outrages will cease until the presence of a military force in the Territory . . . shall, by intimidation, coerce these intractable savages to do what no treaty, however liberal, and no amount annuities will, in my

[42] William T. Sherman to Thomas F. Meagher, February 17, 1866, Box 1, Folder 16, *2nd Montana Territorial Legislative Assembly Records, 1866,* Montana Historical Society Research Center, Helena, MT.
[43] Thomas F. Meagher to Unnamed Council," March 14, 1866, Box 1, Folder 16, *2nd Montana Territorial Legislative Assembly Records, 1866,* Montana Historical Society Research Center, Helena, MT.

opinion, induce them to do."[44] The relative silence from the War and Interior Departments on this matter suggests that there was not only a lack of resources to spare for Montana, but that Meagher's claims lacked credibility. Instead, Meagher decided to fund the Montana Volunteers on credit through the territory's ordinance stores in hope of a later reimbursement from federal resources.

The absence of specific evidence in Meagher's own reports as well as the formal complaints filed by Indian agents against the governor and the territorial press further attests to the degree in which the Montana crisis was manufactured. In 1867, Augustus Chapman, a Flathead Agent, submitted a scathing critique of Meagher's behavior to the Commissioner of Indian affairs:

> Acting Governor Meagher's Indian war in Montana is the biggest humbug of the age, got up to advance his political interest, and to enable a lot of bummers who surround and hang on him to make a big raid on the United States treasury. . . . When volunteers are sent out and told by their commander, as General Meagher told those under his command in a general order, *that they shall have all the property they capture,* such as robes, horses, &c., it would be strange indeed if they did not create unnecessary trouble with the Indians.[45]

The boldness of Chapman's claims against Governor Meagher illustrates a drastic distinction between the territorial governor (as Superintendent of Indian Affairs) and the local agencies managing communications and operations with Native communities throughout the territory. As suggested from the report, Meagher amplified the crisis for a variety of reasons: to serve as a distraction from political conflicts like the Bogus Legislatures fiasco, to repair trust among disaffected local constituents, and to generate fiscal support (albeit by credit) at a time when the

[44] Thomas F. Meagher, "No. 78," April 20, 1866, *1866 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1866), 197.
[45] Augustus Chapman, "No. 77," July 5, 1867, *1867 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1867), 259-260.

territory was nearly bankrupt.[46] Chapman went on to reprimand the territory's newspapers for publishing false claims: "Neither did I hear of a single boat that had been disturbed by Indians on the Missouri river, the many statements made in newspapers to the contrary notwithstanding."[47] George Wright, a new agent for the Blackfoot echoed Chapman's criticisms and added that agency towns have become hostile sites to Native Americans. In one instance soon after his arrival, Wright observed that a party of some twenty white residents "ran up to the bend of the river" and fired their guns at a group of eleven Piegans, killing one, as they attempted to cross the river and visit the agency. Wright went on to describe that, "The balance of Indians, with the wounded, ran back to the opposite shore, leaving the dead one in the hands of the whites, who immediately scalped him."[48] The Blackfoot and Gros Ventre continued to avoid Fort Benton out of concerns for their safety and requested to their agent that the agency be moved northward and away from white settlements.

The mysterious murder of John Bozeman, the trail namesake, near the Yellowstone River on April 20, 1867 sparked what one historian described as "a classic frontier panic" throughout the territory and gave Meagher the justification he needed for raising eight hundred volunteers to staff the militia.[49] Newspapers like the *Montana Post* ran a variety of accounts regarding the murder, certain that it was the Blackfoot who attacked Bozeman and that they were strategizing an even larger attack on the entire Gallatin Valley settlement. One "Mr. Parsons" who traveled from Gallatin to Virginia City to recruit volunteers lectured to locals, "The report is that they will attempt to enter the valley at three different places—have all their plans matured and the settlers

[46] "Montana History Outline," 1940, MC 75, Box 1, Folder 7, Clifton Boyd Worthen Research Collection: Central Montana History, Montana Historical Society Research Center, Helena, Montana.
[47] Chapman, "No. 77," *1867 Annual Report*, 259.
[48] George B. Wright, "No. 76," July 5, 1867, *1867 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1867), 255-256.
[49] Michael P. Malone and Richard B. Roeder, *Montana: A History of Two Centuries* (Seattle: University of Washington Press, 1976), 80.

are completely panic-stricken." After the plea, Parsons acquired 300 eager signatures on a petition to expand the Volunteer Militia in staffing several passes throughout the valley.[50] Over the course of the next several weeks, however, the militia did not encounter the alleged force of Blackfoot. The lack of activity was a common pattern among the Montana Volunteers and speaks to the necessity of propagating crisis to not only justify the militia's existence, but to maintain a standing army that granted fiscal security and resources. Ultimately, the militia proved to be a sophisticated laundering scheme that empowered both Meagher and the volunteers who struggled to make ends meet in their daily lives.

One such individual was William Jones, an African American Private in Company A of the 1st Regiment of the Montana Volunteers. According to his discharge papers that were printed at the office of the *Montana Democrat,* Jones emigrated from Platte City, Missouri to work as a cook in Virginia City prior to being enlisted for a term of three months and receiving a total of $5.93 for his service.[51] Although Jones is the only African American individual listed in the Montana Volunteers records and his pre-arrival freedom status is unknown, his experience reflects the historical trend that thousands of free and enslaved African Americans traveled west during and after the Civil War. As historian Quintard Taylor observed in his landmark study of African American migration throughout the West, the decline of Missouri's enslaved population from 114,931 to 73,811 between 1860 and 1863 suggests both the scale of movement and the centrality of African American participation in western settlements.[52] The small, but growing population of African Americans in Montana in the 1860s parallels other settlement trends that

[50] "Something to Read," *Montana Post,* April 27,1867, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1867-04-27/ed-1/seq-8/.
[51] "Form 4," 1867, RS 162, Box 1, Folder 2, *Montana Volunteers Records, 1867-1868,* Montana Historical Society Research Center, Helena, Montana.
[52] Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West, 1528-1990* (New York: W.W. Norton & Co., 1998), 98.

show increased European immigrants and emigrants from midwestern states who arrived in the waning success of the gold rush. These demographics also contrast the initial wartime influx of white settlers from southern or border states. The Montana Volunteer Militia then, offered ready employment for both long-term settlers who were scraping by as well as those who were new to the territory and struggled with stability. As a program that procured wages and resources in exchange for service and new recruitment, the militia continued to thrive even after Meagher's untimely death following his disappearance from a docked steamboat at Fort Benton on the night of July 1, 1867.[53]

By the time of Meagher's death, Johnson's Democratic appointee Governor Green Clay Smith returned to the territory and assumed control over the Montana Volunteers. Under Smith, the militia transformed into an even more formalized, standing army with several functioning camps located in the southwest quadrant of the territory. Throughout the historical record, there is also a profound linguistic difference in the way Smith articulated Native Americans as hostile and how this language of hostility facilitated exclusion, displacement, and total warfare against Native communities. Often evoking the trope of "hostile Indians," Smith justified state building and rendered Native Americans as impediments to that process. As summer waned in 1867, Smith released several "Special Orders" that directed specific operations of the Volunteers throughout the region. Such orders positioned the Volunteers in near-constant mobility, often for the purpose "to ascertain the whereabouts of hostile Indians." According to Special Order No. 9, for example, Smith tasked Sergeant Steery to take command of a camp about one hundred miles east of Helena on the Musselshell River "to protect the citizens and miners from marauding

[53] Malone and Roeder, *Montana*, 80.

Indians" and to recover any stolen horses or property. [54] From his seat in Virginia City, Smith anticipated clear trouble on the Musselshell River and forwarded 350 guns and accoutrements with one thousand rounds of ammunition to the headquarters. Later that day, Smith added an additional 3000 rounds of ammunition to the order, so the Volunteers "will be secure in the event of trouble."[55] Although there were no confrontations or conflicts according to reports, Smith's confidence in reinforcing the Volunteers' presence in the region instilled an omnipresent display of territorial power. On another occasion, Smith's Chief of Ordinance procured 10,000 rounds of ammunition and 100 muskets to fulfill a petition filed by Missoula residents.[56] The wanton spending and stockpiling to prepare for "Indian depredations" were efforts that Smith wholeheartedly believed in, once expressing in confidence to Captain George Pinney of the Volunteers, "I intend the military moves in this Territory to be a success and have my orders approved by Genl. Wm. Sherman and the War Dept."[57] Much like Meagher, Smith also expected that the War Department would not only validate the Volunteer Militia, but eventually reimburse their efforts.

By September 1867, the sustainability of the Montana Volunteers came under scrutiny due to widespread volunteer desertion and the surmounting debt the territory owed to ordinance stores. Attempts to apprehend deserters and restore government property—namely horses, blankets, and arms—were futile. As Colonel Neil Howie of the 1st Regiment of Montana Volunteers observed, widespread dissatisfaction in the ranks presented another threat to

[54] Green Clay Smith, "Special Orders No. 2," July 14, 1867, RS 162, Box 1, Folder 2, *Montana Volunteers Records, 1867-1868,* Montana Historical Society Research Center, Helena, Montana.
[55] Green Clay Smith to Captain George Pinney, July 16, 1867, RS 162, Box 1, Folder 1, *Montana Volunteers Records, 1867-1868,* Montana Historical Society Research Center, Helena, Montana.
[56] A.M.S. Carpenter to W.S. Scribner, September 30, 1867, RS 162, Box 1, Folder 1, *Montana Volunteers Records, 1867-1868,* Montana Historical Society Research Center, Helena, Montana.
[57] Green Clay Smith to Captain George Pinney, July 24, 1867, RS 162, Box 1, Folder 1, *Montana Volunteers Records, 1867-1868,* Montana Historical Society Research Center, Helena, Montana.

sustainability. As he described, “They complain that they had been repeatedly promised their horses, saddles, bridles, etc. at the close of their service, – and that it appeared plain to them now that these promises were not to be fulfilled.” As he struggled to manage the regiment, Howie received instructions to disband the Volunteer militia on September 23, news that “produced intense disaffection among and throughout all companies. . . . They had no pay, nor but little clothing, the working season was closed, the long winter was staring them in the face.”[58] Howie agreed to allow the Volunteers in his regiment to divide the remaining equipment and supplies as payment when the militia mustered out. A federal investigation soon followed the disbandment, looking into the legality of the Montana Volunteer Militia after the War Department received claims totaling $980,313.11. The closing report in 1870 described the actions of territorial leadership as hasty and injudicious, observing, “A single homicide [John Bozeman] had been committed, or is supposed to have been committed, by the Indians” which incited “the inspiration for a sort of panic.” Sherman echoed this sentiment in his attached report: “the United States are not in any measure responsible for the call for volunteers in Montana . . . and has also brought about a conflict with the Crows and other Indians outside the settled limits of the Territory when he [Smith] knew that the government desired very much to retain peaceful relations with them.”[59] Although the final report found that mustering the Montana Volunteers was unnecessary, Secretary of War William Belknap eventually agreed to pay $513,343 for the expenses following the investigation which found that ordinance stores overcharged the

[58] Neil Howie, “Reports of Commanding Officer Neil Howie,” 1867, RS 162, Box 1, Folder 5, *Montana Volunteers Records, 1867-1868*, Montana Historical Society Research Center, Helena, Montana.
[59] US Congress, House, Committee on Military Affairs, *Montana War-Claims: Report (to accompany H. Res. 23)*, 42d Cong., 2d sess., May 24, 1872, University of Oklahoma College of Law Digital Commons. https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=6885&context=indianserialset.

territorial government for resources. In place of the Montana Volunteers, the US Army began to expand its presence in earnest throughout the territory between 1867 and 1868.

As the investigation determined, the three-year existence of the Montana Volunteer Militia rested on the presence of a constructed threat to the territory's existence. In the historical record, there is a clear correlation between the formalization of the militia under the Smith administration and the communicative portrayal of Native American hostility as articulated in correspondence, reports, militia orders, and newspapers. As a result, the networks of communication in Montana encapsulate both the colonial nature of state building and the policies of exclusion that became commonplace throughout the Reconstruction West. These examples offer an early indicator of how territories like Montana molded the future of Reconstruction as a project that tested both the strength of federal power in territories and the definition of national citizenship. Montana Territory offers an ideal experimental model for the national limits of Reconstruction—especially when considering the introduction of new citizenship legislation like the Civil Rights Act of 1866 and the Fourteenth Amendment to the US Constitution. As freedpeople and lawmakers worked to dismantle the byproducts of slavery, Western territories like Montana reinforced a bond between white settlerhood and nationalism that resurfaced old questions about the relationships between race, labor, and land. Historian Stacey Smith describes a similar phenomenon in her case study of labor systems and the anti-Chinese movement in California during Reconstruction, observing a central paradox of the postwar era that juxtaposes the disintegration of race-based civil and legal inequalities with the growth of new policies and practices of exclusion.[60] Although scholars have emphasized the diverse demographics of the

[60] Stacey L. Smith, *Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (Chapel Hill: University of North Carolina Press, 2013), 4-5; see also D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman: University of

west as a complication to the meaning of citizenship in the late 1860s, the historical experiences of marginalized communities illustrate the fluidity of these categories and how individuals worked to define their own identity, participation, and sovereignty within the confining nature of these policies.

The Civil Rights Act of 1866 provided the lexicon for the Fourteenth Amendment by defining US citizenship: "All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States."[61] With the exclusion clause, Congress passed the Civil Rights Act over President Andrew Johnson's veto and ushered an ideological shift that unified Reconstruction policy around what historian Eric Foner described as an "unprecedented commitment to the ideal of national citizenship . . . regardless of race."[62] The transformative nature of this phase, known as Congressional Reconstruction, resulted in much uncertainty and opposition throughout the West, as white locals identified what they perceived as an interference with their autonomy. In Montana, readers of the *Montana Post* learned about the Civil Rights Act in late April 1866 as it ran adjacent to another column of local interest titled, "The Indians Again."[63] The juxtaposition of national and local pieces further exemplify how Native American communities occupied a muddled place between sovereignty and race, what one US Senator described as "*quasi* foreign

Oklahoma Press, 2013); Elliott West, "Reconstructing Race," *The Western Historical Quarterly,* 34, no.1 (Spring 2003), https://doi.org/10.2307/25047206.

[61] An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication (Civil Rights Act of 1866), 14 stat. 27, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress. https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=014/llsl014.db&recNum=58.

[62] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877*, Updated Edition (New York: Harper Perennial, 2014), xxiv.

[63] *Montana Post*, April 28, 1866, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1866-04-28/ed-1/seq-1/.

nations" whose citizenship would be a degradation to the privileges of others.[64] The legal status of Native Americans in Reconstruction legislation asserts what political theorist Kevin Bruyneel identifies as a "third space of sovereignty" where Native communities reside "neither inside nor outside the American political system." Indigenous sovereignty was not a gift bestowed in lieu of citizenship, but rather a truth that existed prior to colonization.[65] Under the tandem efforts of racialization and colonization, assertions of sovereignty through negotiation and diplomacy offer a powerful addendum to the language of exclusion in the politics and policies of Reconstruction.

[64] "Reconstruction," in *Congressional Globe*, Senate, 39th Cong., 1st Sess., May 30, 1866, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress, 2890-2893. https://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=073/llcg073.db&recNum=11.

[65] Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of US-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007), xvii; see also, Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011); C. Joseph Genetin-Pilawa, "Ely S. Parker and the Paradox of Reconstruction in Indian Country," in *The World the Civil War Made*, eds. Gregory P. Downs and Kate Masur (Chapel Hill: University of Carolina Press, 2015).

## The Civil Rights Bill.

The following synopsis of the provisions of the Civil Rights Bill we copy from the St. Joseph (Mo.) "Herald" of March 29th:

"The act to protect all persons in the United States in their civil rights, and furnish the means of their vindication, has passed both Houses of Congress, and now awaits the signature of the President. It provides that all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens, of every race and color, without regard to any previous condition of involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory of the United States, to make and enforce contracts, to sue, be parties to suits, and give evidence; to inherit, purchase, lease or sell, hold and convey real and personal property; to the full and equal benefit of all laws and proceedings for the security of person and property enjoyed by white citizens, and shall be subject to like punishment, losses and penalties, and to none other—any law, statute, ordinance, regulation or custom to the contrary notwithstanding. That any person who, under color of any law, statute, ordinance, regulation or custom, shall subject or cause to be subjected any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishments, pains, or penalties on account of such persons having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, or by reason of his color or race, that is prescribed for those guilty of a misdemeanor, shall, on conviction, be punishable by a fine not exceeding $1,000, or imprisonment not exceeding one year, or both, in the discretion of the Court. The United States Courts are given exclusive jurisdiction of the cases arising under this act; and also concurrently with the Circuit Courts of the United States, or all cases, civil or criminal, affording persons who are denied or cannot enforce, in the courts or judicial tribunals of the State or locality where they may be, any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any such persons, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses or wrongs done or committed by virtue or under color of authority derived from this act, or the act establishing a bureau for the relief of freedmen and refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the subject to a penalty of $1,000 and six months imprisonment; also an appeal lies direct to the United States Supreme Court.... All the schools and churches of Newbern, N. C., are closed, by military order, to prevent the spread of small-pox....A cotton factory at Macon, Ga., is turning out ninety-six thousand yards of sheeting per month....All Government employees in Canada, between eighteen and forty-five are enrolled in a civil service battalion of rifles. There was only a company before that. ....Philo Chase, of Litchfield, Connecticut, died, lately, at the age of seventy-five. He lived for the last twenty-five years of his life, on three pints of milk and one pint of whisky per day. He thought solid food disagreed with him....The present proposition, endorsed by the New York "Tribune," Pittsburg "Commercial," Chicago "Tribune," and all the leading Republican papers, is to give the South universal amnesty, in exchange for universal suffrage....In consequence of the insults to the national flag, in Arkansas, General Reynolds orders it to be kept flying at every post till the rebels get used to it, and all offenders are to be at once arrested and tried for their disloyalty.

THE INDIANS AGAIN.—From a private letter from one of Captain Wall's men to R. J. Mitchell, the late Chief Clerk of the Council, we extract the following intelligence, which is both interesting and exciting in its details:

"Wm. Berkin has discovered, during the progress of his exploratory survey for a road to the nearest point of the Missouri, from which to transport goods, a route which is, in his opinion, both shorter and more practicable than any yet discovered, and he has started with his trains. It appears that, on the 3d of March, the Blackfeet stole one J. J. Roe & Co-'s cattle, and that Berkin, anxious to be even with them, took six men, and going in pursuit of them, overtook and killed all the war party but one. He left the remainder of his men and a twelve-pound mountain howitzer in charge of the brave and trusty Captain Andrews, who completely justified his choice by his gallant and persevering efforts for the safety of his little band. To this difficult and dangerous trip we are indebted for the location of the new thoroughfare. After bringing his men safely back through the Bad Lands, Berkin left his friend Andrews with fifteen men, making his own way back with the balance of his party. We further learn that, three days after Berkin left them, the Andrews party were attacked by a large number of Piegans, who killed their cattle, ran off their horses, and forced them to abandon everything. One of the men was also shot in the arm by an arrow. Berkin is on the war-path, and means mischief. If Neil Howie can get away from Helena, he will also assist in making it 'interesting' for the savages."

**Figure 3.3: Headlines from the *Montana Post,* April 28, 1866.**[66]

Concurrently with new citizenship and civil rights legislation, Congress organized the Indian Peace Commission in July 1867 to negotiate new treaties that would remove Native communities to reservations. In a series of councils throughout the West, local Native leaders convened and brokered on behalf of their communities, often with the representation of bilingual interpreters and entrusted agents who acted as go-betweens. In council, commissioners distributed goods to signal the reciprocity of US-Native relations. During the first visit at Fort

[66] *Montana Post,* April 28, 1866, *Chronicling America: America's Historic Newspapers,* Library of Congress, https://chroniclingamerica.loc.gov/lccn/sn83025293/1866-04-28/ed-1/seq-1/.

Laramie in spring 1868, Commissioner Nathaniel G. Taylor found only a delegation of Crow and vocalized his disappointment that other communities were absent. Even more frustrating to the commissioner was that Oglála Lakȟóta leader Maȟpíya Lúta (Red Cloud) and his Northern Cheyenne and Arapaho allies deliberately boycotted the meeting due to an active conflict over the Powder River Country in southeastern Montana and Wyoming Territories. Red Cloud sent a message to Taylor, who acknowledged in writing that "his [Red Cloud's] war against the whites was to save the valley of the Powder river, the only hunting ground left to his nation, from our intrusion."[67] In reference to the problems caused by the Bozeman Trail, Red Cloud's refusal to participate in the first Fort Laramie commission proved pivotal in persuading the Commission to close the Bozeman Trail and its adjacent army forts in summer 1868. Over the next year, the Indian Peace Commission produced several individual and collective treaties, including the historic Treaty of Fort Laramie that concentrated Northern Plains communities onto several reservations.

Back in Virginia City, Governor Smith escalated tensions between the territory and surrounding Indian agencies. On June 11, 1868, Blackfoot Agent George B. Wright wrote to Commissioner Taylor "with extreme reluctance" to inform him that Governor Smith "has so materially embarrassed this Agency by which it has lost credit amongst the merchants who have hitherto respected it." Weeks prior, the Department of the Interior forwarded $1645 for the agency and because the governor was also Superintendent of Indian Affairs in the territory, the department dispersed the money to Smith first. As Wright continued in his letter, he only

[67] "Report to the President by the Indian Peace Commission, January 7, 1868," *1868 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1865), 26-31.

received $1000, "positive" that Smith lost the remaining $645 while gambling in Virginia City.[68] Commissioner Taylor forwarded the letter to Interior Secretary Orville Browning, further adding that he directed the governor to "at once pay over [the funds] to Agent Wright."[69] Before the end of the summer, Governor Smith suddenly left Montana Territory and never returned, instead pursuing a career as a Baptist minister and running as the presidential candidate for the Prohibition Party in 1876. After the debacle, the Indian Peace Commission negotiated a new Blackfoot treaty in 1868 with the assistance of Alfred Vaughan, the Blackfoot agent until 1861, and Alexander and Natoyist-Siksina' Culbertson, who facilitated most of the early diplomacy between the US and the Blackfoot Nation in the 1850s.[70] A correspondent from Fort Benton relayed the details of the treaty council to the *Montana Post* in September 1868 and reported that the Blackfoot initially opposed the meeting at Fort Benton "in consequence of the abuse and insults offered . . . by certain whites." According to Calf Shirt, a Káínaa (Kainai/Blood) chief, "We did not intend to come, but when we saw these old men (Vaughan and Culbertson) we thought it was good, so we come."[71] After the commission concluded the 1868 negotiations and sent the treaty to Washington, DC, however, Congress declined to ratify the Blackfoot Treaty for the second time in three years.

[68] George B. Wright to Nathaniel G. Taylor, "Charge Against Governor Smith of Gambling Away Public Money," June 11, 1868, record group 59, microcopy no. M356, roll no. 1, National Archives and Records Administration: Territorial Papers: Montana Territory, *Readex: Territorial Papers of the United States*.
[69] Nathaniel G. Taylor to Orville H. Browning, "Certain Funds Remitted to Governor Smith for Blackfeet Agency," June 30, 1868, record group 59, microcopy no. M356, roll no. 1, National Archives and Records Administration: Territorial Papers: Montana Territory, *Readex: Territorial Papers of the United States*.
[70] Ryan Hall, *Beneath the Backbone of the World: Blackfoot People and the North American Borderlands* (Chapel Hill: University of North Carolina Press, 2020), 159.
[71] "Treaty with Bloods and Blackfeet, *Montana Post*, September 11, 1868, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/1868-09-11/ed-1/seq-3/.

## Conclusion

Representative James Ashley concluded his tour of the West with two stops in California in September 1865. By this time, his speeches expressed growing anxiety over Reconstruction. In San Francisco, Ashley opened his address with "a subject which ought to interest every loyal man in the nation" and posed a rhetorical question to the audience: "Who shall be authorized to reorganize loyal State governments in the late rebel States? Shall it be loyal or disloyal men?" After a unanimous applause, Ashley went on to criticize Johnson's plans for Reconstruction and pledged to demand justice, "justice alike to loyal white and loyal black."[72] After Ashley returned for the winter session of Congress, he learned that Johnson removed the customs collector of San Francisco, Charles James, for organizing the meeting where Ashley spoke. Coincidence or not, Ashley interpreted the removal as a political attack. Ashley's son later described incident as "one of the first signs of the coming storm between Johnson and the Republican Party."[73] For Ashley it was personal, and he soon emerged as a leader behind the effort to impeach Johnson. On January 7, 1867, Ashley introduced a resolution that authorized the House Judiciary Committee to investigate Johnson's conduct in office. Among the charges of "high crimes and misdemeanors," Ashley also endorsed a conspiracy that linked Johnson to the Lincoln assassination plot.[74] Dubbed as "The Great Impeacher" by newspapers across the country, Ashley's obsession over Johnson's removal alienated his Republican colleagues and

[72] James Ashley, "General Ashley's Speech as San Francisco, California, September 17th, 1865," in Benjamin W. Arnett, *Duplicate Copy of the Souvenir from the Afro-American League of Tennessee to Hon. James M. Ashley of Ohio* (Philadelphia: Publishing House of the A.M.E. Church, 1894), 373-374, 378.
[73] Thomas Baker, "Major John P. Bruce," in James H. Mills, "Reminiscences of an Editor," *Contributions to the Historical Society of Montana* vol. 5 (Helena, MT: Rocky Mountain Publishing Co., 1904), 279.
[74] James Ashley, "Impeachment of the President," March 7, 1867, in Benjamin W. Arnett, *Duplicate Copy of the Souvenir from the Afro-American League of Tennessee to Hon. James M. Ashley of Ohio* (Philadelphia: Publishing House of the A.M.E. Church, 1894), 437-440.

marginalized his local constituents.[75] As a result, he lost reelection to the House of Representatives in 1868.

Ashley's defeat also signaled the beginning a climactic shift in the Republican Party that would impact the administration of federal power in both the South and the West. Although historians often denote the phase of "Radical Reconstruction" as a period in which Congressional Republicans regained control over Reconstruction policy between 1866 and 1869, it was a process fraught with intraparty conflict. Ashley often challenged his Republican colleagues on the procedure for readmitting Southern states and advocated for the involvement of the Committee on Territories of which he was chairman. In January 1867, Ashley openly criticized the Joint Committee on Reconstruction for their inaction and hasty designs to restore the full political representation of Southern states. Roscoe Conkling of New York jumped to defend the committee's work, commenting "It is a good committee now—better than it was before; better, because more familiar with this subject . . . [and] can proceed with much more hope of good results."[76] Maine Representative James Blaine further censured Ashley, suggesting that the Committee on Territories wrongfully modified bills from the Reconstruction Committee without proper referral or point of order. Ashley retorted, "so far as the House is concerned, its action, before the Reconstruction Committee was reconstituted for this session, authorized the committee [on territories] of which I am chairman to report a bill, and we intend to do it."[77]

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[75] National and local newspapers from *The New York Times* to *The Idaho World* referred to Ashley as the "great impeacher" in both favorable and critical discussions. See for example, "The Great Impeacher," *The New York Times,* April 23, 1868.

[76] James Ashley, "Speech of Hon. James M. Ashley, of Ohio, In the House of Representatives, January 26, 1867," in Benjamin W. Arnett, *Duplicate Copy of the Souvenir from the Afro-American League of Tennessee to Hon. James M. Ashley of Ohio* (Philadelphia: Publishing House of the A.M.E. Church, 1894), 417.

[77] James Ashley, "Speech of Hon. James M. Ashley, of Ohio, In the House of Representatives, January 26, 1867," in Benjamin W. Arnett, *Duplicate Copy of the Souvenir from the Afro-American League of Tennessee to Hon. James M. Ashley of Ohio* (Philadelphia: Publishing House of the A.M.E. Church, 1894), 420-421.

Hoping to integrate the South and the West into a single framework of territorial state formation, Ashley clung to the vision of national Reconstruction he imagined in 1861.

With the persuasion of Charles Sumner and other allies in the House, President Grant nominated Ashley to become governor of Montana Territory in April 1869.[78] The Senate's narrow confirmation of the appointment by one vote, however, shows the extent to which Ashley and other Radical Republicans increasingly lost potency in their own party by the end of the 1860s.[79] Ashley's years of experience as chairman for the House Committee on Territories made him an expert of territorial operations on paper, however, local Montanans reacted to the appointment with disdain and resentment. Whereas Republican-leaning newspapers like the *Montana Post* took a more neutral approach and asserted that territorial appointments should be for residents, Democratic papers like *The Helena Daily Herald* vehemently rejected Ashley as one of the "carpet bag Governors" who "went on his political knees at mention of the Republican platform."[80]

To better his chances of political survival, Ashley advocated increased settlement on the Northwestern Plains. He requested a ninety-day leave and traveled to New York City to persuade newly arrived immigrants to go West, scouting only for the "most desirable class of immigrants"

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[78] "Journal of the Executive Proceedings of the Senate of the United States of America," Vol. 19, Senate, 41st Cong., 1st Sess., April 5, 1869, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress, 81. https://memory.loc.gov/cgi-bin/ampage?collId=llej&fileName=019/llej019.db&recNum=80&itemLink=r%3Fammem%2Fhlaw%3A%40field%28DOCID%2B%40lit%28ej0191%29%29%3A%230190001&linkText=1. According to Robert Horowitz, 98 members of the house signed a letter urging Ashley's appointment as governor. See Robert F. Horowitz, *The Great Impeacher: A Political Biography of James M. Ashley* (New York: Brooklyn College Press, 1979), 158.

[79] "Journal of the Executive Proceedings of the Senate of the United States of America," Vol. 19, 41st Cong., 1st Sess., April 9, 1869, A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875, Library of Congress, 120. https://memory.loc.gov/cgi-bin/ampage?collId=llej&fileName=019/llej019.db&recNum=119&itemLink=r%3Fammem%2Fhlaw%3A%40field%28DOCID%2B%40lit%28ej0191%29%29%3A%230190001&linkText=1.

[80] See, for example, "About Offices," *Montana Post,* April 2, 1869; and "What is 'Your Party?'," *The Helena Daily Herald* in *Montana Post,* May 7, 1869, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025293/issues/.

from Northern Europe who he believed were suited best for the climate of the territory.[81] According to Montana's *New North-West*, Ashley "expected to bring one hundred families, and colonize them in one of our valleys."[82] *The New York Herald* inquired into Ashley's intentions, believing that he wanted to "neutralize the democratic majority" and "bring Montana into the Union, before Grant's term expires, a republican state."[83] Soon after Ashley arrived in August, however, he delivered a speech on his immigration agenda and alleged that he was "in favor of making Montana a white man's government." Newspapers across the country reacted to Ashley's claims with disbelief. *The New York Herald* exposed Ashley's hypocrisy and questioned, "Is this recantation, backsliding, flopping over, or whatever you choose to call it, the first preliminary step in the direction of a United States Senatorship from the democratic state of Montana?"[84] Montana settlers cautiously supported Ashley's advocacy for restricted immigration, especially if it meant ending the treaty that guaranteed the Bitter Root Valley to the Ktunaxa (Kootenai), Qlispé (Kalispel), and Séliš (Salish) nations of the Flathead Agency. *The New North-West* confirmed these sentiments when Ashley passed through the valley on his way to Helena, stating, "he assured us that his influence would be on the side of the people."[85]

Ashley's efforts to forge alliances over a common issue like immigration further reveals the tension between political inclusion and exclusion that shaped Republican state building during Reconstruction. The egalitarian motives that once influenced Ashley's congressional

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[81] Ashley's message to the sixth territorial legislative assembly, 1869, SC 370, Box 1, Folder 1, James M. Ashley Papers, 1866-1869, Montana Historical Society Research Center, Helena, Montana.
[82] "Governor Ashley in Deer Lodge," *The New North-West*, September 10, 1869, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84038125/1869-09-10/ed-1/seq-2/.
[83] Governor Ashley, of Montana," *The New York Herald*, May 7, 1869, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83030313/1869-05-07/ed-1/seq-3/.
[84] "Montana," *The New York Herald*, September 18, 1869, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83030313/1869-09-18/ed-1/seq-8/.
[85] "Unto Yourselves Be True," *The New North-West*, November 12, 1869, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84038125/1869-11-12/ed-1/seq-2/.

career coexisted with beliefs in scientific racism, nativism, and the dispossession of Indigenous lands. The contradictory nature of Ashley's politics appears most vividly in his first message to the territorial legislature. After recommending that Montana's voting laws should replicate the Fifteenth Amendment, Ashley made a lengthy argument to abolish treatymaking with Native communities in the region:

> The time has come when the people of the western states and territories ought to demand that henceforth the national government shall refuse to recognize the right of any tribe or band of wandering savages to make war or peace at pleasure. Treaty-making with all Indian tribes ought to cease, as also the policy of providing them with reservations as large as a number of our states, from which explorers and miners are excluded, and citizens denied the right of passage, while bands of Indians are permitted to roam at will all over the entire territory.[86]

Ashley's position reveals how the Republican Party's platform for a free labor, capitalist society produced exclusive categories of citizenship and belonging in the West. The *New Era*, an African American newspaper, called out these contradictions, stating, "Mr. Ashley is too far away to realize the sound and sensible views which obtain here since the nation awakened from its nightmare of prejudice . . . From the appearance of things he will soon have sufficient freedom from his duties to come himself a little nearer the tropics, or to go, as his theory would suggest for a white man, as near the north pole as possible."[87] Shortly after Ashley's address, Grant nominated Benjamin F. Potts of Ohio to replace Ashley as governor on December 17. The nomination would not be confirmed by the Senate until June 1870, rendering Ashley into a lame duck for the remainder of his tenure.

When Ashley heard the news, he immediately wrote a letter of protest to Grant reiterating that he never committed any act that deserved condemnation from the Republican Party. On a

[86] Typescript Copy of Ashley's Message to the Sixth Territorial Legislative Assembly, 1869, SC 370, Box 1, Folder 1, James M. Ashley Papers, 1866-1869, Montana Historical Society Research Center, Helena, Montana.
[87] "How Kind," *New Era* (Washington, DC), February 3, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84024437/1870-02-03/ed-1/seq-2/.

personal note, Ashley remarked, "At an expense greater than I could afford, I removed my family to this distant country and had but just unpacked my furniture when without previous warning, the telegraph announces my removal." He went on to plead, "In coming to Montana I staked whatever political hope or ambition I had to the future, on making it a republican state."[88] When later asked why he was removed, Ashley laughed, "I don't know why the devil he [Grant] got after me, unless it was for a speech I made at a banquet . . . the night he sent in nominations for his Cabinet." Because Grant selected his cabinet members without consulting the senior Republicans in Congress, "I thought it was a great outrage in representative government, and said so that night. In my speech . . . I said we were 'dumb in the presence of a dummy.'" When the interviewer noted that it was a private banquet, Ashley said that Grant "had his lacqueys all over Washington."[89] As a lame duck for the next several months, Ashley's removal invited a series of political forces and new auxiliaries to sweep into the territory. What could not be predicted, however, was the scale to which the events that unfolded in Montana Territory rippled throughout the entire nation. It further reveals a central paradox of Reconstruction: that the development of strong communicative networks inherent to state building mobilized widespread miscommunication, abuse of power, and violence amid critical national debates to expand citizenship and civil rights.

[88] James Ashley to Ulysses Grant, December 20, 1869, National Archives and Records Administration, Territorial Papers: Montana Territory, record group 59, microcopy no. M356, roll no. 1, *Readex: Territorial Papers of the United States.*

[89] "Ashley, The Great Impeacher, on the Crisis," *The Evening Argus*, December 28, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84038628/1870-12-28/ed-1/seq-2/.

## CHAPTER FOUR:
## "LET US HAVE PEACE":
## REUNION, REFORM, AND FEDERALLY SPONSORED VIOLENCE IN MONTANA, 1869-1870

On the cover of the June 18, 1870 issue of *Harper's Weekly*, an illustration aptly titled "Let Us Have Peace" was certain to catch the attention of readers. The phrase might have sounded familiar to them, as "Let us have peace" was President Ulysses Grant's 1868 campaign slogan. The image was not a depiction of the reconciliation between North and South, but rather symbolized a partnership between the United States and Native nations. When Grant delivered his first inaugural address in March 1869, he introduced another critical element in his quest for peace: reforming federal Indian affairs. The *Harper's* lithograph features five prominent figures: Secretary of the Interior Jacob D. Cox, Grant, and the Lakota chiefs Maȟpíya Lúta (Red Cloud), Siŋté Gleška (Spotted Tail), and Matȟó Lúzahaŋ (Swift Bear). Red Cloud and Grant shake hands in a cordial meeting atop the stairs of the Capitol Building while a tomahawk rests on the ground between the men. The article paired with this visual, titled "On the War-Path," explains that the Lakota delegation traveled to Washington DC to meet with Commissioner Ely S. Parker "to obtain protection and redress." When Spotted Tail voiced his frustration over the government not fulfilling treaty obligations, Parker assured him that the misdeeds would be corrected. The remainder of the article goes on to emphasize reports from the commanding officer at Fort Buford in Dakota Territory, which alleged that "Indians in the vicinity have openly declared war upon their white neighbors."[1]

The choice to use "Let us have peace" to describe the tension in Native-US relations in 1870 reveals a far more complicated history of reform during Reconstruction. In Montana, Republican newspapers like the *Montana Post* applauded Grant's efforts to "fill the national

[1] "On the War-Path," *Harper's Weekly,* June 18, 1870, 385-386.

heart with new energy and confidence," but dismissed his comprehension of issues that were purportedly unique to the West. As the *Post* retorted, "There are two matters pertaining to . . . this western country our eastern friends are woefully ignorant about—the Indians and Railroads."[2] Throughout the Grant administration, white Westerners employed regionalism to express their convictions in a chronically discordant national political climate. For their part, Native communities tried to protect communal sovereignty through longstanding networks of diplomacy despite US efforts to erode Native polities legally and physically.

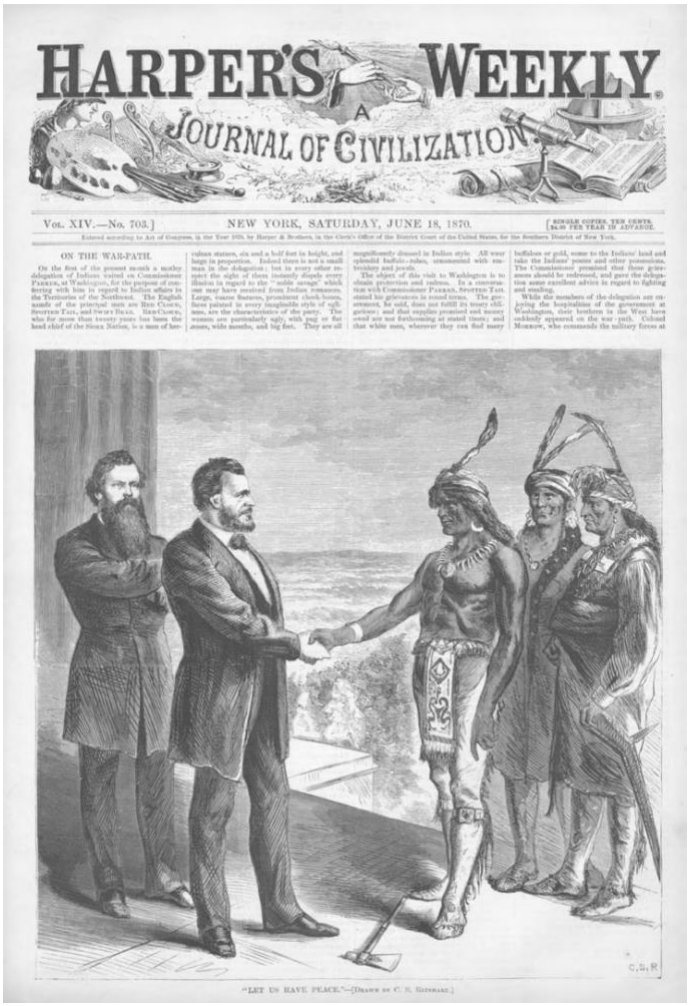
HARPER'S WEEKLY
A JOURNAL OF CIVILIZATION
VOL. XIV.—No. 703.] NEW YORK, SATURDAY, JUNE 18, 1870. [SINGLE COPIES, TEN CENTS. $4.00 PER YEAR IN ADVANCE.
ON THE WAR-PATH.
"LET US HAVE PEACE."—[DRAWN BY C. S. REINHART.]

**Figure 4.1: C.S. Reinhart, "Let Us Have Peace," Harper's Weekly, June 18, 1870.**[3]

[2] "The Inaugural Address," *Montana Post*, March 12, 1869
[3] C.S. Reinhart, "Let Us Have Peace," Harper's Weekly, June 18, 1870, Library of Congress Prints & Photographs Division, Washington, DC, https://www.loc.gov/resource/cph.3b42639/.

This chapter examines the discourse of peace that embodied the federal reform of Indian affairs in the cultural context of reunion; a deeply mythicized, yet pervasive cultural lens through which to comprehend and articulate the future of the postwar nation. The first thread, as represented in Grant's campaign slogan "Let us have Peace," concerns the reconciliation between North and South and the restoration of Southern states to the Union. The second refers to Grant's dedication to a reformed "peace policy" in federal Indian affairs that emphasized the "civilization, Christianization, and ultimate citizenship" of Native Americans.[4] Both pursuits were priorities to Grant, and the historical record further confirms how often the two overlapped on the ground in Montana Territory and throughout the nation.

To disentangle the rhetoric of "peace," then, is to illuminate the multifaceted nature of reform and how it manifested itself differently in practice than in theory in Western territories. Many studies emphasize the ability of the federal government to administer power through the military and other bureaucratic practices throughout the South and the West, often omitting how local forces equally reacted to the shape and direction of those efforts.[5] On Indian affairs in particular, historian C. Joseph Genetin-Pilawa challenges this interpretation by showing that Native reformers like Parker vitalized Indigenous visibility and advocacy in such federal capacities.[6]Tracing the implementation of federal Indian policy and Native resistance from the ground up in territories like Montana takes his analysis a step further by revealing common themes in Southern and Western Reconstruction. For Indigenous actors like the Amskapi Piikáni (Piegan Blackfeet) in northwestern Montana, the aftermath of the 1870 Piegan Massacre

[4] Ulysses S. Grant, "Inaugural Address, March 4, 1869, in Grant's Hand, March 4, 1869," March 4, 1869, Manuscript, Library of Congress, 11. https://www.loc.gov/item/pin2401/.
[5] Gregory Downs, *After Appomattox: Military Occupation and the Ends of War* (Cambridge: Harvard University Press, 2015); see also: Gregory P. Downs and Kate Masur, eds., *The World the Civil War Made* (Chapel Hill: The University of North Carolina Press, 2015).
[6] C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War* (Chapel Hill: University of North Carolina Press, 2012), 75-76.

highlights just how potent localized efforts could be when it came to preserving sovereignty and influencing lawmakers on the future of policy nearly 2000 miles away.

The second aim of this chapter is to demonstrate that federally sponsored violence like the Piegan Massacre contributed to both the continuity of political sectionalism and the systematization of racialized violence that intensified during Reconstruction. This chapter employs historian Carole Emberton's interpretation that "Reconstruction awakened Americans to the formative role violence played in the development of their politics and national identity" by adding that expansionist leaders and Western settlers concocted their own brand of believing that conflict and destruction were necessary evils for the triumph of settler progress.[7] Violence, in its political, personal, extralegal, and state-sponsored forms, had a profound impact on federal reform movements in the nineteenth century. As Emberton asserts, racialized violence before and after the Civil War often worked alongside reform in a way that promoted discipline through suffering.[8] Grant, Parker, and General William T. Sherman often diverged over the course of reform in federal Indian affairs, especially as it connected to larger state building objectives. The fact that individual predilections among leaders could stymie efforts at unified territorial policies further explains why federal reform, including Grant's peace policy, failed in the face of regional or local patterns of inequality and conflict.

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[7] Carole Emberton, *Beyond Redemption: Race, Violence, and the American South after the Civil War* (Chicago: The University of Chicago Press, 2013), 7. This chapter also expands upon other foundational cultural histories of reunion, like Nina Silber's *The Romance of Reunion* and David Blight's *Race and Reunion,* which notably connect themes like belonging and race to the process of North-South reconciliation that made the memory of the Civil War into a shared experience of suffering and loss. See Nina Silber, *The Romance of Reunion: Northerners and the South* (Chapel Hill: University of North Carolina Press, 1997); David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2002). Recent scholarship has reconsidered the pragmatism of reunion and the teleology of reconciliation. See, for example, Caroline E. Janney, *Remembering the Civil War: Reunion and the Limits of Reconciliation* (Chapel Hill: University of North Carolina Press, 2013); and Mark W. Summers, *The Ordeal of the Reunion: A New History of Reconstruction* (Chapel Hill: University of North Carolina Press, 2014).

[8] Emberton, *Beyond Redemption,* 38-39.

Cultural perceptions of the West as a distinctive region played a specific role in reunion which blended a lament for the Old South with the transcendental prospects of frontier mythology. As Frederick Jackson Turner posited in his 1893 essay on the closing of the frontier, the West had a peculiar "nationalizing tendency" after the Civil War, where "North and South met and mingled into a nation" and engaged in a "cross-fertilization of ideas and institutions."[9] Yet in reality, the West was not a space where wartime animosities could be replaced by a restorative national pride and rebirth of individualism. Ultimately, the patterns of federally sponsored violence that emerged after the Civil War reveal how questions about state formation and sovereignty were still under debate throughout Reconstruction.

**Finding Ne-tus-che-o (Owl Child)**

Between December 17, 1869 and July 13, 1870, Montana Governor James Ashley was a lame duck until the Senate formally confirmed his successor, Ohio state Senator Benjamin F. Potts. The historical record is largely silent on Ashley's actions during this time; however, he continued to fight the territorial legislature over his ability to make territorial appointments. The Democratic *Nashville Union and American* of Nashville, Tennessee, pointed to the irony of Ashley's troubles in Montana. The column summarized the problem: "Ashley persists in making nominations which are rejected, and at last the legislative . . . body passed an "office-tenure law," just the same as Congress passed to restrain Andrew Johnson." By also prohibiting the governor from removing legislators without the consent of the assembly, "It has simply offered to Ashley the chalice from which he made Andrew Johnson partake."[10] Entrenched in political warfare with the legislature, Ashley's grasped at what little opportunities he had to assert power.

[9] Frederick Jackson Turner, *The Frontier in American History* (New York: Holt and Company, 1920), 30.
[10] "Impeacher Ashley – His Troubles," *Nashville Union and American*, February 6, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn85033699/1870-02-06/ed-1/seq-2/.

Indeed, after providing Republican appointees to fill the offices of Territorial Auditor, Treasurer, and Superintendent on Public Instruction, the Legislative Assembly rejected all nominations.[11] Ashley's forced removal from office enabled local and federal authorities to vie for control on the ground. Even when territorial offices like the Superintendent of Indian Affairs continued to maintain close communication with their federal counterparts, their practices did not always follow suit. As a result, the local political conditions in Montana Territory produced a national crisis over Grant's visions of reform.

Montana Territory's new Superintendent of Indian Affairs, Major Alfred Sully, submitted his first annual report in September 1869 and detailed several concerns regarding Grant's Peace Policy in Montana, agency staffing, and complaints from Native leaders. As a career officer in the Army and serving in the trans-Mississippi theater of the Civil War, Sully favored the authority of the Army to execute federal Indian policy.[12] He also had a history of attacking Native communities, including a two-year expedition against Lakota and Dakota communities of the Očhéthi Šakówiŋ (Seven Council Fires) in retaliation following the 1862 US-Dakota War.[13] Sully agreed with federal efforts to create reservations under the peace policy, but believed that a sufficient military force was still necessary to "check in the bud all hostile acts of the Indians."[14] Reports from individual agents supported Sully's call to increase militarization, often detailing

[11] "Pen and Paste Brevities," *Ashtabula Weekly Telegraph* (Ashtabula, OH), January 1, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83035216/1870-01-01/ed-1/seq-2/.
[12] After the Civil War, the Army demoted Sully's rank from Brevet Lieutenant General to Lieutenant Colonel. Although postwar demotion was common, being a Lieutenant Colonel in the role of Superintendent of Indian Affairs typifies the broader transition of military personnel into other administrative roles. Sully signed his first annual report in 1869 as "Lieut. Col. USA., and Supt. Indian Affairs." See Alfred Sully, "Montana Superintendency, No.76, Office of the Montana Indian Superintendency, Helena, Mont. Terr., September 23, 1869," *1869 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1869), 293.
[13] Ryan Hall, *Beneath the Backbone of the World: Blackfoot People and the North American Borderlands, 1720-1877,* (Chapel Hill: The University of North Carolina Press, 2020), 161.
[14] Alfred Sully, "Montana Superintendency," *1869 Annual Report of the Commissioner of Indian Affairs*, 293.

the disorganized nature of agency operations as well as the constant threat of settler-Native violence. To mediate tensions in the Bitter Root Valley, the Flathead agent encouraged Ktunaxa (Kootenai), Qlispé (Kalispel), and Séliš (Salish) chiefs to accept an agreement that would extinguish their title to the land and in turn receive properties in severalty among the settlers "free of charge."[15] Along the Milk River in the north, the A'aninin (Gros Ventre) and Binnéessiippeele (River Crow) agency anxiously awaited annuities guaranteed by the 1868 treaty. Community leaders were "much exasperated, and charge their agent with lying, and the government with obtaining their lands without paying for them."[16] The Piegan Blackfoot faced a similar situation after learning that Congress did not ratify their 1868 treaty, despite land surveyors and settlers moving onto the ceded lands anyway. Piegan leaders expressed their frustration to their agent, F.D. Pease, "complain[ing] bitterly against the government for the non-fulfillment of the treaties consummated last fall." Without any goods to gift in restitution, Pease replied, "I can only make poor apologies."[17]

That summer, a group of whites killed four Piegans in the streets of Fort Benton in revenge for the murder of two white cattle herders. Agent Pease explained that the Piegans were especially horrified that an elderly man and a young boy were among those killed, as well as the brother of Ninna-stako (Mountain Chief), a powerful leader among the Piegan. He further worried that the chiefs would not be able to "restrain the young men from taking revenge."[18] Fearing a war with the Blackfoot, and with far less empathy for the Piegans, Sully grumbled that "the military force in the country was totally inadequate to protect the citizens." A year later,

[15] M.M. McCauley, "No. 77—Missoula Mills, M.T., September 27, 1869," *1869 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1869), 294-295.
[16] A.S. Reed, "No, 79—Gros Ventre and River Crow Agency, August 12, 1869," *1869 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1869), 299.
[17] F.D. Pease, "No. 80—Blackfeet Agency, M.T., August 10, 1869," *1869 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1869), 300-301.
[18] Pease, "No. 80," *1869 Annual Report,* 300-301.

Sully was able to report that the Army's presence greatly increased as he had wished.[19] The ability of the US Army to station new troops throughout the West was a drastic reversal from three years earlier, when Sherman denied cavalry support to then Acting Governor Thomas F. Francis Meagher. The Army's expanded role in the West coincided with the growth of military occupation in the South as chronicled by historian Gregory Downs. Downs concluded that military occupation in the South failed to accomplish its ends because whites slowly reclaimed the spaces where the army could not reach.[20] Military occupation in the West had different objectives but resulted in similar instability, further highlighting the significant limits of exercising federal power through the military. In Montana, this manifested itself in a combination of local, extralegal, and federal violence against Indigenous people. Between 1867 and 1877, the US Army established eight outposts in Montana Territory alone, often repurposing old fur trading posts like Fort Union (built 1829, sold 1867) to host cavalry, infantry, and artillery troops and equipment.

Tensions reached a breaking point in August 1869 when the murder of a prominent white rancher named Malcolm Clarke precipitated one of the largest massacres in Northern Plains history. For over twenty years, Clarke enjoyed a reputation as one of the leading traders in the American Fur Company and had strong connections with the Piegan community around Fort Benton. Like many fur traders in the region, Clarke married a Piegan woman named Coth-co-co-na to improve business relations with the Blackfoot. Chroniclers of Clarke's life note that in the late 1860s he entered a feud with Coth-co-co-na's cousin, Ne-tus-che-o, or Owl Child. Historian Andrew Graybill concluded that the feud began in 1867 when Owl Child visited the Clarke ranch

[19] Alfred Sully, "Montana Superintendency, No. 61, Superintendency of Montana, Helena, Mont. Terr., September 20, 1870," *1870 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1870), 190-191.
[20] Gregory Downs, *After Appomattox*, 90.

and thieves stole horses from both Clarke and Owl Child. According to Graybill, "Though Clarke's mounts were soon recovered, Ne-tus-che-o's were not, and so a few nights later the Indian guests slipped away [from the Clarke ranch] . . . taking with them some horses as well as Clarke's treasured spyglass."[21] When Clarke and his eldest son, Horace, found Owl Child, they publicly humiliated and assaulted him in front of his community. The family dispute continued over the next two years, until Owl Child and a few other Piegan men fatally shot Clarke and wounded Horace in the head on August 17, 1869.

Piegan oral histories identify a more immediate cause for Clarke's murder, one that did not relate to the rights of property, but rather white sexual violence against a Blackfoot woman. Carol Murray, the Vice President of Blackfeet Community College and citizen of the Blackfeet Nation, explained how she learned about these details while speaking to a group of Kainai High School (Alberta) students in 2010:

> I didn't know who to go to for stories, so I went to this old man that taught us all how to play a stick game. I told him, Willy [Running Crane], I said, I'm supposed to find a story about Baker Massacre and I was wondering if you could tell me a story. And he said, oh, I don't know any stories. Same thing. Just didn't want to get in trouble with anybody for telling about our history. So finally one day he said . . . as you're going to Helena you go through Wolf Creek Pass. Right as you come out of Wolf Creek Pass there's a ranch, over on the side, and he said, there was this man named Malcolm Clarke. He said, he lived there, and he said, the Blackfeet killed him . . . He said, this man raped one of the Blackfeet women [Owl Child's wife], who was visiting. His wife was a Blackfeet woman, Malcolm Clarke's wife. It was one of her relatives was visiting. He raped her. He said, and how we know this story to be true, he said, is, that woman had a baby. He said, and its eyes were blue. And he said, so the women put that baby, when it was born, they looked at it, and they took it over and put it in the hole. He said, that's how I heard the story.[22]

[21] Andrew Graybill, *The Red and the White: A Family Saga of the American West* (New York: W.W. Norton & Co., 2013), 99.
[22] Carol Murray (Blackfoot Community College), video streaming, *Blackfoot Digital Library*, Kainai Studies Archives, Red Crow College, Alberta, Canada, March 3, 2010.

According to Murray's retelling, Malcolm Clarke's alleged rape of Owl Child's wife (and Coth-co-co-na's relative) offers a more proximate motivation for the murder. Additionally, the scale of reaction aligns more closely with the severity this offense than a distant dispute over horses.[23]

While Horace Clarke recovered from his wounds, he found a listening ear with James H. Mills, the former proprietor of the *Montana Post* and new editor of *The New North-West*, to broadcast his version of the attack. A full column devoted to the "Particulars of the Murder of Malcolm Clark[e]" paraphrased Mill's interview with Horace and assured that "the account may be relied on as perfectly correct." Horace not only faulted Owl Child as the principal perpetrator of his father's death, but alleged that Bear Chief, the son of Mountain Chief, plotted to kill the rest of the family. The final paragraphs emphasized how Clarke was well-connected and admired—being a cousin to Governor Horatio Seymour of New York and related to several "prominent men" who served the Union during the war. Mills closed the interview and speculated, "the government, by its acts, and the people of the East, through their journals and magazines, will uphold and justify these bloody atrocities." Mills, a Republican, affirmed that "the day of reckoning will come" and wished that "the wrath of an injured people will burst forth and overtake the red fiends, who are petted and fed by the government."[24]

As news of Clarke's murder spread into other newspapers, locals rallied in support of Horace and demanded action from the Superintendent of Indian Affairs, Alfred Sully. That summer, Sully already reported on other "depredations" committed by the Blackfoot, including the murder of another settler and a series of livestock thefts. Sully appealed to Commissioner

[23] Andrew Graybill examines this account citing three interviews, including one with Carol Murray. However, in his analysis, Graybill claims that "Malcolm Clarke held women in the highest regards," and could not determine a conclusion on the truth behind the murder. See Graybill, *The Red and the White*, 99-100.
[24] "Particulars of the Murder of Malcolm Clarke," *The New North-West,* August 27, 1869, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84038125/1869-08-27/ed-1/seq-2/.

Parker, claiming that "There is no section of the country that has more Indians in it than Montana . . . and yet there is, if I am not mistaken, no section of the Indian country that has fewer troops stationed in it."[25] In response, Parker concluded that the Bureau of Indian affairs was powerless to prevent these crimes and referred the case directly to the Secretary of War, "with the request that the military take prompt measures to check them."[26] Sully enlisted the aid of Alexander Culbertson, a long trusted friend of the Blackfoot who participated in the 1855, 1865, and 1868 treaty negotiations. After speaking with Blackfoot community members who were surprised to learn about the violence and raids, Culbertson further affirmed the Blackfoot nation's friendliness to settlers, stating, "my knowledge of their character for a great many years will not permit me to think that there exists a general hostile feeling among them."[27] Culbertson's assessment of the situation nonetheless fell on deaf ears. General Philip Sheridan, the newly appointed commander of the Military Division of the Missouri (which included Montana), recommended punitive action. Far from Montana, Sheridan plotted a surprise attack on the Piegans in late October:

> I think it would be the best plan to let me find out where these Indians are going to spend the winter, and about the time of a good heavy snow I will send out a party and try and strike them. About the 15th of January they will be very helpless and if where they live is not too far from [Forts] Shaw or Ellis, we might be able to give them a good hard blow, which will make peace a desirable object.[28]

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[25] Alfred Sully to Ely S. Parker, August 3, 1869, in House of Representatives Executive Document No. 185, 41st Cong., 2nd Sess., *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 2-3. https://digitalcommons.law.ou.edu/indianserialset/5855/.

[26] Ely S. Parker to Jacob D. Cox, October 7, 1869, in House of Representatives Executive Document No. 185, 41st Cong., 2nd Sess., *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 3. https://digitalcommons.law.ou.edu/indianserialset/5855/.

[27] Alexander Culbertson to Alfred Sully, September 2, 1869, in House of Representatives Executive Document No. 185, 41st Cong., 2nd Sess., *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 4. https://digitalcommons.law.ou.edu/indianserialset/5855/.

[28] Philip Sheridan to Edward D. Townsend, October 21, 1869, House of Representatives Executive Document No. 185, 41st Cong., 2nd Sess., *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-*

In this communication between Sheridan and Parker, the plans for a winter attack did not include finding the perpetrators of Clarke's murder. In essence, the objective was to launch an indiscriminate campaign against any nearby Piegan encampment at a time when they would be most vulnerable. Moreover, Sheridan's ruthlessness reflects a recurring theme of the peace policy era: the Bureau of Indian Affairs' acquiescence to violent means to achieve federal notions of "peace" on the ground.

As rumors of an Army campaign circulated that fall, Horace Clarke and his younger brother Nathan traveled to Fort Shaw to volunteer in the attack and avenge their father's death.[29] Sully charted his own course of resolution by attempting to negotiate with the Piegans using Culbertson's aid. Sully had a vested interest in easing tensions and avoiding escalation. Clarke's death was not an act of war, after all, but the product of a personal dispute. His softer approach notwithstanding, Sully Had every intention to demonstrate the full authority of the federal government. The threat of force was clear when, on December 16, Sully and Culbertson left Helena for the Blackfeet Agency. Sully demanded that Mountain Chief and his allies turn over Owl Child, his accomplices, and all stolen livestock. Arriving on January 1, they provided a two-week deadline to fulfill the request. By January 13, division inspector general Colonel James A. Hardie wired to Sully, "Mountain Chief and others doing nothing . . . Two weeks up tomorrow. What do you say as to best policy now you know the situation?"[30]

*1899*, University of Oklahoma College of Law Digital Commons, 5. https://digitalcommons.law.ou.edu/indianserialset/5855/.

[29] Graybill, *The Red and the White*, 105-106.

[30] Telegram from James A. Hardie to Alfred Sully, January 13, 1870, National Archives and Records Administration: Territorial Papers: Montana Territory, record group 59, microcopy no. M356, roll no. 1, *Readex: Territorial Papers of the United States*.

***Itomótahpi Pikúni* (Killed-Off-the-Pikunis)**

In the Blackfoot language, the term for the Marias River is *Kaíyi Isisakta* or "Bear River." However, there is a specific place located on the north side of the river that holds a different namesake, *Itomótahpi Pikúni*, which translates to "Killed-Off-the-Pikunis."[31] In preserving the tragic memory of what became known as the Piegan Massacre, occurring January 23, 1870, the Blackfoot community used the placename *Itomótahpi Pikúni* to preserve the history by inscribing into the landscape. When Carol Murray retold the history of the massacre to students while visiting the site in 2010, she reflected on the connections between the landscape and the weight of historical trauma: "When we talk about where this took place, it's right behind me." Murray when on to describe how she learned about the massacre's history:

> My first experience was with my grandfather's sister. Somebody said, go see Aunt Annie, she might know something. [Aunt Annie said] there was this old lady who told me a story. She said it was early in the morning, she said, oh about, you know, when the sun's coming up it's getting light out. She said, the night before, during the night, they could hear these horses and they could hear people, and this, you know, this sound wasn't familiar, like, like it was the army that she was talking about. We could hear them laughing.[32]

On January 15, Sheridan dispatched Colonel Eugene Baker and his command of the Second US Cavalry from Fort Shaw. Sheridan sent a telegram to Hardie stating the goal of the mission, though he left the order open for Hardie to call off the attack: "If the lives and property of citizens of Montana can best be protected by striking Mountain Chief's band of Piegans, I want them struck. Tell Baker to strike them *hard.*"[33] Another letter from Colonel Regís de Trobriand,

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[31] James Willard Schultz provides a glossary of Blackfoot geographical names in *Blackfeet and Buffalo: Memories of Life among the Indians* (Norman: University of Oklahoma Press, 1962), 369.
[32] Carol Murray (Blackfoot Community College), video streaming, *Blackfoot Digital Library*, Kainai Studies Archives, Red Crow College, Alberta, Canada, March 3, 2010.
[33] Telegram from Philip Sheridan to James A. Hardie, January 15, 1870, in "Piegan Indians. Letter from the Secretary of War in answer to a resolution of the House, of March 3, 1870, in relation to the late expedition against the Piegan Indians, in the Territory of Montana," *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 32. https://digitalcommons.law.ou.edu/indianserialset/1904/.

commander of the military district of Montana, specified that Mountain Chief was encamped on the "Big Bend" of the Marias River and should be "easily singled out from other bands of Piegans," noting the bands of Heavy Runner and Big Lake in particular.[34] As Murray detailed in her account from her great aunt, the soldiers approached the Marias River the night of January 22. Realizing that they found an encampment of thirty-seven winter lodges, Baker positioned his 200 men on the high ground at dawn the next morning. At this point, one of Baker's scouts, Joseph Kipp, reported that the camp belonged to Heavy Runner and tried to warn Baker, but to no avail. Kipp's actions stalled the attack long enough for Heavy Runner to try and approach the soldiers with his peace medal and papers, but he became the first casualty in the ensuing massacre.[35]

> CAROL MURRAY: This little girl that told her the story, she said she was sitting in a tipi and her mom was sitting over there nursing her baby and she had one little sister. And she said, she said, they could hear these shots . . . hitting the tipis and they were shooting from that ridge that you see over there. The army was all scattered along up there. And they were shooting from the tops, shooting down at the top of the tipi poles. And she said, they just shoot and they keep coming down, coming down. And the mom was telling her, she said, hold your sister's hand, hold your sister's hand, and you run. And the girl says, no I don't wanna, I don't wanna leave you. She said, so the mom was trying to get them out the door, finally the mom was sitting there and the bullet comes in and it hits the baby in the head and goes into the mom's heart, kills her. So the little girl grabs her sister, and her sister, her vision is not very good, and she grabs her and they run for the door, and just as they bend down to go through the door, the little sister gets shot in the head. And that girl runs, she said, she runs and all the—everything's on fire, people are shooting, people are screaming, crying, and she runs this way, she's running this way, and it's like thirty below zero, and . . . she runs to a bank of the river, like that,

[34] Regís de Trobriand to Eugene M. Baker, January 16, 1870, in "Piegan Indians. Letter from the Secretary of War in answer to a resolution of the House, of March 3, 1870, in relation to the late expedition against the Piegan Indians, in the Territory of Montana," *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 15-16. https://digitalcommons.law.ou.edu/indianserialset/1904/.

[35] Although many accounts state that it was Heavy Runner who approached the soldiers, an oral history from White Calf, a Piegan Chief, claims that it was another individual. See Richard Lancaster, *Piegan: A Look from Within at the Life, Times, and Legacy of an American Indian Tribe* (New York: Doubleday & Co., 1966), 122-123.

> and when she gets there, she digs back in and she sits there and she can hear all this, this massacre going on.[36]

After several hours, Joseph Kipp returned to Heavy Runner's encampment to count the number of victims. Although one of Baker's Lieutenants tallied 173 bodies, Kipp's count totaled 217. Murray also confirmed from her great aunt's testimony that the total was 217. As her aunt Annie explained, "they [Baker's command] were all drunk, so she don't know why they would stop to count anything." Baker's command also captured over one hundred Piegans, but released them into the frigid elements, where many died due to exposure. Murray recalled this detail from a story that her grandfather told her, in which he described how the survivors made shoes out of willows as they trekked to Fort Benton nearly 75 miles away. "Thirty below zero," she reiterated, "So our people must be really something." [37] Once Baker realized that Owl Child and Mountain Chief were still at large, he continued the pursuit until stumbling across an abandoned camp several miles downriver. Mountain Chief's band found asylum north across the Canadian border.

Nearly all the victims from Baker's attack were women, children, the elderly, and those who were sick from a smallpox outbreak. Most of the men were away hunting. Bear Head, a survivor, intended on joining the hunt, but a soldier captured him while gathering his horses and forced him to watch the massacre from a distant ridge. Bear Head recalled the horrific scene observing, "They shot at the tops of the lodges; cut the bindings of the poles so the whole lodge would collapse upon the fire and begin to burn—burn and smother those within."[38] The tragedy of the Piegan Massacre echoed throughout the entire community for generations. In 1986, the

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[36] Carol Murray (Blackfoot Community College), video streaming, *Blackfoot Digital Library*, Kainai Studies Archives, Red Crow College, Alberta, Canada, March 3, 2010.
[37] Carol Murray (Blackfoot Community College), video streaming, *Blackfoot Digital Library*, Kainai Studies Archives, Red Crow College, Alberta, Canada, March 3, 2010.
[38] Bear Head, "The Baker Massacre," in James Willard Schultz, *Blackfeet and Buffalo: Memories of Life Among the Indians* (Norman: University of Oklahoma Press, 1962), 301.

Blackfoot author James Welch published *Fools Crow*, a novel that follows the growth of the protagonist, Fools Crow, on a series of quests and obstacles throughout his life. As Fools Crow transformed into a leader, healer, and visionary for his community, his character also symbolizes a powerful mediator between the past and present. In the concluding chapters, Fools Crow receives a vision prophesizing devastation to his community, including a smallpox epidemic, the massacre of Heavy Runner's camp, and government boarding schools. In one part, Fools Crow encountered a few survivors of the Piegan Massacre and visits the smoldering remains of Heavy Runner's camp. The narrator observes:

> As he wandered from smoking ruin to ruin, he didn't really know that his eyes had quit seeing, that his nose no longer burned with the smell of death. He rubbed his eyes and there were no more tears, not from smoke, not from his heart. He sat for a long time, tired and numb, until his mind came back and he remembered where he was, what he had seen. Still he was in no hurry to open his eyes.[39]

An important element of Fools Crow's vision was his inability to prevent these events, meaning that he carried both the weight of this knowledge and the responsibility to practice and pass down traditions in his community. The threads of survivance throughout Welch's novel reinforce a message of continuity as Fools Crow's community partakes in a pipe ceremony near the end of the book; "There were fewer of them than in previous years, but the drumming and singing seemed louder, as though they sought to make up in enthusiasm what they lacked in numbers."[40]

[39] James Welch, *Fools Crow* (New York: Penguin Books, 1986), 382-383.
[40] Welch, *Fools Crow*, 39

**Figure 4.2: George Bull Child (Blackfeet, Piegan), *Baker Massacre of 1870,* ca. 1930s.**[41]

In the aftermath of the Piegan Massacre, the greater Blackfoot community remained effective political actors as the United States became engulfed in a debate over federal Indian policy, the bureaucratization of federal authority, and unresolved sectional tensions. A distinctive regional pattern of reports and press releases emerged, beginning locally in newspapers that expressed relief for what they coined as "The Baker Fight" or "The Baker Expedition." Because Baker failed to submit his official report until nearly one month later, the press constructed their

[41] George Bull Child (Blackfeet, Piegan), *Painting on hide (Baker Massacre of 1870),* ca. 1930s, hide, pigment; 38 in. x 26 in. Denver Art Museum: L.D. and Ruth Bax Collection,1985.106. Photography courtesy of the Denver Art Museum.

own version of what transpired on the Marias River. The *Helena Daily Herald* printed one of the earliest reports on the massacre thanks to their "trusted" correspondent from Fort Shaw, signed "I.T.Z." On January 28, I.T.Z. broke the news with a strikingly sensationalized banner: "A Fight with the Indians – Colonel Baker, with his Cavalry, Attacks a Band of Red Devils and Annihilates them – Twenty Two of Our Men Killed or Wounded – A Brilliant Victory." What followed was a colorful description of an even-sided battle between Baker's command and Mountain Chief's band, which resulted in the slaughter of "this most murderous company of red devils."[42] Another local paper, *The Daily Rocky Mountain Gazette,* used similar correspondent "testimonies" to validate their claims and reassure readers that a counterattack from the Piegans was unlikely. The *Gazette* reiterated that if the military did not go far enough, then "Gen. Small-pox" would finish the job.[43]

Other Western publishers offered bipartisan congratulatory messages to Montana settlers in early February, often sharing small bulletins that regarded Baker's actions as a success on behalf of all Westerners. *The Idaho World,* a staunchly Democratic paper known for its opinion editorials, elaborated on the significance of Baker's attack as the "Best way to make Indian treaties." Without any particulars, the column applauded Baker for making "a perpetual treaty of peace" by sending a number of Piegans "to their last 'reservation.'"[44] By evoking the language of peace as achieved by violence, such Western newspapers sanctioned the army's presence so long as it was in service of protecting settlers and their property. Sheridan concurred in these sentiments in a telegram to his superior, General William T. Sherman, on January 29: "I think

[42] *Helena Daily Herald,* January 28, 1870, Microfilm Reel H-504, Montana Historical Society Research Center, Helena, MT.
[43] *Daily Rocky Mountain Gazette,* February 2, 1870, Microfilm Reel H-691.5, Montana Historical Society Research Center, Helena, MT.
[44] "Best Way to Make Indian Treaties," *The Idaho World,* February 10, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn82015407/1870-02-10/ed-1/seq-2/.

this will end Indian troubles in Montana, and will do away with the necessity of sending additional troops there in the spring."[45] Sheridan delivered the message after only a brief note from General De Trobriand describing Baker's success.

While Sheridan waited for the official report from Baker, Sully and Pease inquired into the attack and uncovered information that conflicted with the army's initial, vague reporting. On February 6, Pease relayed that he had the opportunity to speak with several Piegan individuals, including Big Lake, who was close with Heavy Runner and his band. From these informants, Pease learned the demographics of the victims and confirmed that "fifteen only were . . . young, or fighting men; these were between the ages of twelve and thirty seven." Big Lake also expressed the fear felt throughout the community, with many moving north across the border to the Milk River. He hoped to stay near the Marias River, however, "for there the buffalo were."[46] Sully submitted Pease's report directly to the Bureau of Indian Affairs and added, "It is perhaps to be regretted, since it was necessary to chastise a portion of the Piegans, that Mountain Chief's band was not the band that suffered. . . . I refrain from making any comments on the reported unnecessary and uncalled-for cruelty on the part of the soldiers."[47] Baker did not submit his report until February 18, downplaying the severity of the attack and reiterating that he followed instructions. As Sherman noticed in the statement, however, Baker "does not report in detail, as

[45] Telegram from Philip H. Sheridan to William T. Sherman, January 29, 1870, in "Piegan Indians. Letter from the Secretary of War in answer to a resolution of the House, of March 3, 1870, in relation to the late expedition against the Piegan Indians, in the Territory of Montana," *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 8. https://digitalcommons.law.ou.edu/indianserialset/1904/.

[46] William B. Pease to Alfred Sully, February 6, 1870, House of Representatives Executive Document No. 185, 41st Cong., 2nd Sess., 1870, *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 7. https://digitalcommons.law.ou.edu/indianserialset/5855/.

[47] Alfred Sully to Ely S. Parker, February 10, 1870, House of Representatives Executive Document No. 185, 41st Cong., 2nd Sess., 1870, *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons. https://digitalcommons.law.ou.edu/indianserialset/5855/.

is proper and usual, the sex and kind of Indians actually left dead at the camp."[48] The glaring discrepancies in the reports influenced the opinions of newspapers in the East, which increasingly sympathized the Piegans in Montana as the details confirmed that a massacre took place, rather than a battle.

Eastern newspapers, however, often divided along political lines in terms of attitudes towards federal power. Coverage in large papers like the *New York Times*, usually alerted the attention of smaller publishers who either reprinted *Times* columns or added their own commentary. At first, the *Times* expressed relief after publicizing Baker's report, once explaining that Baker "simply obeyed the orders" of his superiors.[49] Republican newspapers, like Philadelphia's *The Evening Telegraph*, maintained strong faith in the federal government to correct the structural flaws of Indian policy in the West. In response to Baker's claims that he mercifully released the captives, the *Telegraph* observed, "released [them] to what? To starvation and freezing to death." Calling for reform, the column went on to pressure the Secretary of the Interior, pledging, "it is time for that policy to end, and for one to be adhered to by Congress, which will not require Piegan slaughters."[50] Other papers, such as the *Cambria Freeman* of Pennsylvania were more critical of the army and advocated a federal investigation into the attack. In a column on "Sheridan and the Piegan Butchery," the *Cambria Freeman* targeted it

[48] William T. Sherman, March 12, 1870, in "Piegan Indians. Letter from the Secretary of War in answer to a resolution of the House, of March 3, 1870, in relation to the late expedition against the Piegan Indians, in the Territory of Montana," *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 17-18. https://digitalcommons.law.ou.edu/indianserialset/1904/.
[49] "Col. Baker and the Indians," March 30, 1870, *The New York Times.*
[50] "The Piegan Village Slaughter," *The Evening Telegraph* (Philadelphia, PA), March 31, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83025925/1870-03-31/ed-1/seq-2/.

censure towards the system that produced a "fighting animal" like Sheridan, where the "crushing out policy is the only one he knows."[51]

By comparison, Democratic newspapers, especially in Southern states, presented the massacre in a way that condemned the militaristic overreach of federal authority and forged an artificial connection to the perceived suffering of Southern whites. On March 14, 1870, South Carolina's *Charleston Daily News* featured a long opinion piece titled, "The Montana Butchery" and used the massacre as a platform to expose the Republican-led federal government for its corruption and weak leadership during Reconstruction. To set the stage of the massacre, the paper introduced the "actors in this sanguinary drama" as "Grant the butcher," Sherman the "venomous serpent," and Phil Sheridan, who "laid [Southern] homesteads in ashes." In this narrative, it was unsurprising to Southerners that Sheridan and Sherman defended Baker's actions. As the *Charleston Daily News* concluded in their feature, "The bloody work in Montana cannot be palliated or excused, but no less infamous and no less atrocious was the conduct of Sheridan and Sherman during the Confederate war."[52] Likewise, the *Public Ledger* of Memphis, Tennessee, criticized the lack of federal response to hold military leadership accountable and doubted the prospects of an investigation. According to the *Ledger*, "It is these high personages who will be responsible for all similar crimes in the future if they allow this one to go unpunished."[53] By directing their vitriol at federal echelons of power, newspapers throughout the South recounted the massacre in a way that made it relatable for their readership.

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[51] "Sheridan and the Piegan Butchery," *The Cambria Freeman* (Ebensburg, PA), March 24, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn83032041/1870-03-24/ed-1/seq-2/.

[52] "The Montana Butchery," *Charleston Daily News* (Charleston, SC), March 14, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84026994/1870-03-14/ed-1/seq-2/.

[53] "An English view of the Piegan Massacre," *Public Ledger* (Memphis, TN), April 9, 1870. https://chroniclingamerica.loc.gov/lccn/sn85033673/1870-04-09/ed-1/seq-2/.

In the wake of the public outcry and the inconsistencies in official reports, Commissioner Parker recommended a full investigation into the Piegan Massacre. The Senate approved the request and instructed the Committee on Military Affairs to "send for persons and papers" and report their findings.[54] The investigation was timely, occurring during one of the most critical debates surrounding Grant's Peace Policy: the transfer of the Bureau of Indian Affairs from the Department of the Interior to the War Department. Scholars of the peace policy era like Joseph Genetin-Pilawa situate the transfer debate in a longer history of reform with a diverse array of actors on both sides. Both Sherman and Parker were in favor of the transfer, believing that the military could protect Native communities from the hostilities of settlers and vice versa. According to Genetin-Pilawa, Parker viewed the transfer as an opportunity to build personal connections and influence military decisions.[55] Sherman, for his part, argued that military control brought peace and efficiency. In a reflective letter from 1876, Sherman suggested that the country was already "divided into military departments and divisions, commanded by experienced general officers named by the President, who can fulfill all the functions now committed to Indian superintendents."[56] By centralizing authority, Sherman believed, military districting in both the South and the West meant the efficient dissemination of federal power and best served the restoration and expansion principles of the Grant administration.

However, the Army's administration of the peace policy did not accomplish the consistency and efficiency that Sherman or Parker imagined. As demonstrated from Agent

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[54] *Journal of the Senate of the United States of America*, vol. 64, Senate, 41st Cong., 2nd Sess., February 24, 1870, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*, Library of Congress, 293. https://memory.loc.gov/cgi-bin/ampage?collId=llsj&fileName=064/llsj064.db&recNum=292&itemLink=r%3Fammem%2Fhlaw%3A%40field%28DOCID%2B%40lit%28sj0641%29%29%3A%230640001&linkText=1.

[55] Genetin-Pilawa, *Crooked Paths to Allotment,* 78-79.

[56] William T. Sherman, "General Sherman of the Transfer of the Indian Bureau," January 19, 1876, in Francis Paul Prucha, ed., *Documents of United States Indian Policy,* 3rd ed. (Lincoln: University of Nebraska Press, 2000), 145.

Pease's reports, Blackfoot leaders continued to influence the discussion surrounding federal Indian policy reform through their own actions and lines of communication. While living on the Blackfoot reservation in 1962, linguist Richard Lancaster recorded a conversation with James White Calf, the son of a Blackfoot Chief named *Onistápokah* (White Buffalo-Calf) who remembered the massacre. White Calf's testimony centered on the immediate aftermath that most historical accounts overlook. "This is an important story," White Calf began, "and it will show you how hard my father tried to have peace with the Whites." At the time of the massacre, White Calf's community was in Canada when Mountain Chief's band had just arrived from fleeing Baker's troops. Mountain Chief suggested retaliation, but White Calf's father disagreed, explaining, "that was exactly what the Army wanted us to do—to go back over to the States and attack the Army." As White Calf continued, "My father knew that the Army was trying to make a lot of trouble with the Indians because they wanted Congress to turn over the control of Indian affairs to the Army, and that would have been the end of the Indians." That spring, Onistápokah traveled to Fort Benton for answers, but soldiers placed him under arrest upon arrival. In questioning, an officer asked whether Onistápokah returned for revenge, to which he retorted, "if the Piegans were out for revenge the Army would know it by now because there wouldn't be a White man alive or a White house standing between here and the Medicine Line . . . I came over here to find out why you killed our people."[57]

When interpreted in the context of the transfer debates, Onistápokah's tactful approach exemplified diplomatic and political ingenuity. In early March 1870, the House of Representatives confronted the issue in an army appropriations bill, which included the transfer of the Bureau of Indian Affairs to the War Department. According to a statement from the floor,

[57] White Calf, quoted in Richard Lancaster, *Piegan: A Look from Within at the Life, Times, and Legacy of an American Indian Tribe* (New York: Doubleday & Co., 1966), 123-124.

Representative John Logan of Illinois reported the bill, "but after he had read the account of the Piegan massacre his blood ran cold in his veins" and asked the committee to strike out the clause.[58] The same appropriations bill also ruled that army personnel were ineligible to hold positions in Indian agencies. As Richard Lancaster postulated in his writings from White Calf's testimony, "If the Blackfoots had retaliated against the Army in force, the bill probably would have gone through."[59] By emphasizing the centrality of Blackfoot authority in this crucial moment of the peace policy, such examples show how Indigenous communities navigated an era of federally sponsored violence under the pretense of "peace."

**Conclusion**

One of the most moving reactions to the Piegan Massacre came from the aging George Catlin, the renowned artist who travelled along the Missouri River in the 1830s. Best known for the realism in his portraits of Indigenous individuals and his depiction of Fort Union at the confluence of the Missouri and Yellowstone Rivers, Catlin had long used his craft as a form of historical documentation and to express his concerns over federal Indian policy. The massacre touched Catlin personally, as he recalled how Native peoples across the Northern Plains welcomed him into their communities. Writing to a "Professor Harper" in 1870, Catlin lamented, "These assassinated people were my friends. Look into the catalogue of my Indian portraits, and the Piegan chief, Stu-mik-o-suks will be found, and his wife and his grandson, who was to be his successor. These people treated me with kindness and my heart sickens at the fate they have met at the hands of an artful, designing, and wicked enemy."[60]

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[58] "Transferring the Indian Bureau to War Department Prevented," in "Appendix 23, Piegan Massacre," *Second Annual Report of the Board of Indian Commissioners to the Secretary of the Interior, for the Submission to the President, for the Year 1870,* (Washington, DC: Government Printing Office, 1871), 89-90.
[59] Lancaster, *Piegan,* 124.
[60] George Catlin to Professor Harper, 1870, Letters 1827-1870, Ayer MS 146, Edward E. Ayer manuscript Collection, Newberry Library, Chicago, IL.

Until the 1850s, artists like George Catlin popularized realism to depict landscapes as a natural sanctuary devoid of conflict, offering an escape to a seemingly simpler place and time. As the genre of romanticism expanded in the postwar era, dramatic scenes of conflict and peace profoundly mirrored the violent culture of reunion. In these works, artists strategically employed themes of conflict through symbols like physical confrontation, personal hardship, environmental barriers, or spiritual detachment. As illustrated in Thomas Moran's 1875 painting, *Mountain of the Holy Cross,* snow-filled ravines in the shape of a cross top a mountain peak that towers above a terrain of cascading rapids, jagged rocks, and fallen trees. From the viewer's perspective in the foothills, one must imagine their trepid quest through a wilderness of challenges to reach the heavenly reward. Although the famous Colorado summit was well known to Indigenous people, colonizers, and travelers for centuries, Moran's perspective captures a distinctive cross-section of westward expansion in a postwar context of moral and religious revivalism. While many correctly interpret *Mountain of the Holy Cross* as a divine symbol that validated US expansionism, it also represents a key moment in Western art that characterized the region as a gateway for national redemption.

**Figure 4.3: Thomas Moran, *The Mountain of the Holy Cross,* 1875.**[61]

Cultural symbols like Moran's painting provide significant insight as to how the processes of westward expansion and Reconstruction operated to both restore and increase the domain of the United States. Contrary to the notion, "Let us have peace," embodied by Grant's reform agenda, the West posed a significant challenge to reunion after the Civil War. As white Americans projected their ideas of reunion westward, historical actors in the West forced new confrontations with old questions. Issues like unfree labor systems, racial inequality, the exclusivity of citizenship, and the boundaries of competing sovereignties survived the Civil War and thrived in the West. For Indigenous people in politically contentious territories like Montana,

[61] Thomas Moran, *The Mountain of the Holy Cross*, 1875, Oil on Canvas, Autry Museum of the American West, Image is in the Public Domain, Wikimedia Commons. https://commons.wikimedia.org/wiki/File:Thomas_Moran_-_Mountain_of_the_Holy_Cross,_1875.jpg.

the reunion phase of Reconstruction produced more boundaries, restricted mobility, and unraveled the recognition of sovereignty. As illustrated through the history of the Piegan Massacre, however, Indigenous actors responded in ways that both asserted their visibility and ensured the continuity of this history as it became inextricably linked between the community and the land.

## CHAPTER FIVE:
## A NATIONAL ENTERPRISE: THE RECONSTRUCTION OF NATIVE AND US SOVEREIGNTY IN THE WEST, 1870-1883

In fall 1870, former Governor James Ashley had to leave his family in Montana to find new opportunities in the East. To make ends meet, Ashley found speaking engagements and joined a lecture circuit in Ohio reminiscing on his years in Congress. In March 1871, Ashley wrote to the Northern Pacific Railway Company seeking employment as a lecturer to promote the railroad and emigration to the Northwestern Plains. Frederick Billings, the chairman of the Northern Pacific land office and future president of the company, responded to Ashley's letter and denied his request, citing the success of the Northern Pacific's present advertising methods: "Applications from colonies already formed and from individuals willing to get up colonies in their own neighborhood or abroad, are coming in upon us every day." Billings thanked Ashley for his inquiry and acknowledged, "We of course have an immense country to fill up, and must be open and will be to every suggestion helping along systematic colonization and there is vast work ahead."[1] Although Ashley moved on from the Northern Pacific, he understood the financial promise of railroads and how his political expertise could complement the enterprise. He soon tried his own luck in the railroad business and became the proprietor and president of the Toledo, Ann Arbor, and Northern Michigan Railroad from 1877 until 1890.

Historian Robert F. Horowitz writes that Ashley generally distrusted corporations like the Northern Pacific, and his "genuine concern for the plight of the workingman" inspired efforts to implement worker profit-sharing, benefits, and collective bargaining in his own business. Despite good intentions, Ashley's small railroad company could not financially sustain these endeavors.[2]

[1] Frederick Billings to James Ashley, March 7, 1871, SC 189, Box 1, Folder 1, Northern Pacific Railroad Company Records, 1866-1873, Montana Historical Society Research Center, Helena, MT.
[2] Robert F. Horowitz, *The Great Impeacher: A Political Biography of James M. Ashley* (New York: Brooklyn College Press, 1979), 167-168.

Transcontinentals like the Northern Pacific, however, received frequent federal support in the form of land grants and other financial subsidies. The company began construction in 1870, six years after receiving a land grant of 40 million acres from the public domain and the right to raise telegraph lines, construct operational buildings, and collect raw materials adjacent to the railroad.[3] From the vantage point of Reconstruction, transcontinentals sparked an ideological shift in how the federal government sanctioned private interests for the purpose of benefitting the public good. According to Richard Bensel, "The federal government was simply the vehicle of common interest in economic development associated with northern finance, industry, and free soil agriculture."[4] Moreover, as Billings' usage of "colonies" and "systematic colonization" indicates, railroads would assist settler colonial and later imperial objectives of the United States in return. In so doing, the US government recognized railroad corporations like the Northern Pacific as an administrative arm of US sovereignty, invested with the authority to control the land, resources, and people under their purview with little federal oversight. However, as Richard White reveals in his seminal work *Railroaded*, transcontinental railroad companies did not always align with the power of the state and instead "wanted to control only those aspects of the political system that were critical to their interests."[5] More often, railroads only operated alongside US authority when there were clear benefits in doing so.

[3] *The Northern Pacific Railroad: It's Route, Resources, Progress, and Business* (Philadelphia: Jay Cooke & Co., c.1871), General Collection, Newberry Library, Chicago, IL, 2.
[4] Richard Bensel, *Yankee Leviathan: The Origins of Central State Authority in American, 1859-1877* (New York: Cambridge University Press, 1990), 3-4.
[5] Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (New York: W.W. Norton, 2011), 112.


**Figure 5.1: John W. Powell, "Map of the United States exhibiting the grants of land . . . of railroads and wagon roads, 1878," 1879.**[6]

The construction of the Northern Pacific through Montana Territory in the 1870s demonstrates that claims to sovereignty were a vital feature of Reconstruction in the West as in the South. This chapter engages Manu Karuka's concept of *countersovereignty* to critique the long-term objectives of US imperialism and uphold the original sovereignty of Native American nations. Karuka defines countersovereignty as "a position of reaction to distinct Indigenous protocols governing life in the spaces the United States claims as its national interior."[7] By reframing Reconstruction in terms of space and sovereignty, it becomes evident that Reconstruction was a process to protect the legitimacy of US nationhood and to eliminate any

[6] John W. Powell, "Map of the United States exhibiting the grants of lands made by the general government to aid in the construction of railroads and wagon roads, 1878," 1879, (Washington, DC: Government Printing Office, 1879), Archives & Special Collections, Mansfield Library, University of Montana, Missoula, MT.
[7] Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Oakland: University of California Press, 2019), xii-xiii.

threats to that effort. One byproduct of these efforts was the Indian Appropriations Act of 1871, which not only ended the practice of treatymaking with Native communities as sovereign nations but accelerated the ability of the US government to fuse private and public interests in the West. In response, Native communities navigated new channels of diplomacy, formed intertribal alliances, and physically resisted. In Montana, the Apsáalooke (Crow Nation) and the Ktunaxa (Kootenai), Qi̓lispé (Kalispel/ Pend d'Oreilles), and Séliš (Salish) communities of the Flathead Confederacy directly encountered the Northern Pacific during illegal surveys and unapproved resource excavations. As the US government restricted the mobility of Native people through the policing of reservations in the 1870s, community-driven responses upheld the assertion of Native sovereignty from the ground and redefined the political relationship between people and space during Reconstruction.

**A New Republican in Town**

After months of deliberation over the confirmation of his appointment, Governor Benjamin Potts arrived in Montana by late August 1870. As a lawyer in Ohio, Potts entered politics early in his career and supported Democrat Stephen A. Douglas in the 1860 presidential election. After serving in the US Army during the Civil War, Potts changed parties and was elected to the Ohio State Senate as a moderate Republican until his appointment as governor of Montana Territory. The Republican *New North-west* of Deer Lodge extended its gratitude to President Grant and the Senate on Potts' appointment, remarking "Mr. Ashley was radical enough . . . he came with the taint of a bad record upon him, and has never inspired a good feeling among this people, or confidence that his administration would be for the good of the territory." Nodding to Potts' identity as a moderate, the paper projected that he would balance

"the harshness and bitterness of partisan feeling in this territory."[8] Potts spent the first several weeks of his role touring the "settled portions" of the territory to "become acquainted with the people . . . the protection afforded against or dangers from Indian depredations, and the adequacy of present legislation to secure their welfare." On the issue of local politics, the *New North-west* expressed that Potts' "good character [and] high principles" would promote harmony. Vowing to be on the side of his constituents, Potts appeared as a reformist who could balance local politics by capitalizing on the economic interests of the territory.[9]

Historians of Montana tend to reflect positively on Potts' thirteen-year tenure as governor, especially when compared to his predecessors whose terms typically lasted from six months to two years. Clark C. Spence attributed Potts' longevity to the passage of time, which "mellowed Civil War antipathies" alongside a growing settler population that diluted the "chaotic factionalism" of the territory's early years.[10] The 1870s was not a period of stability, however, as Potts often conflicted with both Republican and Democratic colleagues. The territory remained heavily partisan as well. Democratic lawmakers held the majority of every legislative assembly until the sixteenth and final session in 1889.[11] Potts demonstrated a willingness to collaborate with Democrats throughout his administration, managing an air of bipartisanship while he worked to strengthen the Republican Party in the territory. To do so, Potts often intervened in the activities of other territorial offices. An 1872 act granted territorial

[8] "Gen. B.F. Potts Governor of Montana," *The New North-west* (Deer Lodge, MT), July 15, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84038125/1870-07-15/ed-1/seq-2/.
[9] "Montana's Governor," *The New North-west* (Deer Lodge, MT), August 5, 1870, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84038125/1870-08-05/ed-1/seq-2/.
[10] Clark C. Spence, *Territorial Politics and Government in Montana, 1864-89* (Urbana: University of Illinois Press, 1975), 72.
[11] Spence, *Territorial Politics*, 72.

governors the authority to fill vacancies when the legislative assembly was not in session, thus making it easier for Potts to assign Republican appointments without contest.[12]

Potts also worked to protect existing Republican appointees in office, including the Superintendency of Indian Affairs. When a series of anonymous charges were pressed against Republican Superintendent Jasper A. Viall in summer 1871, Potts wrote directly to Grant to resolve the matter. Potts alleged that the charges against Viall were partisan in nature, not substantive. As Potts described to Grant, "they [the Democrats] are unable to control the patronage of this office as they have heretofore done with superintendents." Potts also needed Viall's assistance in the campaign to elect Republican William Claggett as the non-voting delegate to Congress. Viall's loyalty would be instrumental to the canvass, as Potts confided to Grant, "I regard Col. Viall my most efficient aid in our present struggle to carry out your wishes . . . viz., 'Make Montana Republican.'[13] Claggett won the election and was the only Republican to serve the role during Montana's territorial period. Alongside Viall and Claggett, Potts allied with James H. Mills, the former editor of the *Montana Post* and founder of the popular *New North-west*, and recommended his appointment as the Receiver of the Land Office in Helena. Like former Governor Thomas Meagher, Potts understood the necessity of good publicity and "befriended one of the most influential Republicans in Montana" soon after his arrival.[14]

The alliances that Potts forged had tangible consequences on the ground, especially when concerned with the territory's settlement or commercial expansion. During a visit with settlers and the Kootenai, Kalispel, and Salish peoples living in the Bitterroot Valley, Potts insisted their

[12] An Act to provide for filling Vacancies in certain Offices in the several Territories (June 8, 1872), 17 Stat. 335, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875*, Library of Congress. https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=017/llsl017.db&recNum=376.
[13] Benjamin Potts to Ulysses Grant, July 3, 1871, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.
[14] Benjamin Potts to Ulysses Grant, October 17, 1871, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.

relocation to the Jocko Reservation as designated by the 1855 Hellgate Treaty. The Flathead claimed the right to remain in the valley under Article XI of the treaty, which stated that settlement of the valley could not take place until after a formal survey and approval from the president. Potts presented the case to Grant and claimed that he, Viall, and Claggett together "made a careful examination" of the land and determined that it should be open for settlement. Grant issued an executive order in late 1871 to remove the remaining Kootenai, Kalispel, and Salish from the Bitterroot and appropriated $50,000 "to compensate the Indians for their farms and improvements."[15] The following year, the Secretary of the Interior appointed Republican Representative James A. Garfield of Ohio to negotiate a contract with the Flathead at the agency. Among the chiefs present was Charlot, the head chief of the Salish and son of Chief Victor who refused to relinquish Salish homelands during treaty negotiations in 1855. Although two other chiefs signed Garfield's contract, Charlot refused and pressed his community's right to independence in the valley. Moreover, he disagreed with the stipulation that families could remain in the valley only if the male head of household "abandons his tribal relations with said tribe."[16] Charlot feared that this condition would not only divide kinship ties, but also isolate Salish people from their community, culture, and traditions. After the council concluded their hearings, Garfield recommended that "the government proceed with removal 'in the same manner as though Charlot . . . had signed the contract.'"[17] The persistent refusal of Charlot and

[15] Benjamin Potts, Biennial Message of the Governor to the Seventh Legislative Assembly, December 4, 1871, National Archives and Records Administration Territorial Papers: Montana Territory, record group 59, microcopy no. M356, roll no. 1. *Readex: Territorial Papers of the United States.*
[16] An Act to provide for the Removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana (1872), 17 stat. 226, *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875*, Library of Congress. https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=017/llsl017.db&recNum=267.
[17] "The Flathead Indian Reservation," RS 266, Box 1, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.

his community to surrender and relocate from their homelands, however, was significant enough to prevent removal to the Jocko Reservation until 1891.

**Figure 5.2: Photo of Chief Charlot (Salish) by F.J. Haynes, 1883.**[18]

[18] F.J. Haynes, "Charlos [Charlot], Flathead Chief," 1883, Photograph, H-00924, *Montana Memory Project*, Montana Historical Society Research Center, Helena, MT. https://www.mtmemory.org/nodes/view/89229.

According to historian Richard White, "the treaty system was less dead than in hiding" after 1871, and contracts to relinquish Indigenous lands continued as formalized acts of Congress.[19] Moreover, this decision did not change Congress' plenary power over Native communities in a range of jurisdictional matters, including the regulation of commerce on tribal lands. Railroad corporations may have believed that abolishing the treaty system would make construction across Indigenous lands and using Indigenous resources easier, but they soon realized that they still had to negotiate through Native, territorial, and federal channels. Since the fur trade era, Native communities sustained a pattern of negotiation and confronted the rapid growth of private entities like railroads throughout the West. Leaders like Charlot continued to represent their communities through diplomacy and asserted their rights to land and resources. Such tactics became an instrumental feature of how Native Americans experienced and participated in Reconstruction, especially when maintaining visibility in a system that actively rendered them invisible.

Concurrently, territorial leadership worked desperately to alleviate the barriers to privatization and increase their partnership with high profile corporations like the Northern Pacific under the guise of public benefit. Potts imparted his enthusiasm for the railroad in most of his early writings, including a thanksgiving proclamation in November 1871 in which he expressed, "the iron arms of a trans-continental railroad will soon clasp our mountains and connect our Territory with the two oceans."[20] Speaking of the Northern Pacific in spatial and anthropomorphic terms, Potts' description illuminates how settlers perceived transcontinentals as agents of change. Much like the advent of the telegraph, railroad corporations were willing to

[19] White, *Railroaded*, 61.
[20] Benjamin Potts, "Proclamation, from Governor Benjamin F. Potts, Helena, Montana Territory to Benjamin Gratz Brown, November 2, 1871," November 2, 1871, Missouri State Governors Records, *Missouri Digital Heritage Collections*, Missouri State Archives. https://cdm16795.contentdm.oclc.org/digital/collection/msa/id/7318.

provide an infrastructure to expedite the colonization of the West, going as far as establishing their own land offices and immigration bureaus. In one pamphlet advertising the Northern Pacific, readers learned that "the company intend to complete the work of caring for settlers . . . by furnishing lands at such moderate prices, and long credits, that the poorest need not remain landless."[21] Potts contributed a letter to the same pamphlet and promoted the agricultural and mineral wealth of Montana's valleys. He attested that the Northern Pacific "will open up the richest country . . . on the American continent."[22] With such high stakes, Potts exploited the power of territorial offices like Indian affairs to ensure the success of the Northern Pacific in Montana. The result was a strategic network of allies including financier Jay Cooke, General William T. Sherman, local settlers, and select Native communities who were rewarded for their fidelity.

Potts closely emulated the culture of patronage that was characteristic of the Republican Party in the 1870s. In matters of politics, Potts expected loyalty in return for his favors. After defending Superintendent of Indian Affairs Jasper Viall in summer 1871, Potts directed Viall to carry out several requests, including the removal of "Mr. Rainsford," an Indian agent of the Lemhi Agency, for opposing Claggett's reelection to Congress. Potts claimed he had evidence that the agent "is now an avowed Greely man."[23] When Viall asked for proof, Potts threatened, "the whole territory knows he is and has been a copperhead and blackmailing loafer . . . If you retain Rainsford I shall prove to the Interior Dept. that you are keeping in office a copperhead . . .

[21] *The Northern Pacific Railroad: It's Route, Resources, Progress, and Business* (Philadelphia: Jay Cooke & Co., c.1871), General Collection, Newberry Library, Chicago, IL, 15.
[22] *The Northern Pacific Railroad: It's Route, Resources, Progress, and Business* (Philadelphia: Jay Cooke & Co., c.1871), General Collection, Newberry Library, Chicago, IL.
[23] Benjamin Potts to Jasper Viall, September 14, 1872, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.

rid the service of a man that you know is not one of 'us.'"[24] After a month passed without action, Potts wrote directly to the Secretary of the Interior citing an exchange with the Bannock Chief "Ten Day" (also spelled "Tindoy") of the Lemhi Agency who "asked me to make an appeal to the authorities in behalf of their suffering tribes." Potts then suggested that Ten Day's people should have "a good agent who would take an interest in their welfare instead of the one they now have, who Ten Day does not hesitate to denounce as dishonest and unworthy." Careful not to mention Agent Rainsford by name, Potts delicately closed his letter, "I thought it my duty to say this much to you in their behalf."[25] The charges against Rainsford conflicted with the agent's own annual report for the agency, which explained that Ten Day's community "expressed no dissatisfaction" for the annuities they received. Rainsford depicted very positive relations with the chief, who he described as "universally esteemed for his uniform honesty, friendly disposition, and remarkable intelligence."[26] Although it is impossible to fully deduce Ten Day's thoughts and actions within this conflict between Potts and Rainsford, this discourse epitomizes how territorial Indian affairs always had been, and continued to be, a source of political power for territorial governors.

Potts applied the same logic to territorial business as well. While writing to Jay Cooke in July 1872, Potts hoped to see the Northern Pacific assume control over Montana's trade by the following spring. To persuade faster construction, Potts disclosed that "a new silver district has been discovered on the Madison River within 15 miles of the proposed line of the N.P.R.R."[27]

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[24] Benjamin Potts to Jasper Viall, October 14, 1872, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.
[25] Benjamin Potts to Columbus Delano, November 9, 1872, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.
[26] J.C. Rainsford, "No. 43—Lemhi Farm, Montana Territory," September 25, 1872, *1872 Annual Report of the Commissioner of Indian Affairs* (Washington, DC: Government Printing Office, 1872), 282.
[27] Benjamin Potts to Jay Cooke, July 23, 1872, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.

Since railroad land grants included twenty miles on each side of the track through territories, this meant that the Northern Pacific was entitled to ownership over the lodes, substantially offsetting their financing efforts in return. Potts regularly promised military protection over the Northern Pacific in correspondence as well, achieved through collaboration with both the US Army and organizing settler militias throughout the territory. Potts' foremost concern was the southeastern quadrant of the territory where the Northern Pacific would enter. The 1868 Fort Laramie Treaty removed military posts along the Bozeman Trail that traversed the region, and formally transferred the rights of the contested Powder River Country from the Crow to the Lakota and their allies to use as hunting grounds. The increased presence of Lakota people alarmed settlers and the territorial government, fearing a similar resistance as led by Tȟatȟáŋka Íyotake (Sitting Bull) and the Húŋkpapȟa Lakota who retaliated against Northern Pacific surveys across their lands in Dakota Territory. Settlers' concerns amplified following the shock of the Modoc War (1872-1873) at the Oregon-California border, where an episode of Indigenous resistance led to the murders of two peace commissioners and threatened the outlook of Grant's Peace Policy.[28]

Potts appealed directly to the War Department for personnel and weaponry reinforcements. An Act of Congress in May 1872 directed Secretary of War William Belknap to forward 1000 breech-loading muskets and 200,000 cartridges of ammunition to the governor of Montana "for the distribution among the settlers of the Gallatin valley and other exposed localities . . . for home defence against Indian raids." Once the muskets were no longer needed, Potts would collect and return them to the US government.[29] By August, however, the *New*

[28] Boyd Cothran, *Remembering the Modoc War: Redemptive Violence and the Making of American Innocence* (Chapel Hill: University of North Carolina Press, 2014), 34-35; Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, abridged ed. (Lincoln: University of Nebraska Press, 1984), 168-170.
[29] An Act to authorize the Issue of a Supply of Arms to the Authorities of the Territory of Montana (1872), 17 stat. 138. https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=017/llsl017.db&recNum=179.

*North-west* reported that several settlers of the Bitterroot Valley arrived in Virginia City to procure supplies for two organized companies "as a precaution against any outbreak by the Flatheads or allying tribes." Although these settlers lived nearly 200 miles east of the Gallatin Valley, the *New North-west* concluded "We have no doubt Governor Potts will cheerfully accede to their request . . . They [the Flathead] won't hang around for long if they provoke the settlers to go for them."[30] In addition to arming settlers, Potts routinely persuaded the Crow to act as a human barrier against the migration of Lakota from the east. In a letter to General Sherman in October 1872, Potts affirmed, "The people of Montana will heartily second any movement against the Sioux and I can raise 2000 men if necessary . . . and 500 Crow warriors can be relied on."[31] In a separate letter to Belknap, Potts disclosed his criticisms of the peace policy and recommended, "If the war policy is to be adopted against Sitting Bull let it go into operation in the winter as that is the only season you can fight Indians successfully."[32] The next spring, the Interior Department tried to temper Potts' desire to arm the Crow by arguing that doing so would "endanger the success of the efforts now being made to bring the disaffected tribes upon reservations."[33] In the interim, the War Department negotiated for the establishment of two military posts between the Missouri River and Fort Ellis, near the former Bozeman Trail.

Secretary Belknap then presented a telegram to the House Committee of Appropriations from George Cass, president of the Northern Pacific, in support of "a strong escort" along the proposed line of the railroad in Montana. An attached report from General Sherman concurred in

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[30] "The Missoulians," *The New North-west* (Deer Lodge, MT), August 17, 1872, *Chronicling America: Historic American Newspapers*, Library of Congress. https://chroniclingamerica.loc.gov/lccn/sn84038125/1872-08-17/ed-1/seq-3/.
[31] Benjamin Potts to William Sherman, October 25, 1872, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.
[32] Benjamin Potts to William Belknap, November 8, 1872, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.
[33] Columbus Delano to Benjamin Potts, May 22, 1874, SC 925, US Interior Dept. Office of the Secretary Records, 1873-1874, Montana Historical Society Research Center, Helena, MT.

the necessity of two large posts, requiring $250,000 in additional appropriations to shelter 2000 troops in the area. To justify the steep expense, Sherman argued, "This railroad is a national enterprise, and we are forced to protect the men during its survey and construction through probably the most warlike nations of Indians on the continent, who will fight for every foot of the line."[34] By perceiving railroad construction under the War Department's authority, Sherman restored military surveillance in southeastern Montana. Potts reiterated to Sherman that the Northern Pacific was more than a mode of transportation, but a necessity for the "future prosperity of every branch of business in the Territory." In exchange for connecting Montana with eastern markets, Potts assured, "I believe with railroad communication and cheap labor the profits of the Montana mines in the next five years will build and equip the N.P.R.R. from Duluth to Puget Sound."[35] Yet the promise of mineral returns was not enough to protect the Northern Pacific from a global market crash in September 1873. Jay Cooke & Company declared bankruptcy after failing to market bonds in the United States and Europe, overdrawing construction costs, and relying on an investment from the Freedmen's Savings Bank. This final point is especially poignant, as the Freedmen's Bank was a Reconstruction-era initiative to protect the finances of freedpeople in the postwar economy. Cooke's brother Henry chaired the bank's board and quietly reinvested patrons' savings into the Northern Pacific.[36]

Engulfed in an international depression for the next five years, the Northern Pacific had to find other means to fund construction through Montana. Historians contextualize the political consequences of the Northern Pacific's collapse in the aftermath of the 1872 Crédit Mobilier

[34] William Belknap to House Committee of Appropriations, February 14, 1873, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.
[35] Benjamin Potts to William Sherman, March 7, 1873, SC 221, Letterpress Book, Case 2, Drawer 10, Benjamin Franklin Potts Papers, Montana Historical Society Research Center, Helena, MT.
[36] Steven Hahn, *A Nation Without Borders: The United States and its World in an Age of Civil Wars, 1830-1910* (New York: Penguin Books, 2016), 320-321.

scandal, in which a French banking company sold discounted Union Pacific Railroad stock to US congressmen in exchange for advantageous land grant legislation.[37] The scandal not only deterred the federal government from investing in future transcontinentals but produced a widespread distrust among voters as well. For the first time since before the Civil War, Democrats held the majority in Congress following the election of 1874. As Montana Territory remained the missing link in the Northern Pacific's tracks, the company turned to two methods: negotiating to relinquish Native lands and persuading the territorial government to subsidize the completion of the railroad in the remainder of the 1870s. Potts was acutely aware of the changing political climate and its local impact, especially as he entered his second term in 1874. By this time, Potts gradually abandoned his Republican allies and increased his cooperation with territorial Democrats. In a letter to Democrat Martin Maginnis, the territory's new non-voting representative to Congress, Potts stated that he did not need the support of either party, but "trust[ed] the good sense of the people. . . . I had earned a reputation in Ohio for integrity and I did [not] come to Montana to lose it."[38] Over the next two years, Potts fell into conflict with several powerful Republicans, including *New North-West* editor James H. Mills and two rivaling Republican families, the Fisks and the Sanderses. Although Potts remained a Republican on paper, he adapted his circle of allies to meet changing political contexts.

1876 marked an important cultural moment for Reconstruction in the West. It was not only the centennial of the United States and a critical election year but represented a culmination of Native American resistance. Potts continued to act as a driving force behind the territorial and

[37] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: HarperCollins, 1988), 512; Richard White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896* (New York: Oxford University Press, 2017), 273-274.
[38] Benjamin Potts to Martin Maginnis, May 4, 1874, MC 31, Box 10, Folder 3, Fisk Family Papers, Montana Historical Society Research Center, Helena, MT.

national military response to resistance and became involved in the expedition of the Black Hills (1874), the Battle of the Little Bighorn (1876), and the flight of Hin-mah-too-yah-lat-kekt (Chief Joseph) and his band of Nimíipuu (Nez Percé) through Montana in 1877. Of these events, the striking defeat of Lieutenant Colonel George Armstrong Custer and the Seventh Cavalry near the Little Bighorn River in southeastern Montana was a symbolic victory for the Lakota and their allies. Army personnel in Montana criticized Custer's errors, as Officer Loren L. Williams of Fort Benton detailed, "Custer was . . . full of fight and recklessly ambitious."[39] As such, the historical memory of Custer's defeat often stresses the flaws in his actions, rather than the strength and tact of a multitribal alliance. As historian Jeffrey Ostler asserts in his study of colonialism on the Northern Plains, the politics surrounding the battle and the future of Native resistance reveal a far more complex narrative than historians previously interpreted.[40] For white Americans who embraced the spirit of reconciliation in late-stage Reconstruction, many endorsed a view of Custer's "last stand" that memorialized a heroic defense against a common enemy. Literary and artistic works echoed these sentiments, including Cassilly Adams' famous painting *Custer's Last Fight* (1885), which became adapted into a widely reproduced advertisement for the Anheuser-Busch brewing company in 1896. Moreover, the centennial context surrounding Little Bighorn signifies how settlers, territorial and federal leaders perceived Native sovereignty as a threat to a reconstructed United States. As new policies increasingly restricted the mobility and visibility of Native people within the state, Indigenous actors again utilized diplomatic methods to protect the future of their communities.

[39] Loren L. Williams to nephew, July 22, 1876, Graff 4683, Loren L. Williams Journals, 1851-1880, Everett D. Graff Collection of Western Americana, Newberry Library, Chicago, IL.
[40] Jeffrey Ostler, *The Plains Sioux and US Colonialism from Lewis and Clark to Wounded Knee* (New York: Cambridge University Press, 2004), 63.


**Figure 5.3: Cassilly Adams and F. Otto Becker, *Custer's Last Fight*, 1896.**[41]

**The "Military Peace Establishment"**

In the wake of bankruptcy, the Northern Pacific looked to alternative funding sources to complete its railroad through Montana. The company sent representatives to persuade the governor and legislative assembly to issue $2 million in territorial bonds at an 8% interest rate that matured in twenty-five years. In discussions on funding the Northern Pacific, the legislature also proposed support for two other lines: a north-south railroad to Utah, and another service between Fort Benton and Helena. Pending voter approval, the legislature passed a subsidy of

[41] Cassilly Adams and F. Otto Becker, *Custer's Last Fight*, 1896, Milwaukee Lithographic & Engraving Company, National Museum of American History. Media is in the Public Domain. https://americanhistory.si.edu/collections/search/object/nmah_326129.

$1,700,000 in thirty-year bonds with 7% interest.[42] Although the Northern Pacific had broad support among settlers, several petitions contesting specific elements in the subsidy reveal a degree of local concern. Citizens of Butte feared that the Northern Pacific would lay claim to nine million acres of coal and iron-rich lands which "would be a great and irreparable loss to the citizens."[43] Another petition addressed to the House Committee on Public Lands encouraged the legislature to consider the largescale environmental costs of the railroad. If the Northern Pacific were to be completed, "it will open up and subject to the axe the Oregon and Washington territory forests, and then the last great belt of American timber will be destroyed." Railroad ties would have to be replaced every seven years, and alongside the demand for fencing, railroad maintenance will "perhaps be the greatest drain at present on our timber supply."[44] Surveyors for railroad companies eyed the resources on Native lands to supplement those gleaned from the public domain, already guaranteed in land grants.

Native communities responded accordingly to these political and economic shifts, as council records indicate that community leaders regularly raised concern over any administrative changes in the region. In a council with Chief Big Beaver and his band of Gros Ventre in September 1876, the chief "expressed a desire to remain in the country they now occupied and enjoy the same relation to their Great Father that they have hitherto enjoyed, and do not wish to leave their reservation and cross the Missouri River." Big Beaver also worried about new agent's intentions, "whether he was going to give them goods and supplies as heretofore, or was going to throw them away and leave them out in the rain." The Gros Ventre additionally sought written

[42] Spence, *Territorial Politics,* 124-126.
[43] "Petition: Northern Pacific Land Claims," 1874, LR-Terr 8, Box 1, Folder 8, Montana Territorial legislative Assembly Records, Montana Historical Society Research Center, Helena, MT.
[44] "Petition to the US Congress Committee on Public Lands," ca. 1875, MC 39, Box 1, Folder 7, James Sanks Brisbin Papers, 1850-1891, Montana Historical Society Research Center, Helena, MT.

permission to seize and destroy liquor and expel all vendors from the Fort Belknap reservation. The agent granted approval and expressed that "until their new father should hear from the Great Father what he wished to do for them . . . their new father would send them word or meet them to talk."[45] In other instances, agents issued a more direct appeal to the territorial government to support positive relations with local communities. When Captain D.U. Benham inspected the quantity of supplies designated for the Crow, he observed that the agency did not have flour, sugar, or coffee for at least three months. Another matter of concern, "and I think justly so," wrote Benham, "is the prohibition of the sale of ammunition to them by their trader, and I earnestly recommend . . . this restriction be removed, because I am positive that the Crows will not trade cartridges to the hostile Sioux." It was in the best interest of the government to be proactive in maintaining peace, Benham argued, as the community offered "not only a protection to the settlements in Sioux country, but this whole valley."[46] The perception of the Crow as allies to the government is unique compared to the experiences of most Native communities throughout Montana. However, such alliances rested on exploitation and subjected members of the community to violence and manipulation just the same.

Traditionally, the events encompassing the Compromise of 1877 signal the end of Reconstruction. The compromise led to the confirmation of Republican Rutherford B. Hayes' victory as president by congressional vote in exchange for removing the remainder of federal troops from the south. Without federal protection or supervision, southern whites increasingly redeemed local power and deprived freedpeople of the rights they gained throughout Reconstruction. The "unfinished" nature of Reconstruction, as Eric Foner suggests, is

[45] Lemuel Burke, "Diary: Fort Belknap, Montana Territory, September 12– October 13, 1876," September 12, 1876, Ayer MS 3032, Edward E. Ayer Collection, Newberry Library, Chicago, IL.
[46] D.U. Benham to James Sanks Brisbin, February 4, 1877, MC 39, Box 1, Folder 2, James Sanks Brisbin Papers, 1850-1891, Montana Historical Society Research Center, Helena, MT.

distinctively marked by the federal government's retreat from the commitment to protect the rights of US citizens. Foner also adds that the federal government "did not hesitate to employ the national state's coercive power for other purposes," including cases where property rights became threatened such as the Great Railroad Strike of 1877 or the US Army's pursuit of the Nez Percé throughout Montana.[47] In the West, Reconstruction continued to pose a state building problem for federal administration against the competitive authority of capitalist industries and the sovereignty of Native nations. The politics of Western space also confounded the same railroad companies that promised a new spatial order.[48] Railroad management and surveyors entered a preexisting patchwork of entitlement and ownership: Indigenous nations, territorial boundaries, mining claims, homestead properties, livestock branding and grazing control, and resource access rights. Under these circumstances, the Northern Pacific found ways to exploit the politics of space that had long governed encounter and exchange in the West since the fur trade.

The symbolic withdrawal of the final troops from the South coincided with an increase in the policing of Native peoples under the pressure of expanding industrial capitalism throughout the West. James Sanks Brisbin, a cavalry officer stationed at Fort Ellis, reiterated the necessity of federal support to "fix the military peace establishment of the United States" in the West. In a private letter from November 1877, he went on to criticize the southern members of Congress who intended to reduce the army "with a view of soon after increasing it and bringing in their people under the reorganization." As state actors, Brisbin believed, "we are not political hacks and have nothing to do with politics and I for one beg that our senators and representatives will

[47] Foner, *Reconstruction,* 582-583; Elliott West's notion of "Greater Reconstruction" begins with the US – Mexican War in 1846 and closes with the pursuit of the Nez Percé in 1877, see Elliott West, "Reconstructing Race," *The Western Historical Quarterly*, 34, no.1 (Spring 2003), 6-26. https://doi.org/10.2307/25047206; and Elliot West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009).
[48] White, *Railroaded*, 140-141.

subordinate party spirit . . . to act for the good of the whole country . . . since the day of good feeling and restored nationality is conceded to have arrived."[49] Brisbin publicized his critiques of federal Indian policy as well. In a statement to the *New York Herald,* Brisbin advocated for the welfare of the Crow and cited the testimony of three chiefs—Thin Belly, Iron Bull, and Blackfoot—who met with him in council. According to Thin Belly, "Once we had a good agent by the name of Pease . . . but they sent him away and gave me an agent named Wright who cut off a part of our supplies. Next came a man named Clapp who cut off another part and now we have for an agent Mr. Carpenter who has cut off the balance and we get nothing."[50] Over the next year, Brisbin compiled an exposé of fraud and corruption at the Crow Agency. Tracing as far back as 1867, eleven statements capture experiences like that of Agent Charles Hoffman, who verified that in the summer of 1867 the River Crow and Assiniboine of the agency received only a fraction of the $30,000 promised to each community.[51] Writing to General Philip Sheridan of the Department of the Missouri, Brisbin believed that other unpublished reports were deliberately "suppressed by the Indian Bureau at Washington."[52]

By advocating that Indian affairs should be under the jurisdiction of the War Department, Brisbin revived an old debate over the competency of peace policy reform while also questioning the ability of Native peoples to determine their own futures. Brisbin's attitudes also signal how the US Army became more professionalized in the Reconstruction West. Although Grant's peace policy restricted military personnel from holding agency positions, the Army increased its

[49] James Sanks Brisbin to W.B. Kelley, November 1877, MC 39, Box 1, Folder 6, James Sanks Brisbin Papers, 1850-1891, Montana Historical Society Research Center, Helena, MT.
[50] Thin Belly testimony to James Sanks Brisbin, 1878, MC 39, Box 3, Folder 9, James Sanks Brisbin Papers, 1850-1891, Montana Historical Society Research Center, Helena, MT.
[51] Charles W. Hoffman statement, 1878, MC 39, Box 1, Folder 12, Appendix A, James Sanks Brisbin Papers, 1850-1891, Montana Historical Society Research Center, Helena, MT.
[52] "James Sanks Brisbin report to General Sheridan on Indian agency fraud," December 28, 1878, MC 39, Box 1, Folder 11, James Sanks Brisbin Papers, 1850-1891, Montana Historical Society Research Center, Helena, MT.

presence by monitoring the activities of Indian agencies and offering its services for state-building projects like transcontinental railroads. Moreover, scholars rightfully connect the policing of Native communities with measures of confinement and limiting the mobility of Indigenous people beyond the boundaries of their reservations. These policies also limited the degree to which Native communities could control the protection and security of their lands. Historian Alaina E. Roberts examines the implications of such efforts in Indian Territory, observing that "because tribal governments could not police non-tribal citizens, Native peoples found themselves at the mercy of the American government's court system as well as American military force."[53] Between the lines of property and sovereignty, Native communities like the Crow fought relentlessly to secure and assert the authority to control non-Native people and activities on reservations.

In anticipation of the Northern Pacific resuming construction within Montana's territorial boundaries, Charles Barstow of the Crow Agency organized small delegation of Crow leaders to travel to Washington, DC and negotiate the sale of nearly 1.5 million acres of the Crow reservation. Aashúuwaalaaxash (Crazy Head) reminded the agent, "We have just been there [in 1873] and came back and since then nothing good has happened. . . . I don't want to go to any other country. I want to stay here." Lichíilachkash (Long Elk) added, "I hope he [the president] will treat us well and not take our land from us without paying us for it." Ultimately, a delegation of six chiefs: Alaxchiiaahush (Plenty Coups), Peelatchixaaliash (Old Crow), Lichíilachkash (Long Elk), Peelatchiwaaxpáash (Medicine Crow), Déaxitchish (Pretty Eagle), and Bia Eélisaash (Two Belly) met with government officials and negotiated the relinquishment of the western tract of the reservation in exchange for 160-acre family allotments and an annuity of $30,000

[53] Alaina E. Roberts, *I've Been Here All the While: Black Freedom on Native Land* (Philadelphia: University of Pennsylvania Press, 2021), 103-104.

annually over twenty-five years.[54] The shrinking boundaries of reservations across Montana coincided with other measures to restrict the mobility of Native people outside of those limits, such as travel passes. In her study of the Nakoda (Assiniboine) and A'aninin (Gros Ventre) communities on the Fort Belknap reservation, anthropologist Mindy J. Morgan traces how the increased practice of issuing written passes to Native travelers empowered agents with the authority to monitor the movement of Native people and document violators. For those who could not speak or read English, the foreign nature of these documents reinforced colonial power dynamics on the ground.[55] At the same time, Native communities knew that forms of permission—written or verbal—were an assertion of authority that could in turn regulate the presence of illegal people and activities on reservations.

The Crow Agency records contain several of these passes from 1880 alone, appearing as letters with instructions on when and where the holder could travel, usually for hunting purposes. One pass issued to Big Forehead on October 26, 1880, read:

> To whom it may concern:
> Big Forehead, the Indian to whom this is issued, has permission to cross the Yellowstone and go to the Musselshell for buffalo with his band numbering about 20 lodges. He is regarded as a truthful and reliable Indian and will keep all unworthy persons out of his camp.[56]

Some passes detailed further instructions for receiving agents to update the issuing agent on the location of travelers, or in some cases an agent might write to other agencies searching for an individual who traveled without permission. In a letter from Agent A.R. Keller to Colonel John Davidson of Fort Custer, Keller wrote, "No authority was granted Crazy Head to go beyond the

[54] "Crow Indian Reservation," RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[55] Mindy J. Morgan, *The Bearer of this Letter: Language Ideologies, Literacy Practices, and the Fort Belknap Indian Community* (Lincoln: University of Nebraska Press, 2009), 52-54.
[56] Augustus R. Keller to Big Forehead, October 26, 1880, MC 87, Box 1, Folder 2, Crow Indian Agency Records, 1877-1894, Montana Historical Society Research Center, Helena, MT.

Rosebud. No communication has been held with him since our interview at Fort Custer."[57] Agents also recorded permits bestowed to non-Native and non-Crow people to enter Crow lands, usually as a contractual agreement for livestock grazing. One local rancher, James Walters received permission to "cut hay . . . upon payment of $1 per ton."[58] The system of passes and permits reveals how Indian agencies continued to serve as a network for the federal government to maintain an active presence in regulating the activities within and around reservations. As historian Frederick E. Hoxie wrote, the Crow did not adjust to this system readily. Rather, "the encounter between the Crows and outsiders had yet to reach the group's central values, traditions and institutions, while the tribe's resistance continued to manifest itself in the daily life of both leaders and their constituents."[59]

As corporate actors like the Northern Pacific planned rights of way through Native lands, Indian agents served as mediators between communities, business, and the US government. Only Congress had the authority to negotiate the sale of Native land and regulate commerce on reservations, creating a rare opportunity for federal administrative oversight when there was virtually none. Likewise, Northern Pacific surveyors and executives had to recognize that the "public domain" did not include Native lands and that private entities could not negotiate with Native communities directly. In October 1880, Agent Keller wrote to the US Commissioner of Indian Affairs about a recent confrontation with surveyors on the Crow reservation. Keller explained, "I served notice . . . that he must at once discontinue work, but I consented to his remaining on the reserve until he could communicate with his superior officer." After learning

[57] Augustus R. Keller to John Davidson, August 9, 1880, MC 87, Box 1, Folder 2, Crow Indian Agency Records, 1877-1894, Montana Historical Society Research Center, Helena, MT.
[58] Augustus R. Keller to James Walters, July 19, 1880, MC 87, Box 1, Folder 2, Crow Indian Agency Records, 1877-1894, Montana Historical Society Research Center, Helena, MT.
[59] Frederick E. Hoxie, *Parading Through History: The Making of the Crow Nation in America, 1805-1935,* (New York: Cambridge University Press, 1995),124-125.

that the party continued to survey nearly thirty miles after being ordered to stop, Agent Keller "detailed two reliable men" to remove the surveying party from the reservation.[60] J.J. Moore, the assistant engineer on the survey, recalled the encounter in more detail, remarking, "Spotted Horse, one of the Crow chiefs . . . sent me word . . . that the Indian agent told him to drive off any parties he found on the reservation." Not only were the surveyors to be removed, but Spotted Horse also said that the agent authorized him to "burn any hay that the parties had cut and stacked." According to Moore, "This agent is causing all the trouble. If the Indians were left to themselves there would be no opposition to the road from them."[61] Until an arrangement could be made with the Crow, the Northern Pacific was not permitted to commence surveying or construction.

Two separate councils were held in May and August 1881 to determine the right-of-way conditions of the Northern Pacific through Crow lands. During the first council, Agent Charles Barstow explained the Northern Pacific's plans to Crow chiefs, to which Medicine Crow interjected, "I know what a railroad is. If we say yes, the whites will bring the railroad across our land and it will be good. If we say no, the whites will bring it just the same." Spotted Horse added to the discussion, "Medicine Crow and Pretty Eagle talked with the great father last year. I wanted to say this last year and I will say it now. I think the great father lies sometimes."[62] The Interior Department ordered a second council to assemble that summer to formally negotiate the relinquishment of Crow lands for the Northern Pacific. Several of the leaders present, including

[60] Augustus R. Keller to R.E. Trowbridge, "Crow Indian Reservation," October 22, 1880, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[61] J.J. Moore to J. T. Dodge, "Crow Indian Reservation," November 10, 1880, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[62] "Crow Indian Reservation," May 26, 1881, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.

Crazy Head, Two Belly, and Spotted Horse, expressed that they did not want the Northern Pacific to cut any timber from their land. The US commissioners ultimately agreed to this provision in the formal agreement and concluded that a "fair price" for the 5650 acres desired by the company was between $4 and $6 per acre, totaling between $22,600 and $33,900. After the commissioners proposed an initial offer of $20,000, Chief Plenty Coups countered with $30,000 and after some discussion, the Crow representatives accepted $25,000.[63] After a month passed without the promised compensation, Secretary of the Interior Samuel Kirkwood observed that the Crow were anxious to receive their payment in addition to the money due from the 1880 cession. Kirkwood then recommended that the funds "should be invested in cattle . . . the erection of houses, and the purchase of agricultural implements."[64] The insistence of the Interior Department to determine how the funds should be spent reveals the limits of these negotiations, both in terms of how the Interior department refused to honor the demands of Native leaders and the belief that Native communities were incapable of determining how monetary compensation should be allocated.

Because the agreement settled the question of right of way and not the extraction of building materials, the Northern Pacific frequently challenged the Department of the Interior over the contract's terms. Under these pressures, the Crow advocated a strict interpretation of the agreement, especially regarding the protection of natural resources on Crow lands. The Northern Pacific complained bitterly over this inconvenience, arguing that the lands acquired by treaty in 1868 and under the recent agreement rendered the lands now part the public domain. According

[63] "Crow Indian Reservation," August 22 and 23, 1881, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[64] Samuel Kirkwood to Hiram Price, "Crow Indian Reservation," September 23, 1881, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.

to this logic, the company had a right to take all the building materials they needed within twenty miles on each side of the track. Secretary Kirkwood responded to one complaint from the Northern Pacific's general counsel, clarifying "it is expressly stipulated that the United States will not permit said railroad company, its employees or agents, to trespass upon any part of the lands of the Crow reservation not relinquished under said agreement, nor permit said company . . . to cut any timber, wood or hay from the lands."[65] The secretary restated that the Northern Pacific did not have the authority to negotiate with the Crow for the sale of raw materials. Perhaps to no surprise, Agent Keller found "railroad men . . . cutting timber and building houses outside the treaty line" just one month later.[66] In a letter to the Commissioner of Indian Affairs, Keller described the "considerable" amount of timber the company acquired, several miles beyond the right of way agreement.[67] With slow communication between the agency, the Department of the Interior, and the Northern Pacific, the offenses continued until at least spring 1882, when the construction of the railroad through Crow lands was well underway to completion. In fact, it was not until August 1882 that Northern Pacific president Henry Villard formally accepted the terms of the 1881 right of way agreement.[68]

At the Flathead Agency nearly 400 miles west, Agent Peter Ronan prepared for a similar situation and wrote to the Commissioner of Indian Affairs in anticipation of Northern Pacific

[65] Samuel Kirkwood to George Gray, "Crow Indian Reservation," November 1, 1881, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[66] Augustus R. Keller to A.M. Quivey, "Crow Indian Reservation," December 14, 1881, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[67] H.J. Armstrong to Hiram Price, "Crow Indian Reservation," January 28, 1882, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[68] Henry Villard to Samuel Kirkwood, "Crow Indian Reservation," August 19, 1882, RS 266, Box 14, Folder 1, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.

surveys in summer 1881. According to Ronan, "It is understood the road is expected to pass through the reservation . . . from the expressions of some of the headmen and chiefs, difficulties will arise in obtaining consent of the tribes even if the right of way is paid for unless the matter is attended to in time."[69] By August, Ronan recorded several Northern Pacific engineers passing through the region without permission from the tribal council. "It appears that the company adjusted the right of way with white settlers," Ronan remarks, "but made no settlement with the Indians holding patents under act and otherwise occupying lands in the Bitterroot Valley."[70] After speaking with the surveyors who confirmed that the Northern Pacific would pass through 53 miles of the reservation, Ronan emphasized that construction could not proceed without a right of way agreement between the company and Flathead communities. Over the next few months, Ronan continued to describe the widespread anxiety felt by the communities to the Department of the Interior, as they awaited instructions to hold a council meeting. In the interim, Northern Pacific president Henry Villard took issue with the Secretary of the Interior over the necessity of another council, arguing that former treaties between the US government and Native nations sanctioned railroad construction through reservations as a matter of public convenience.[71] The department reiterated the requirement of a formal council to form an agreement, which was organized between August 31 and September 2, 1882.

During the assembly, over 200 Salish, Kootenai, and Kalispel representatives presented their concerns and expectations to the commissioners. Chief Eneas enquired as to why the

[69] Peter Ronan to Hiram Price, "Flathead Indian Reservation," January 22, 1881, RS 266, Box 12, Folder 3, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[70] Peter Ronan to Hiram Price, "Flathead Indian Reservation," August 6, 1881, RS 266, Box 12, Folder 3, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[71] Henry Villard to Henry Teller, "Flathead Indian Reservation," June 14, 1882, RS 266, Box 12, Folder 3, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.

railroad had to traverse the Flathead Reservation and not run south of the reservation's boundaries, reminding the commissioners that "the Great Father got these lines established. Why does he want to break the lines? . . . Lines are just like a fence. He told us so. . . . You know it is so in the treaty. That is the reason I say you had better go the other way." When the commissioner explained that the treaties permitted the government to build roads through reservations, a point that the Department of the Interior cited against the Northern Pacific's arguments, someone in the audience shouted, "Railroads are not mentioned." Chief Arlee then presented his views to the commissioner: "You did not win my country from me at all . . . Garfield said, 'Don't think we will thrust you from that country; that land belongs to you.' Last winter I was at home lying down, when they told me men were surveying the place. . . . I said it would cut our reservation in two; and now to-day I see you here trying to get our land from us for the railroad." When the commissioner proposed $15,000 for the sale of the land, Chief Arlee countered asking for $1,000,000, a price that Chief Michelle concurred, "the railroad company will get the money back in one day." The commissioner refuted the chiefs' request claiming that it was not a fair price, reminding the leaders that he represented the government and not the railroad. Chief Arlee responded, "I knew you would not give that million of dollars. My people don't want the railroad through here, and that's why I asked a million dollars." On the final day of the council, the chiefs agreed to $16,000 for the relinquishment of reservation lands, plus an additional sum of $7,625 to be divided as compensation for the cession of individual farms. Moreover, the chiefs requested an extension of the northern boundary of the reservation to the Canadian border, a condition that the commissioners agreed to advocate, but did not appear in the final version enacted by Congress.[72]

[72] "Message from the President of the United States, transmitting a communication of the 6th instant from the Secretary of the Interior, submitting a draft of a bill "to accept and ratify an agreement with the confederated tribes

## Conclusion

At the top of the grand staircase in the Montana State Capitol building, there is a large mural depicting the Northern Pacific's golden spike ceremony that took place on September 8, 1883, near Gold Creek in southwestern Montana. The Northern Pacific Railway Company gifted the mural in 1903 to commemorate the event and to serve as a symbol of the collaboration between the company and the territory that enabled the completion of the railroad. The artist, Amédée Joullin, recreated the scene by centralizing key figures such as President Grant (wielding a sledgehammer), Secretary of the Interior Henry Teller, Northern Pacific president Henry Villard, and Secretary of State William Evarts. Behind these figures stands a crowd of white locals, some raising their hats in celebration. In the left foreground, a small group of Crow attendees are positioned facing Grant as he stares beyond the viewer. Undeniably, the mural tells a narrative of pride and partnership during a time of uncertainty and upheaval. Photographs of the occasion offer an alternative perspective of the ceremony, one that is far more mundane and lackluster. Of the few photographs that do exist of the golden spike ceremony, the Crow participants appear as central subjects to the viewer. Rather than simplifying the figures to a performance or spectacle, their presence speaks to their importance as historical actors. At the same time, other notable figures are absent, such as the communities of the Flathead Confederacy and the Chinese workers whose unfree labor was critical to the construction of transcontinentals like the Northern Pacific.

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of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians for the sale of a portion of their reservation in Montana Territory required for the Northern Pacific Railroad,' 1882-1883, Senate Executive Document No. 15, 48th Cong., 1st Sess., 1883, *American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899*, University of Oklahoma College of Law Digital Commons, 16-20. https://digitalcommons.law.ou.edu/indianserialset/3530/.

**Figure 5.4: Amédée Jollin, *Driving the Last Spike*, 1903, Photo taken by Author in the Montana State Capitol Building, 2019.**[73]

**Figure 5.5: F.J. Haynes, "Crow Indians and Crown and Last Spike 9/8/83|Villard Excursion,"1883.**[74]

[73] Amédée Jollin, *Driving the Last Spike*, 1903, Photo taken by Author in the Montana State Capitol Building, 2019.
[74] F.J. Haynes, "Crow Indians and Crown and Last Spike 9/8/83|Villard Excursion,"1883, Photograph, H-00998, *Montana Memory Project*, Montana Historical Society Research Center, Helena, MT, https://www.mtmemory.org/nodes/view/79364.

The completion of the Northern Pacific in 1883 was a national emblem of state building achievement, one that coincided with what appeared to be the finale of Reconstruction in the West. General Sherman remarked on the significance of the moment in his last report as General of the Army, declaring, "I now regard the Indians as substantially eliminated from the problem of the Army." He went on to explain, "The Army has been a large factor in producing this result, but it is not the only one . . . the *railroad* which used to follow in the rear now goes forward with the picket-line in the great battle of civilization with barbarism, and has become the *greater* cause." More than any other force, it was the transcontinental railroads that "settled forever the Indian question."[75] To state actors like Sherman, railroads were not only the glue that bonded East and West, but secured US sovereignty in distant places like Montana. And yet, Native nations were not gone. Individuals and their communities continued to forge alliances, serve as diplomats, and physically resist to protect their own autonomy. Moreover, their actions not only remind us that sovereignty was a critical facet of Reconstruction, but how the legacy of Reconstruction continued to force new confrontations with unresolved questions. Other policies, like the passage of the Chinese Exclusion Act (1882), the Pendleton Civil Service Reform Act (1883), the Code of Indian Offenses (1883), and the repeal of the 1875 Civil Rights Act (1883) together reflected ongoing national debates over the meaning of belonging, race, politics, and the relationship between individuals and the state. In many ways, the final spike of the Northern Pacific was a suture in a wound that refused to heal.

[75] Francis Paul Prucha ed., "General Sherman on the end of the Indian Problem," *Documents of United States Indian Policy*, 3rd ed., (Lincoln: University of Nebraska Press, 2000), 158.

## CONCLUSION

Throughout the 1880s, the discourse surrounding citizenship and sovereignty converged over the federal allotment of Native American reservations. In Montana Territory, pressure to open reservations came from three primary sectors: mining, ranching, and corporate interests. Settlers anxious for access to agricultural and grazing lands looked north to the Great Blackfeet Reservation comprising the A'aninin (Gros Ventre), Binnéessiippeele (River Crow), Nakoda (Assiniboine), Niitsítapi (Blackfoot Confederacy) nations.[1] In 1885, Congress pursued the severance of the Great Blackfeet Reservation into smaller, separate reservations among the different communities.[2] The final version of the act ratified by Congress on May 1, 1888, included a provision for the formal allotment of property to individuals whose private lands were part of the cession.[3] Indeed, the language and practice of allotment that had become commonplace in agreements after 1871 continued to persuade Native individuals to dissolve their communal relations. As indicated throughout chapter five, however, Native leaders like Chief Charlot of the Séliš (Salish) Bitterroot and Chief Plenty Coups of the Apsáalooke (Crow) continued to negotiate and question the parameters of such policies. As historian C. Joseph Genetin-Pilawa has argued, "far from being a simple linear progression toward the ultimate passage of the General Allotment Act in 1887, Indian policy reform in this period was marked by significant contestation."[4] Even after allotment became federally codified through the General Allotment Act, Native peoples in Montana continued to press for the preservation of their

[1]Typescript, "Blackfeet Indian Reservation," Box 2, Folder 4, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[2] "Reservations for the Indians in Northern Montana," Report of the Committee on Indian Affairs, House of Representatives, 48th Cong., 2nd Sess., February 28, 1885, (Washington, DC: Government Printing Office, 1885).
[3] An Act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes (May 1, 1888), 25 stat. 113, digital collections, Montana State University Archives and Special Collections. https://www.lib.montana.edudigital/objects/coll2204/2204-B03-F22.pdf.
[4] C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War,* (Chapel Hill: University of North Carolina Press, 2012), 135.

sovereignty and the protection of their communal lands and resources. Widespread Native resistance delayed allotment in Montana until the 1910s and 1920s, dealing a formidable blow to one of the last federal Reconstruction directives: linking citizenship through property ownership.

At the turn of the twentieth century, Native American nations entered a new phase of preserving sovereignty in a settler state that made its authority increasingly invisible.[5] Although reformers may have hoped that federally directed allotment would have reconstituted federal power over the management and regulation of Native lands and people, Indigenous authority from the ground led to this program's ultimate failure. Native communities continued to augment their positionality as they had always done. Their communities' survivance entail a narrative of both change and continuity. At the same time, the unrelenting coercion from corporate and federal actors to cede more land and resources cannot be overstated. In 1891, the Great Northern Railroad line cut through the reservation without the permission of Blackfeet and cut lumber for 60,000 railroad ties during construction.[6] In September 1895, Blackfoot leaders met again with US commissioners to negotiate a reduction of their reservation. The tract of land under question included the entire eastern mountainous region that would become Glacier National Park in 1910. After US Commissioner William Pollock offered $1.25 million in annuities over a period of ten years, Piegan Chief Little Dog refuted, "We don't like your proposition that you have just made. I know several kinds of minerals are produced in those mountains." Instead, Little Dog proposed $3 million. "There are many things in which the great father has cheated us," he proclaimed, "Therefore we ask $3 million for that land. Those mountains will never disappear. . .

[5] Brian Balogh, *A Government out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009), 379.
[6] Clark Wissler and Alice Beck Kehoe, *Amskapi Pikuni: The Blackfeet People* (Albany: State University of New York Press, 2012), 122.

. This money will not last forever."[7] Irritated by the counteroffer, Pollock scoffed, "I don't want to make fools of you. I hope you will not send us away, for we can help you. . . . You will be able to go alone like the white man. The only difference will be the color of your skin."[8] Chiefs White Grass, Bull Shoe, and Little Plume stood by Little Dog's offer, and the council recessed until the next day. Eventually, the Piegan leaders negotiated the sale of the land for $1.5 million. Chief White Calf concluded the council stating, "In the future we do not want our Great Father to ask for anything more. We don't want our land allotted. These words that I have spoken are not only my words, but the words of all that are here. You whites came across the great water. We have always lived here. This is our land."[9]

**When the War Raged On**: **A Reflection**

Back in Ohio, James Ashley drafted a memoir of his life in the months prior to his death in 1896. Between recollections, Ashley commented on the invasion of the past into his present. He raised concern over "the number of anti-deluvian[sic] bourbons who are sighing for the 'Constitution and the Union as it was' prior to the rebellion." He went on to declare, "This is the 'lost cause' to which vain and weak men are now building monuments; . . . to justify in history their great crime against the life of the Republic! It would be appropriate to build cheap monuments to such cheap men, out of red-sand-stone or some such cheap material, so that they might soon crumble and be forgotten."[10] Yet, Ashley's vexations were not merely limited to the

[7] Little Dog testimony, "Blackfeet Indian Reservation," RS 266, Box 11, Folder 2, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[8] William Pollock testimony, "Blackfeet Indian Reservation," RS 266, Box 11, Folder 2, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[9] White Calf testimony, "Blackfeet Indian Reservation," RS 266, Box 11, Folder 2, Montana Governor's Office: Montana Indian Historical Jurisdiction Study Records, 1851-1975, Montana Historical Society Research Center, Helena, MT.
[10] "1868 (First Draft)," 1895-1896, MSS-002, Box 1, Folder 5, James M. Ashley Papers, 1860-1960, University of Toledo Ward M. Canaday Center Archives, Toledo, Ohio.

return of white supremacy in the South. In Helena, Montana, the Daughters of the Confederacy donated a memorial fountain to the City of Helena in 1916. Inscribed with the phrase, "A loving tribute to our Confederate soldiers," the fountain was the northernmost Confederate monument in the continental United States until its removal in 2017.[11] As Ashley acutely identified, Reconstruction left behind chronic national questions that it was unable to resolve. His reflections further allude an important product of Reconstruction: that local civil institutions often contested federal authority with measurable success.

Ashley's ruminations remind us that Reconstruction was a national state building project. Ultimately, the magnitude of contestation on the ground between federal and local actors, Democrats and Republicans, loyalists and rebels, and settlers and Native American nations would test the limits of US administration in both the South and the West. In Montana Territory, where a conglomerate of Native nations, Democratic settlers, and Republican leaders converged on the ground, local forces more powerfully defined the direction and outcome of Reconstruction than its framers designed. In his discussion on the limitations of Reconstruction, historian Gregory Downs asserts, "To see what Reconstruction did and did not do, we must abandon the presumption of perfect government efficacy—the idea that the state can accomplish what it wants only if its leaders want it badly enough."[12] With much determination, Ashley envisioned a Reconstructed nation that was both restored and expanded. He interpreted the task of Reconstruction in a framework of national territorial development; one that rendered Southern states into territorial acquisitions alongside other territorial projects in the West. Despite the

[11] Rick Hampson, "Confederate monuments, more than 700 across USA, aren't budging," *USA TODAY*, May 22, 2017. *https://www.usatoday.com/story/news/politics/2017/05/22/confederate-monuments-new-orleans-charlottesville-removal-race-civil-war/101870418/*.
[12] Gregory Downs, *After Appomattox: Military Occupation and the Ends of War* (Cambridge: Harvard University Press, 2015), 246.

ambition of federal designs, Reconstruction frayed into several directions and ultimately produced a more exclusionary, politically unstable, and violent nation. For those who felt these consequences the most, Reconstruction was a time when the war raged on.

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