Marketplaces of Remembering:
Violence, Colonialism, and American Innocence in the Making of the Modoc War

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Boyd D. Cothran

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Dedication

For Tanya…
My Perfect Partner

Abstract

Marketplaces of Remembering: Violence, Colonialism, and American Innocence in the Making of the Modoc War explores the intersection of cultural history and critical indigenous studies with special focus on historical memory, historiography, and popular representations of American Indians. It focuses on the historiography of the Modoc War (1872-1873), California's so-called last Indian war to explore the complex and often-overlooked relationship between how Natives and non-Natives alike have remembered incidents of U.S.-Indian violence and the marketplaces – the systems, institutions, procedures, social relations, and arenas of trade – within which those remembrances have circulated. It argues that individuals have shaped their historical remembrances of the conflict, transforming an episode of Reconstruction Era violence and ethnic cleansing into a redemptive narrative of American innocence as they sought to negotiate these marketplaces. My aim in looking at these cultural and commercial associations is to delve into the question of how, since the nineteenth century, they have been directly related to the widespread belief that the Modoc War and other incidents of U.S.-Indian violence were ultimately justified and the tendency to view the westward expansion of the United States within the framework of inevitability.

The dissertation locates American capitalism and colonialism at the center of our understanding of both violence in the American West and popular representations of the American Indian experience. Moreover, it breaks new methodological ground by reading traditional memory studies sources (e.g. novels, plays, commemorations, reenactments, memorials, and speeches) along side less orthodox memory studies sources (e.g. pension files, local histories, and promotional literature) to produce a materialist interpretation of historical knowledge production. Above all, it seeks to show how the Indian wars of the nineteenth century did not end with the cession of hostilities in 1873, 1890, or 1898, but have been reproduced through the marketplaces of remembering U.S.-Indian violence.

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Preface

Seventy-five years before I arrived in Minneapolis to attend graduate school in the fall of 2006, Carl Becker delivered his Presidential address to the American Historical Association there. A gifted writer and a leading Progressive Historian, Becker had by 1931 authored seven books and dozens of articles on everything from the political and social ideas of the American Revolution to the influence of Christian thought on the French Enlightenment. Yet, despite his erudition and productivity, Becker always considered his investigation into the meaning of history to be his greatest achievement.[1] Historical facts, he came to believe, were inert things. Only the historian, with all his preconceptions, values, and outlook, could give meaning to them. "The past," he wrote in his review of H.G. Well's *The Outline of History*, "is a kind of screen upon which each generation projects its vision of the future."[2] And in his Presidential address, titled "Everyman His Own Historian," he eloquently reduced history to its essential terms: "History is the memory of things said and done," he declared. Everyman has his own history, "which he imaginatively recreates as an artificial extension of his personal experience…an engaging blend of fact and fancy."[3]

Becker was a historical constructivist. But his conviction that our understanding of the past was rooted in social context did not extend to historical agnosticism. "There are two histories: the actual series of events that once occurred; and the ideal series that

[1] Milton M. Klein, "Everyman His Own Historian: Carl Becker as Historiographer," *The History Teacher* 19:1 (November 1985), 102.
[2] Carl Becker, "Mr. Wells and the New History," *American Historical Review*, 26 (July 1921), 642.
[3] Carl Becker, "Everyman His Own Historian," *American Historical Review*, 37:2 (January 1932), 224, 229.

we affirm and hold in memory. The first is absolute and unchanged…the second is relative, always changing." The impossibility of bringing together these two conceptions of history – historical facts, that which happened, and historical interpretations, the meanings, values, and associations we assign to those occurrences – was what interested Becker. For him, the history that we all produce and consume would always be "a foreshortened and incomplete representation of the reality that once was, an unstable pattern of remembered things redesigned and newly colored to suit the conveniences of those who make use of it."[4]

This dissertation is an effort to investigate the nature of the gulf, which necessarily exists between these two kinds of histories. It is a history of the Modoc War, California's so-called last Indian war. It is a history of violence in northern California and southern Oregon's Klamath Basin and as such it tells a familiar story of military conquest, economic incorporation, cultural suppression, domestic upheaval, and political betrayal. But it is also a history of the history of the Modoc War. It is a story about how generations of Klamath, Modoc, Paiute, and Warm Springs Indian men and women along with their non-Native neighbors remembered episodes like the Modoc War since the nineteenth century. While this dissertation is primarily concerned with what Becker called the "foreshortened and incomplete representations," which have given meaning to the past in the present, a brief discussion of the series of events that "actually occurred" is necessary. What follows is one possible version of events.

* * *

The Modoc War was a five-month long peace-negotiation-turned-campaign of

[4] Becker, "Everyman His Own Historian," 235.

extermination that forever changed the world of the Klamath, Modoc and Yahooskin peoples of southern Oregon and northern California's Klamath Basin. The conflict began on November 29, 1872, when soldiers of the United States Army attempted to arrest the Modoc headman Captain Jack and his followers and return them to the Klamath Reservation in southern Oregon. The Modoc had been party to the treaty of 1864, which reserved over 1 million acres of land from their original claim of more than 20 million acres in the Klamath Basin. In exchange, they were to receive thousands of dollars in supplies over the next fifteen years and the government's protection from Euro-American settlers. When the promised supplies failed to materialize and conditions on the cold, rocky Klamath Reservation proved intolerable, Captain Jack and some 300 other Klamath Basin Indians forsook the reservation and repudiated the treaty. In the fall of 1872, the federal government sent soldiers to their village on the banks of the Lost River and the Modoc resisted. In the Battle of Lost River that ensued, several soldiers were killed or wounded, as were at least fourteen Euro-American settlers in the surrounding countryside. Escaping with only a handful of casualties, the Modoc took shelter in a series of highly defensible caves along the south shore of Móatakni é-ush or Tule Lake, a traditional place of safety among the Lava Beds of far northeastern California.

The protracted conflict that followed pitted nearly a thousand soldiers of the US Army, and between 70 and 150 Native allies, against approximately 53 Modoc warriors and their families. Unlike many episodes of nineteenth century U.S.–Indian violence, however, the Modoc War was characterized by intractable negotiations and intense newspaper coverage with only periodic, if nonetheless profound, incidents of violence. At

issue were the Modoc's desire to remain in the Lost River area and their refusal to return to the Klamath Reservation. For their part, the Euro-American settlers and their state and federal governments maintained that the Modoc were in violations of the treaty, which, they insisted, had extinguished the tribe's right to the land. Moreover, a grand jury in Jacksonville, Oregon had indicted several Modoc for "murdering" the fourteen settlers during the Army's attempted arrest. Following another defeat of the Army by the Modoc in January, a peace commission was established to negotiate a settlement. For a little over two months, the commission, chaired by Alfred Meacham — the former Superintendent of Indian Affairs for Oregon — and advised by General Edward R.S. Canby, Commander of the Department of the Columbia, met with Captain Jack and members of his tribe to discuss terms. Ostensibly under a flag of truce, the U.S. Army nonetheless continued to build their forces and slowly surrounded the Modoc's position, moving their troops closer with each passing week.

The Modoc War became a national and international sensation when the Modoc attacked the peace commission during negotiations on April 11, 1873, killing two of its members, General Canby and the Reverend Eleazer Thomas, and wounding a third, Alfred B. Meacham. Decried by the popular press and government officials as "murder" and "base treachery," the attack on the peace commissioners resulted in calls for the Modoc's "utter extermination." On April 15, the Army, in conjunction with a detachment of Warm Springs Indian scouts, attacked the Modoc encampment and forced them from the shores of Tule Lake — the centre of the Modoc universe where gmok'am'c *created the world out of mud from the bottom of the lake. The Modoc War ended six weeks later*

when Captain Jack and a handful of followers finally surrendered on the banks of Willow Creek east of Tule Lake

The trial of Captain Jack and five other Modoc for the attack on the peace commission was a brief affair. In an Attorney-General's opinion, George H. Williams argued the Modoc should be tried by military commission rather than by the civil authorities because, according to his understanding of the law, their status as "domestic dependant nations" rendered them equivalent to foreign nations. Popular opinion agreed and as a result of his interpretation of the law, a military commission charged the Modoc with murder and attempted murder in violation of the laws of war. Without the aid of legal council and appearing before a commission composed of soldiers who had served under Canby and who had fought in the Modoc War, no extenuating circumstances were introduced and Captain Jack and the others were found guilty on all counts. Later that year they were executed as war criminals.

* * *

This basic outline of the Modoc War is a widely acceptable version of events and few would contest its essential facts. But as I conclude this preface I want to return to Becker's elegant and in its own way, modest, essay. It was among the initial readings of my first seminar in graduate school. At the time it was just one of a thousand ideas thrown up into the air for a desperate graduate student to grab hold of, refute, debate, excoriate or defend. Honestly, I cannot remember which I did. But since that day, Becker's simple explanation of historical relativism without agnosticism has stayed with me. "To establish the facts is always in order, and is indeed the first duty of the

historian," Becker reminds us. "[B]ut to suppose that the facts, once established in all their fullness, will 'speak for themselves' is an illusion."[5] I have established the essential narrative of the Modoc War as best as I am able – what follows are the stories people have circulated ever since.

Boyd Cothran
Saint Paul, Minnesota

[5] Becker, "Everyman His Own Historian," 232.

Introduction:

Marketplaces of Remembering

The sun rose bright and early on the morning of Friday, October 3, 1873. The clear, cool night had left a dusting of early autumn frost on the Ponderosa and Lodgepole pines around Fort Klamath and the smell of bacon grease and coffee filled the morning air as the soldiers prepared the duties of the garrison half an hour earlier than usual. Lieutenant George W. Kingsbury, Post Adjutant, was expecting a large crowd for the day's spectacle. Indeed, visitors had been arriving for over a week. Many were local farmers and ranchers from the surrounding valleys or merchants, lawyers, and craftsmen from the nearby towns of Ashland, Medford, and Yreka. But others had come from much further afield. Propelled by curiosity and a desire to witness the final act of the Modoc War – a drama that had captivated the nation for nearly a year – tourists from across the country had made the difficult journey to the remote outpost some fifty miles north of the California border in south-central Oregon's Klamath Basin. Leonard Case, Jr., the Cleveland philanthropist and future benefactor of Case Western Reserve University, had undertaken the arduous journey along with his assistant Henry Abbey, and at least three prominent businessmen from Pittsburgh, Pennsylvania. Special correspondents from, among others, the *New York Herald*, *Chicago Inter-Ocean*, *New York Times, San Francisco Chronicle, Evening Bulletin*, *Call-Bulletin*, and *the Associated Press* had also been dispatched to cover the day's events in minute detail.[6] In all, about two hundred

[6] "Hanged: Captain Jack, Sconchin, Boston Charley and Black Jim Expiate Their Crimes on the Gallows," *San Francisco Evening Bulletin*, October 4, 1873. Henry G. Abbey, "Diary of Henry G. Abbey of Cleveland," Diary, Klamath County Museum.

soldiers, one hundred fifty other non-Natives, and over five hundred Klamath Basin Indians had assembled to witness the hanging of Modoc headman Captain Jack and his five alleged co-conspirators for the "murder, in violation of the laws of war," of General Edward R.S. Canby, Commander of the Department of the Columbia.[7] It was one of the most anticipated public executions of the Gilded Age.[8]

At approximately nine o'clock in the morning, the soldiers stationed at Fort Klamath assembled on the parade grounds, with the artillery and cavalry mounted, and proceeded to the guardhouse. Loading the alleged "war criminals" onto a wagon, the troops escorted the condemned men to a scaffold some four hundred yards south of the stockade while the band played the "Dead March" on muffled drums. The scaffold was an impressive structure. Thirty feet long and made of dressed pine logs each a foot in diameter, it was capable of hanging the condemned all at once. The previous day, Captain George B. Hoge, the officer of the day, had demonstrated the gibbet's trapdoors and the strength of its ropes and beams for the benefit of the garrison's guests.[9] Arriving at the scaffold, Lt. Colonel Frank Wheaton, commanding officer of Fort Klamath, ordered Captain Jack, Schonchin John, Black Jim, and Boston Charley to mount the platform. But the Colonel told the two remaining prisoners, Barncho and Slolux, to stay on the ground

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[7] House Executive Documents, 43 Congress, 1 Session, No. 122, *Official Copies of Correspondence relative to the War with the Modoc Indians in 1872-73* (Washington, DC: Adjutant-General Office, 1874), 134-136. (hereafter *Modoc War Correspondences*).

[8] Other famous public executions of the Gilded Age include the trial and execution of seven anarchists in connection with the 1886 demonstration and unrest in Chicago's Haymarket Square and the first use of an electric chair for William Kemmler on August 6, 1890. Great public spectacle also surrounded the more than 3,000 lynchings that occurred throughout the south between 1880 and 1930; however, these episodes of racial violence were often of regional significance and rarely involved the level of media coverage discussed here. See Steward E. Tolnay and E.M. Beck, *A Festival of Violence: An Analysis of Southern Lynching, 1882-1930* (Urbana: University of Illinois Press, 1992), ix.

[9] "Hanged," *San Francisco Evening Bulletin*, October 4, 1873.

before the stockade. Three weeks earlier, Wheaton had received word that President Ulysses S. Grant had commuted the two younger men's sentences to imprisonment for life on Alcatraz Island. But the sadistic Wheaton had kept this information from the prisoners until the day of the execution. The soldiers had dug six graves and prepared six coffins but only four men would die that day; the two commutations were meant to demonstrate the state's judicious application of justice.[10]

The act of clemency completed, the performance continued. Taking their positions above the trapdoors on the scaffold, the Modoc prisoners sat on chairs before the audience as Adjutant Kingsbury read their sentences aloud. Then the Chaplain of Fort Klamath offered a prayer for the condemned men's souls as the executioner and his assistants placed the nooses around their necks and the black hoods over their heads. At approximately 10:20 A.M., Captain Hoge made a signal with his handkerchief, the executioner cut the rope holding the trapdoors closed, and, in the words of one observer, "the bodies swung round and round, Jack and Jim apparently dying easily, but Boston and Schonchin suffering terrible convulsions."[11] From their cells behind the stockade, the wives and children of the condemned broke into anguished wails as a stifled cry of horror rose forth from many of the Natives in attendance.[12]

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The Army had carefully choreographed the execution of Captain Jack and the other Modoc from start to finish but the gruesome commerce in mementos that followed

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[10] General Court-Martial Orders No. 34, U.S. Grant to E.D. Townsend, September 12, 1873 in *Modoc War Correspondences*, 203.

[11] "Hanged," *San Francisco Evening Bulletin*, October 4, 1873.

[12] "The Execution of Capt. Jack and Three Other Modocs," *Yreka Union*, October 11, 1873.

was somewhat more impromptu. For several days visitors to the stockade had bartered with the prisoners for various trinkets including hats, moccasins, necklaces, and other kinds of jewelry.[13] Robert Nixon, the editor of the *Yreka Journal*, had bought Schonchin John's hat and a pistol belonging to another Modoc and sent them to the California Society of Pioneers because he "deem[ed] them valuable mementoes…to be preserved as curiosities of the history of California."[14] The night before the execution, an entrepreneurial officer visited Captain Jack and procured a dozen autographs, which he later sold. These souvenirs circulated for years among private collectors and institutions, accruing symbolic and pecuniary significance: in 2005, the Klamath County Museum paid $5,449 in auction for a single copy.[15]

After the execution, more grotesque mementoes abounded. Captain Hoge sold lengths of the hangman's ropes and locks of the dead men's hair for $5 apiece, the proceeds to be shared among the officer corps. These souvenirs proved quite popular. Thomas Cabaniss, a surgeon in Yreka, purchased segments of the ropes that hanged Captain Jack and Schonchin John as gifts for his friend, Dr. Flemming G. Hearn, a dentist and prominent gold prospector in the Yreka area. The State of California later purchased Hearn's extensive cabinet of so-called Indian curiosities for $2,500 and put the ropes on display at Sutter's Fort, where they remained until the 1970s when the museum removed

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[13] Leonard Case, "Diary of Leonard Case," 71; Henry G. Abbey, "Diary of Henry G. Abbey of Cleveland," entry for October 1.

[14] "Interesting Relics of the Modoc War," *Transcribed from Newsclippings* [sic] *in Lieutenant George W. Kingbury's Scrapbook: Transcription of Modoc War Newspaper Articles,* Lava Beds National Monument Research Library (hereafter LBNMRL).

[15] "The Dead Warriors: Further Details of the Fort Klamath Execution," *San Francisco Chronicle*, October 12, 1873; Angela Torretta, "Document on Captain Jack Landed by Museum," *Herald and News* (Klamath Falls, November 23, 2005).

the artifacts after receiving complaints.[16] Daniel Ream – former sheriff, tax collector, and a future state representative – bought Captain Jack's personal effects, including his coat and a pair of gloves. R.W. Hanna, a Standard Oil executive, later acquired these items and, in 1929, donated them to the University of California's Museum of Anthropology collection. Together with the nooses, these souvenirs are today part of the California Indian Heritage Center's permanent collection.[17]

Nothing was beyond the grasp of the determined souvenir-hunters. Several claimed bits and pieces of the gallows itself. One spectator refashioned his white-pine souvenir into a gavel, a gruesome relic he wielded for many years as the Commander of the Oregon Department of the Grand Army of the Republic.[18] Even the condemned's physical remains became commodities. Sheriff McKenzie of Jefferson County reportedly offered Colonel Wheaton as much as ten thousand dollars for Captain Jack's body to display as a warning to neighboring Native communities who might consider armed resistance in the future.[19] The sheriff, however, was frustrated in his efforts for the remains had become the property of the United States government. Their heads were surgically removed shortly after the hanging and shipped to Washington, D.C.'s Army

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[16] Abbey, "Diary of Henry G. Abbey of Cleveland," entry for October 3, 1873; "The Execution of Capt. Jack and Three Other Modocs," *Yreka Union*, October 11, 1873. "Noose, taken from the neck of Capt. Jack and Schonchin after they were hung, at Fort Klamath, Oct. 1873," *Hearn's Accession and Associated Artifacts* (hereafter HAAA), M.H.172 8-S.P., California State Parks, California Indian Heritage Center, Sacramento, California (hereafter CIHC).

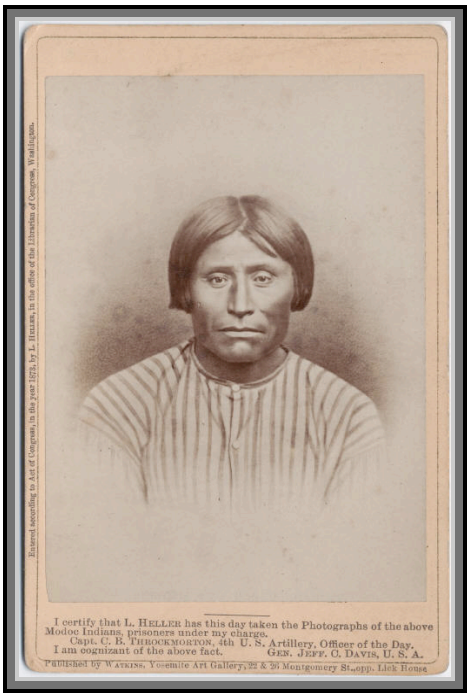
In a similar example, George Kingsbury evidently obtained a length of rope, which he displayed along with a printed card reading: "The Rope That Hung the Chief of the Modoc Indian, Captain Jack, Oct. 3rd, 1873." This memento is rumored to have been part of the Arizona State Museum in Tucson, Arizona. Richard H Dillon, *Burnt-Out Fires* (Englewood Cliffs, NJ: Prentice-Hall, 1973), 333.

[17] "University Given Relics: Personal Effects of Captain Jack of Modoc War Fame Presented to U. of C. Museum," *Los Angeles Times*, November 11, 1929, 4.

[18] "Personal," *The National Tribune*, May 12, 1892. Other examples include "A piece of the gallows, upon which Captain Jack, Schonchin and other Indians were hung," HAAA, M.H.-183-8-S.P., CIHC.

[19] Alfred B. Meacham, *Wigwam and War-path, or the Royal Chief in Chains* (Boston: John P. Dale and Company, 1875), 649.

Medical Museum in a barrel of spirits. Preserved for scientific study, they became part of the Smithsonian Institute's "People of the United States" archaeological collection in 1904, where they would remain for eight decades.[20]



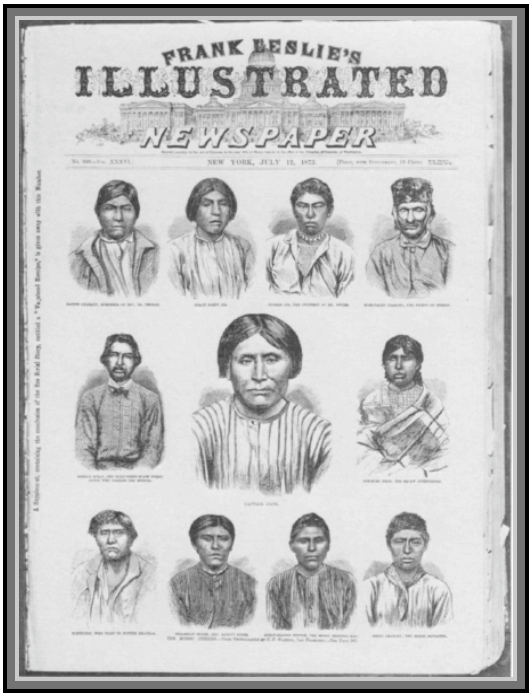


Figure 1. Louis H. Heller, "Capt. Jack." WA Photos 2. Courtesy of Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library

Figure 2. Wood Engravings based on Louis H. Heller Photographs, *Frank Leslie's Illustrated Newspaper*, July 12, 1873 (277).

The commerce in mementos, however, extended beyond the physical remnants of the condemned to include visual reproductions of their corporal bodies. Indeed, perhaps the most popular mementos from the execution were Louis H. Heller's postcard-sized souvenir "cabinet cards." A photographer based in Yreka, Heller visited the Modoc in

[20] *Army and Navy Journal*, October 11, 1873, 133, *Army and Navy Journal*, October 25, 1873, 169. John Hurst, "Indian Hero, Dead 100 Years, Awaits Final Resting Place," *Los Angeles Times*, March 21, 1977; Lee Juillerat, "4 Modoc Skulls at Smithsonian," *Herald and News*, November 18, 1979. The heads were ultimately returned in 1984 to Debbie Riddle Herrera, a descendents of Captain Jack's cousin. Also see Clayton Dumont, "The Politics of Scientific Objections to Repatriation," *Wicazo Sa Review* 18, no. 1 (Spring 2003): 109-128.

their jail cell and transformed their images into miniature portraits (Figure 1). Sold for $4 a dozen and widely available in San Francisco, Yreka, and Portland, the images included a statement from the officer overseeing the Modoc's imprisonment certifying their authenticity and they were often later displayed in household parlor-collections as well as along side lurid accounts of the execution in popular periodicals such as *Frank Leslie's Illustrated Newspaper* and *Harper's Weekly* (Figure 2).[21] Produced with the intention of preserving the condemned men's likeness, these ersatz trophies appropriated and rearticulated their bodies, transforming their images into objects of display.

But these physical souvenirs and spectral mementos constituted more than mere curios. While it is tempting to read the buying and selling of these objects as a ghastly and grotesque byproduct of vigilante justice on some figurative Wild West, a shocking thing but one only remarkable for its inhumanity, the effect these exchanges have had on how events like the Modoc War were remembered is far more dense and thorny than such a reading allows. A noose, a lock of hair, a dead man's jacket, his photograph: this dissertation contends that it is through the circulation of such cultural and memorial objects that historical remembrances of nineteenth century U.S.-Indian violence have been made and remade. By transforming gruesome objects into, in the first instance, suitable souvenirs, secondarily trophies for display, and finally into historical artifacts of considerable value, the supposedly invisible hand of the marketplace amplified the economic and cultural logics of settler colonialism embedded within the spectacle of a

[21] Peter Palmquist, "Imagemakers of the Modoc War: Louis Heller and Eadweard Muybridge," *Journal of California Anthropology* 4, no. 2 (1977): 206-221; 214.

public execution and in the process transformed traces of brutal violence into objects of commodification.[22]

The marketplace of macabre memorabilia and the mnemonic and commercial dynamics put into play by the execution of Captain Jack and the other Modoc represent an important point of departure for this dissertation. But it is not limited to the realm of souvenir goods alone. The production and consumption of more mundane and even ephemeral traces of remembering like newspaper accounts, traveling Indian shows, dime novels, promotional literature, petitions for veteran benefits, commemorative reenactments, and memorial celebrations are all part of the networks of exchange and commodification through which we access the past. Separating historical remembrances from the memory markets within which they circulate and for which they were made is not only counter-productive but also obfuscatory, for it fails to acknowledge the economic pressures these markets exert on our desire for an authentic encounter with the past and the form those representations may assume.

This understanding of historical knowledge production emerged from my research into the historiography of the Modoc War (1872-1873), California's so-called last Indian war. This dissertation explores the complex and often-overlooked relationship between how Natives and non-Natives alike have remembered incidents of U.S.-Indian violence and the marketplaces – the systems, institutions, procedures, social relations and arenas of trade – within which those remembrances have circulated, a dialogical affiliation that may be most explicitly and literally manifested in the context of execution memorabilia. I

[22] Jonathan Markovitz, *Legacies of Lynching: Racial Violence and Memory* (Minneapolis: University of Minnesota Press, 2004), xxvi-xxix; Harvey Young, "The Black Body and Souvenir in American Lynching," *Theatre Journal* 57, no. 4 (December 2005): 639-657.

argue that individuals have shaped their historical remembrances of the conflict, transforming an episode of Reconstruction Era violence and ethnic cleansing into a redemptive narrative of American innocence, as they sought to negotiate these marketplaces. My aim in looking at these cultural and commercial associations is to delve into the question of how, since the nineteenth century, they have been directly related to the widespread belief that the Modoc War and other incidents of U.S.-Indian violence were ultimately justified and the tendency to view the westward expansion of the United States within the framework of inevitability. My research locates American capitalism and colonialism at the center of our understanding of both violence in the American West and popular representations of the American Indian experience. My research, moreover, breaks new methodological ground by reading traditional memory studies sources (e.g. novels, plays, commemorations, reenactments, memorials, and speeches) along side less orthodox memory studies sources (e.g. pension files, local histories, and promotional literature) to produce a materialist interpretation of historical knowledge production. Above all, this dissertation seeks to show how the Indian wars of the nineteenth century did not end with the cession of hostilities in 1873, 1890, or 1898, but have been reproduced through the marketplaces of remembering U.S.-Indian violence.[23]

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[23] The study of nineteenth century U.S.-Indian violence has long been dominated by a fascination with endings. Indeed, the list of "last Indian wars" is legion. Cultural critic Philip Deloria, however, provided a value intervention when he explored the implications of reproducing expected narrative of Indian violence and asked the generative question, "Why were images of Indian violence locked in a nineteenth-century frontier setting even as they proliferated in the representational forms of the twentieth century?" He conclude that by locating Indian violence within a safe and distant past, early twentieth century white Americans could simultaneously construct Indians as "disappearing naturally" while at the same time imagining their (paradoxical) continuing presence to be evidence of their harmlessness and primitiveness, opening up their lives to the colonial gaze of tourists, ethnographers, and historians. Using the metaphor of a fence, Deloria contends, "If the reservation seemed to make a boundary between contemporary and primitive, Wounded Knee seemed to mark a similar division across time. It split old days apart from new

Memory Markets and the Marketplaces of Remembering

The act of remembering is by its nature performative and deeply imbricated within networks of production, exchange, and commodification. In using the term "marketplaces of remembering" I am describing a particular mode of historical knowledge production in which individuals recreate disparate and contradictory memories to conform to the markets in which they come to circulate. Rather than dwelling upon the social and cultural implications of remembering alone, I am principally concerned with tracing the substantive influences these markets have had in shaping how individuals articulate their understandings of the past. Historical narratives are always social, political, and cultural constructions, but by investigating the fundamentally materialistic nature of remembering the past, this dissertation seeks to uncover the too-often disregarded influence of capitalism on what we call history.

A materialist understanding of historical knowledge production, however, must first acknowledge the psychological, social, and cultural uses of the past.[24] The late-

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days (even as memory and shared culture stitched them together again) as surely as if one were crossing the reservation fence line." Philip J. Deloria, *Indians in Unexpected Places* (Lawrence: University Press of Kansas, 2004), 50, 16.

[24] Memory studies scholars often trace the origins of the field to French sociologist Maurice Halbwachs. Theorizing the relationship between social institutions and group identity formation in the aftermath of World War I, Halbwachs argued that we are able to recollect the past only by locating it and ourselves within social frameworks. Collective memories are promulgated, Halbwachs argued, when future generations encounter these memories through social institutions like books, commemorations, and festivals. Or as Halbwachs put it "[for] a truth is to be settled in the memory of a group, it needs to be presented in the concrete form of an event, of a personality, or of a locality." A half-century later, Paul Connerton further developed this idea by exploring habit and ritual performance and its power to (re)produce and solidify the particular memories of certain social groups. The socially constructed nature of the past was revived after the social and cultural unrest of the 1960s led a new generation of social historians to embrace *memory* as a practical means of recovering the history of previously neglected groups. But if oral histories, memoirs, and *testimonios* expanded the reach of social history, they were nonetheless hotly contested and susceptible to accusations of manipulation, appropriation, and suppression. Caught between the Culture Wars of the mid-1990 and the linguistic turn, memory studies became synonymous with internecine conflicts over the generational, racial, cultural, and especially political implications of the past in the present. Maurice Halbwachs, *On Collective Memory* (Chicago and London:

nineteenth and early-twentieth century witnessed a precipitous rise in American's desire for things historical and memorial. From popular art and public commemorations to the proliferation of published works of reminiscence, antiquarianism, and regional and ethnic historical societies, Americans compulsively evoked the past in a self-conscious effort to invent tradition.[25] Indeed, as historian Michael Kammen has observed, "Anyone who probes historical sources for this period will be figuratively assaulted by the nation's arsenal of memory devices and by the astonishing diversity of its stockpile."[26] The American West provided a particularly fruitful ground for this invention of tradition. Although the myth of the frontier long gave meaning and structured the moral landscape of American history and identity, white Americans around the turn of the twentieth century embraced the west with greater intensity, finding in the proliferation of mass culture and historiography a palimpsest upon which to inscribe their contemporary political, social, cultural, and economic anxieties.[27] Transforming memories of the violent

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University Of Chicago Press, 1992), 200; Paul Connerton, *How Societies Remember* (Cambridge: Cambridge University Press, 1989); Alfred F. Young, "George Robert Twelves Hewes (1742-1840): A Boston Shoemaker and the Memory of the American Revolution," *William and Mary Quarterly* 38, no. 4 (October 1981): 561-623; Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995); Cathy Caruth, ed., *Trauma: Explorations in Memory* (Baltimore: The Johns Hopkins University Press, 1995); Roy Rosenzweig and David Thelen, *The Presence of the Past: Popular Uses of History in American Life* (New York: Columbia University Press, 1998); Marita Sturken, *Tangled Memories: The Vietnam War, the AIDS Epidemic, and the Politics of Remembering* (Berkley: University of California Press, 1997).

[25] Michael Kammen, *Mystic Chords of Memory: The Transformation of Tradition in American Culture* (New York: Knopf, 1991), 93-100. Historian John Bodnar emphasizes the tensions, during this period, between official culture in service of state or national interests and so-called vernacular culture, that coming from the specific interests of niche local and ethnic groups. The early twentieth century, for Bodnar, was marked by the ultimate reconciliation of vernacular memory with official national narratives. John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century* (Princeton: Princeton University Press, 1993), esp. 78-137.

[26] Kammen, *Mystic Chords of Memory*, 94.

[27] According to Richard Slotkin, encyclopedian of historical memory and the American West: "The Myth of the Frontier is our oldest and most characteristic myth, expressed in a body of literature, folklore, ritual, historiography, and polemics produced over a period of three centuries. According to this myth-historiography, the conquest of the wilderness and the subjugation or displacement of the Native Americans

conquest of American Indians into the "red-blooded realism" of Theodore Roosevelt, Jack London, and Stewart Edward White, they celebrated the open spaces, autonomous individualism, personal sacrifice, and masculine heroism endemic to narratives of the American West.[28] Frederick Jackson Turner, Buffalo Bill, and the cult of Custer also spring immediately to mind but countless artists, novelists, memoirists, and historians similarly found the American West an alluring wellspring of material for their remembrance.[29] To deny the social, cultural, and political significance of remembering the past in the turn of the twentieth century United States would be to ignore one of the pivotal transitional periods of change in American history.

The cultural and social focus of most memory scholarship has led historians to overlook the commercialization of the past and to neglect the importance of locating cultural productions within markets. In the United States, public historians of the late-twentieth century showed diligence in critiquing the commercialization of history in the present but they remained reluctant to extend these critiques to earlier periods of American history.[30] A handful of scholars, however, have recently written of the need for

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who originally inhabited it have been the means to our achievement of a national identity, a democratic polity, an ever-expanding economy, and a phenomenally dynamic and "progressive" civilization. The original ideological task of the Myth was to explain and justify the establishment of the American colonies; but as the colonies expanded and developed, the Myth was called on to account for our rapid economic growth, our emergence as a powerful nation-state, and our distinctly American approach to the socially and cultural disruptive processes of modernization." Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (New York: Atheneum, 1992), 10.

[28] Slotkin, *Gunfighter Nation*, 88-193; Jordana Finnegan, *Narrating the American West: New Forms of Historical Memory* (New York: Cambia Press, 2008), 151-157.

[29] Kerwin Lee Klein, *Frontiers of Historical Imagination: Narrating the European Conquest of Native America, 1890-1990* (Berkeley and Los Angeles: University of California Press, 1999); Louis Warren, *Buffalo Bill's American: William Cody and the Wild West Show* (New York: Knopf, 2005); Michael A. Elliott, *Custerology: The Enduring Legacy of the Indian Wars and George Armstrong Custer* (Chicago: University of Chicago Press, 2007).

[30] The academic handwringing over the commercialization of history in our purportedly postmodern America is legion. See for instance, Roy Rosenzweig, "Marketing the Past: *American Heritage* and Popular

a market-based analysis of historical knowledge production.[31] But while much of this literature comes from Latin America, where issues of truth and reconciliation, neoliberalism, and globalization have forced memory scholars to account for the role of the market, United States memory scholarship remains committed to questions of nationalism, ethnic identity, and cultural politics.[32]

Recent studies seem to suggest that cultural historians are awakening to the importance of these marketplaces of remembering. Finding the history of place rooted in historical memory and regional economics, Phoebe S. Kropp's *California Vieja* locates the intersection of commercial interests and historical revisionism at the center of southern California's late-nineteenth and early-twentieth century land promotion and

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History in the United States," in *Presenting the Past: Essays on History and the Public*, ed. Susan Porter Benson, Stephen Brier, Roy Rosenzweig, (Philadelphia: Temple University Press, 1986), 21-49. Susan G. Davis, "Set Your Mood to Patriotic: History as Televised Special Event," *Radical History Review* 42 (Fall 1988): 122-43; Mira Engler, "Drive-Thru History: Theme Towns in Iowa," *Landscape* 32 (1993): 8-18. Much of this literature emerged from the Culture Wars of the mid-1990s. See for example, Michael Wallace, *Mickey Mouse History and Other Essays on American Memory* (Philadelphia: Temple University Press, 1996); Edward T. Linethal and Tom Engelhardt, eds., *History Wars: The Enola Gay and Other Battles for the American Past* (New York: Holt Paperbacks, 1996).

[31] Argentinean sociologist Elizabeth Jelin, for instance has written of "memory entrepreneurs" to refer to those who develop memory enterprises in an attempt to define and shape the struggle over memory, Jelin, *State Repression and the Labors of Memory*, trans. Judy Rein and Marcial Godoy-Anativia (Minneapolis: University of Minnesota Press, 2003). An important new collection edited by Ksenija Bilbija and Leigh Payne explores the political economy of memory in Latin America: Ksenija Bilbija and Leigh A. Payne, eds., *Accounting for Violence: Marketing Memory in Latin America* (Duke University Press, 2011).

[32] My thinking about the limitations of a social or cultural historical approach to memory scholarship has been greatly influenced by Marita Struken's discussion of kitsch and American consumerism in the aftermath of the Oklahoma City bombing and the attacks on the World Trade Center. Struken, *Tourists of History: Memory, Kitsch, and Consumerism from Oklahoma City to Ground Zero* (Durham: Duke University Press, 2007). The vast majority of public history scholarship has focused on nationalism, the construction of race, or on public reception. See for instance, Rosenzweig and Thelen, *The Presence of the Past*; David Glassberg, *Sense of History: The Place of the Past in American Life* (Amherst: University of Massachusetts Press, 2001).

Discussions of truth and reconciliation in the United States have focused almost exclusively on issues relating to American Indian land claims and reparations for slavery. For examples see James T. Campbell, "Settling Accounts? An Americanist Perspective on Historical Reconciliation," *American Historical Review* 114, no. 4 (October 2009): 963-977; Jeffrey Ostler, *The Lakotas and the Black Hills: The Struggle for Sacred Ground* (New York: Viking, 2010); Roy L. Brooks, "Reflections on Reparations," in Torpy, John, Ed. *Politics and the Past: On Repairing Historical Injustices* (New York: Rowman & Littlefield, 2003), 103-116.

development. Building upon a cultural imagining of California's mission era as an idyllic golden age, boosters constructed tourist attractions such as the El Camino Real and Olvera Street market, proving that southern California's Spanish past could be a catalyst for development and the force behind a marginalizing civic narrative.[33] In *Dreaming of Dixie*, historian Karen Cox likewise explores how, from Reconstruction to the end of War World II, southerners themselves embraced the romance of the Old South. Portraying the South as the last bastion of Jeffersonian pastoralism, advertising agencies, musicians, publishers, radio personalities, writers, and filmmakers evoked an idealized antebellum past, she contends, to market the South as an antidote to the anxieties of modernity.[34]

No culture in American history has experienced commodification to the degree American Indian cultures have. From Land O'Lakes butter and tobacconist statuaries to Disney films, Halloween costumes, and professional football teams, commoditized representations of American Indian culture and identity suffuse the American consumer landscape.[35] This economic circulation of things Indian has performed considerable cultural and social work throughout American history as these appropriations have contributed to the making of whiteness in American identity.[36] It has also been part of

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[33] Phoebe Kropp, *California Vieja: Culture and Memory in a Modern American Place* (Berkeley: University of California Press, 2006), 47-102; 207-206.

[34] Karen Cox, *Dreaming of Dixie: How the South was Created in American Popular Culture* (Chapel Hill: University of North Carolina Press, 2011), 34-57.

[35] Shari Huhndorf, *Going Native: Indians in the American Cultural Imagination* (Ithaca: Cornell University Press, 2001); Rayna Green, "The Indian in Popular American Culture," in *Handbook of North American Indians*, ed. Wilcomb E. Washburn, vol. 4 (Washington, D.C.: Smithsonian Institution, 1988), 587-606.

[36] As Philip Deloria has observed, "Playing Indian is a persistent tradition in American culture, stretching from the very instant of the national big bang into an ever-expanding present and future," and it remains a cultural practice by which American have "reinterpret[ed] the intuitive dilemmas surrounding Indianness to meet the circumstances of their times." Deloria, *Playing Indian*, Yale Historical Publications Series (New Haven: Yale University Press, 1999), 7. Also see Robert Berkhofer, *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Knopf, 1978); Raymond

American colonialism. Indeed, according to Carter Jones Meyer and Diana Royer, the commercialization of Indian culture by non-Natives ought to be viewed as an extension of American imperialism and analogous to the wholesale theft of Native lands, resources, and sovereignty.[37] But the commodification of American Indian cultures has not been a one-way street. Native artisans, writers, actors, guides, motivational speakers, and historians have participated in the commercialization of Indian cultures.[38] And their involvement in these processes of production, distribution, and consumption often bring issues of authenticity and modernity to bear on their role in the marketplace.[39] White consumers have imagined Indian cultures as pre-modern, timeless, natural, traditional, and free of the corrupting market; but as historian Erika Marie Bsumek and anthropologist Jessica Cattellino reminds us Native producers often have co-created these narratives to protect or enhance the marketability of their goods and services while simultaneously romanticizing and mystifying their own labor.[40] The process by which Natives and non-Natives alike have transformed Indian identity, histories, and cultures into marketable goods, then, remains a vital and important site for historical investigation.

Stedman, *Shadows of the Indian: Stereotypes in American Culture* (Norman: University of Oklahoma Press, 1982).

[37] Carter Jones Meyer and Diana Royer, eds., *Selling the Indian: Commercializing and Appropriating American Indian Culture* (Tucson: University of Arizona Press, 2001), xi-xix.

[38] George Pierre Castile, "The Commodification of Indian Identity," *American Anthropologist* 98, no. 4 (December 1996): 743-749.

[39] Paige Raibmon, *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast* (Durham: Duke University Press, 2005).

[40] Erika Marie Bsumek, *Indian-Made: Navajo Culture in the Marketplace, 1868-1940* (Lawrence: University Press of Kansas, 2008); Jessica R. Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham: Duke University Press, 2008). Also see Philip J. Deloria, *Indians in Unexpected Places*; Patricia C. Albers, "From Legend to Land to Labor: Changing Perspectives on Native American Work," in *Native Americans and Wage Labor: Ethnohistorical Perspectives*, ed. Alice Littlefield and Martha C. Knack (Norman: University of Oklahoma Press, 1996), 245-273.

Marketplaces of Remembering seeks to combine cultural, political, and social analysis with materialist economic interpretations of historical knowledge production to provide a historical account of how the memory market has shaped our knowledge of events like the Modoc War while still accounting for the cultural, social, and political dimensions of historiography. The importance of such an approach extends far beyond the intimacy of a public hanging or the brisk trade in memorabilia that followed. Indeed, the manufactured sensationalism and faux brinkmanship of New York and London's Gilded Age newspaper industry may have seemed remote from the battlefields of the Modoc War in 1873; as disconnected as Theodore Roosevelt's *Winning of the West* was from the arrival of the first Indian-owned Model T on the Klamath Reservation in 1914; as inconsequential as the founding of the Oregon Historical Societies was to the granting of federal pensions to American Indian veterans of the Modoc War in 1924 and as detached as John Muir's writings in *Overland Monthly* were from the dedication of a memorial to nineteenth century U.S.-Indian violence in the late-twentieth century. Yet, this dissertation contends that the connections between these marketplaces of remembering and the lived reality of Klamath, Modoc, and Paiute peoples on the California-Oregon frontier are closer than we think, and that the dynamics of American colonialism bring them into startling alignment and reveal the centrality of capitalism to our knowledge of history.

This dissertation contributes to our understanding of American colonialism by exploring the various marketplaces in which both Natives and non-Natives alike have commodified their remembrances of nineteenth-century U.S.-Indian violence; but it is

important to note they have never done so under conditions of their own choosing. Marx's oft-quoted statement that "Men make their own history, but they do not make it as they please…but under circumstances existing already" suggests how we might write a history of American settler colonialism that views the production of historical knowledge as itself a category of transformative labor.[41] The literature on memory studies is full of "collective memories," "tangled memories," "chords of memory," and "memory boxes."[42] *Memory* is said to "sit in places," "reside in objects," and even to create "sites" in which to live.[43] In these formulations, the act of remembering is transformed from a performative representation of the past to an interpretive object and the analytic thrust is toward reading that object rather than understanding the lives of those who produced it. And we can even see this reflected in our word choice and scholarly discourse: memory is a noun, it is a thing while remembering is a verb, it is an action, a kind of labor in the production of a version of the past.[44]

By examining the material circumstances surrounding the production,

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[41] Marx, *Eighteenth Brumaire of Louis Bonaparte* (1852).

[42] Halbwachs, *On Collective Memory*; Sturken, *Tangled Memories*; Kammen, *Mystic Chords of Memory*; Steve Stern, *Remembering Pinochets Chile: On the Eve of London 1998* (Durham: Duke University Press, 2004).

[43] Glassberg, *Sense of History*; Keith H. Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque: University of New Mexico Press, 1996); Pierre Nora, *Realms of Memory: The Construction of the French Past* (New York: Columbia University Press, 1996).

[44] Klein critiques the "new materialization of memory," which allows scholars "to speak of the memory of events that happened hundreds of years distant or to speak of the memory of an ethnic, religious, or racial group." This, he insists, "elevates memory, giving it the status of a historical agent, and we enter a new age in which archives remember and statues forget….[It] makes memory an active agent if not a hero: 'Memory never stands still'; and 'the motives of memory are never pure'; and 'memory' even 'remembers.'" The result, according Klein, is a kind of re-enchantment of history using the language of memory. "Scholars who might smile at corny Victorian constructions (try to imagine a hip you cultural historian writing, 'History's motives are never pure') unselfconsciously repeat those clichés with a new subject, and less careful authors use *memory* to decorate their monographs with great splashes of anthropomorphic purple." Kerwin Klein, *From History to Theory* (Berkeley: University of California Press, 2011), 124-125.

distribution, and exchange of individual and collective remembrances, this dissertation seeks to foreground the actions of individuals while also explaining how structural imperatives created discrete marketplaces in which dominant categories of race, gender, nationalism and modernity structured the space for remembering to create or reproduced asymmetrical social, cultural, political, and economic relations.[45] This dissertation, then, pays particular attention to the participation of individuals within these marketplaces of remembering and seeks to understand the conditions that have structured the historiography of the Modoc War. By tracing the origins and contours of these various marketplaces of remembering, it tries to make sense of how Natives have sometimes resisted and sometimes participated in the construction of the ideological and historiographical systems that have maintained and sustained their own political and economic marginalization. And in the process it may offer us a new way of thinking about memory, violence, colonialism, and the American west by focusing our attention upon the circulation of individual remembrances in the production of history.

The History of Violence in the Klamath Basin

The public execution of Captain Jack, Schonchin John, Black Jim, and Boston Charley may have marked the titular end of the Modoc War but the trajectories of settler colonialism, empire, and violence, which gave it shape and poignancy, stretched back decades. Indeed, throughout the eighteen and nineteenth century, epidemic diseases,

[45] In writing about cultural expectations, Deloria notes: "Broad cultural expectations are both the products and the tools of domination…It is critical, then, that we question expectations and explore their origins, for they created—and they continue to reproduce—social, political, legal, and economic relations that are asymmetrical, sometimes grossly so," Deloria, *Indians in Unexpected Places*, 4-5. On the contingency of individual agency and the construction of history "after agency but not without it" see Walter Johnson, "On Agency," *Journal of Social History* 37, no. 1 (2003): 113-124; Boyd Cothran, "Working the Indian Field Days: The Economy of Authenticity and the Question of Agency in Yosemite Valley," *American Indian Quarterly* 34, no. 2 (Spring 2010): 194-223.

ecological devastation, social upheaval, systemic violence, and exploitive labor practices all impacted Native communities as first European and then American empires competed over the North American west.[46] Native communities suffered from the affects of Euro-American imperialism; but the competition nonetheless played out on a predominately indigenous political landscape. As Juliana Barr, Kathleen DuVal, Pekka Hämäläinen, Ned Blackhawk and other historians of the southern plains and the intermountain west have demonstrated, Native communities employed a dizzying array of tactics as they sought to incorporate Euro-Americans into their Native-dominated worlds. In the process, they sometimes absorbed and sometimes displaced the violence of colonialism onto their neighbors, making and remaking their political and economic realities while coping with the devastating influences of Euro-American trade, disease, and warfare.[47]

The Klamath Basin of southern Oregon and northern California is a prime example of this productive reframing yet historians have struggled to fit the region into larger narratives of American history.[48] Essentially a linguistically homogenous region,

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[46] Robert Boyd, *The Coming of the Spirit of Pestilence: Introduced Infectious Diseases and Population Decline among Northwest Coast Indians, 1774-1874* (Seattle: University of Washington Press, 1999).

[47] In writing about the colonization of the southern plains, Kathleen DuVal has argued that historians of must "exoticize" Euro-Americans and "show how Indians incorporated them into their native-dominated, if contested and unstable, world." Others have pointed to the rise of *Indian Colonialism* as a response to European imperialism. DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2007), 10; Pekka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008); Ned Blackhawk, *Violence over the Land: Indians and Empires in the Early American West* (Cambridge, Mass.: Harvard University Press, 2008), 18.

[48] Histories of the Klamath Basin include Stephen Most, *River of Renewal: Myth and History in the Klamath Basin* (Seattle: University of Washington Press, 2006); Nathan Douthit, *Uncertain Encounters: Indians and Whites at Peace and War in Southern Oregon, 1820s-1860s* (Corvallis: Oregon State University Press, 2002); Patricia Nelson Limerick, *Something in the Soil: Legacies and Reckonings in the New West* (New York: W. W. Norton & Company, 2001), esp. chapter 1; Rebecca Bales, ""You Will Be Bravest of All": The Modoc Nation to 1909," (Ph.D. diss., Arizona State University, 2001); Dillon, *Burnt-Out Fires: California's Modoc Indian War*; Keith A. Murray, *The Modocs and Their War* (Norman: University of Oklahoma Press, 1959); William S. Brown, *California Northeast: The Bloody Ground* (Oakland: Biobooks, 1951).

the Klamath Basin was home to three semiautonomous though culturally similar groups of people: the Klamath, the Modoc, and by the mid-nineteenth century, at least one community of Northern Paiute. The limits of early-twentieth century salvage anthropology and the notorious inaccuracy of contemporary Euro-American labeling of Native peoples renders a definitive description of indigenous socio-political structures problematic. But it appears that at the beginning of the nineteenth century, the people who would come to be known as the Klamath lived in four or five semiautonomous political groupings along the rivers, streams, lakes, and marshes of the heavily timbered parts of the Klamath Basin's western edge while those who would be known as the Modoc lived in three major communities around the lava beds to the south (Figure 3). Speaking the same *Penutian* language that linguists have termed *Lutuami*, all communities within the Klamath Basin were bound together to various degrees by marriage, political alliances, and a shared sense of peoplehood.[49]

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[49] On the edges of the Klamath Basin, one or two bands of Northern Paiutes may have lived around Warner and Surprise Valleys in the east and Silver, Summer, and Albert Lakes in the northeast. Following the treaties of 1864 and 1865, however, these groups were moved onto the Klamath Reservation, though their exact identity and their presence in the Klamath Basin prior to the treaties, remains a point of anthropological controversy. According to Erminie Wheeler-Voegelin, the groups identified by the United States in 1864 and 1865 as the "Ya-hoos-kin Band of Snake Indians" and the "Woll-pah-pe Tribe of Snake Indians" were erroneously assigned these labels by treaty-makers eager to acquire Northern Paiute land in central and eastern Oregon. While the group identified as the Walpapi were in fact Northern Paiute-speaking Indians from the Silver-Summer lakes region on the border between the Great Basin and the Klamath Basin, the Yahuskin were not. Wheeler-Voegelin contends that the Yahuskin were "a small Klamath-speaking group…occup[ying] a strategic borderline position in upper Sprague River Valley between the Klamath Marsh-Upper Klamath lake Klamath Indians to the west and the Great Basin Northern Paiute-speaking peoples to the east." Erminie Wheeler-Voegelin, "The Northern Pauite of Central Oregon: A Chapter in Treaty-Making Part 1," *Ethnohistory* 2, no. 2 (Spring 1955): 95-132, 96-97. Also see Erminie Wheeler-Voegelin, "The Northern Paiute of Central Oregon: A Chapter in Treaty-Making Part 2," *Ethnohistory* 2, no. 3 (Summer 1955): 241-272; Erminie Wheeler-Voegelin, "The Northern Paiute of Central Oregon: A Chapter in Treaty-Making, Part 3, Conclusions," *Ethnohistory* 3, no. 1 (Winter 1956): 1-10. Alfred Kroeber, *Handbook of the Indians of California* (New York: Dover Publications, 1976), 318-335, esp. 318-319; Theodore Stern, "Klamath and Modoc," in *Handbook of North American Indians*, vol. 12 (Washington, D.C.: Smithsonian Institution, 1998), 446-466; 446.

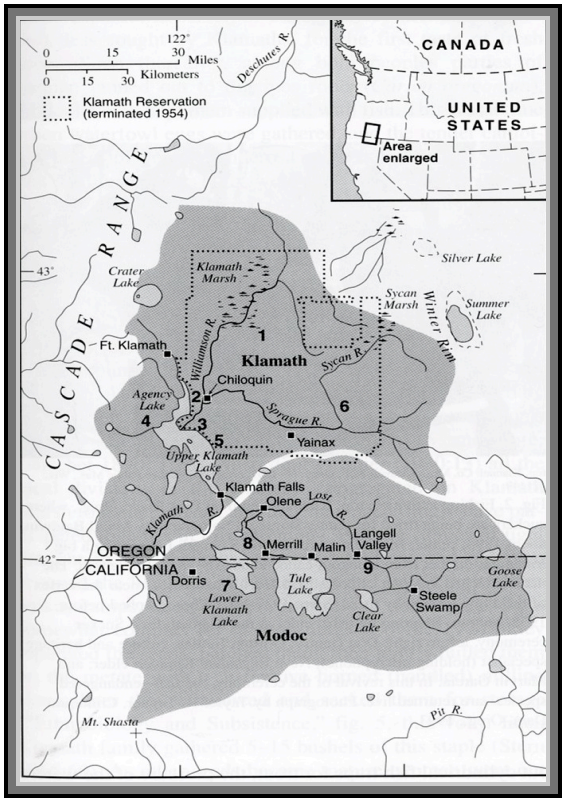

Figure 3. "Klamath and Modoc territories and subgroups in the 19th century" Theodore Stern, *The Klamath Tribe: A People and Their Reservation.* (Seattle: University of Washington Press, 1965), 280.

The nineteenth century brought swift changes to the political, economic, and social world of the Klamath Basin. Successive waves of epidemic diseases such as the smallpox outbreaks of the 1770s or 1780s almost certainly changed the demographic landscape of southern Oregon and northern California. The adaptation of horses in the 1820s and increases in the Klamath's slave trade with northern tribes in the 1830s engulfed the region in a period of endemic violence that stratified Klamath Basin society as military leaders supplanted religious leaders, gaining a greater proportion of the region's wealth.[50] The arrival of American colonists in the 1840s only further

[50] Leslie Spier, *Klamath Ethnography* (Berkeley: University of California Press, 1930), 35-39; 107-112; Theodore Stern, *The Klamath Tribe: A People and Their Reservation* (Seattle: University of Washington Press, 1965), 24; Philleo Nash, "The Place of Religious Revivalism in the Formation of the Intercultural

exacerbated these changes. Conestoga wagons loaded with valuable trade goods lumbering through the sagebrush of the Klamath Basin proved opportune targets and Klamath and Modoc warriors terrorized American colonists as they used the Southern Route to traverse the region.[51] Increased militarism produced waves of violence in the Klamath Basin, which in turn altered social structures that further enabled warfare.

The advent of American imperialism in the Klamath Basin corresponded with an escalation of violence throughout the California and Oregon country in the late-1840s and early-1850s. The killing of Dr. Marcus and Narcissa Whitman and the destruction of their Presbyterian mission at Waiilutpa on November 29, 1847 enraged American colonists and became the rationale for years of government-backed vigilante justice and militia offensives against Natives throughout Oregon. Their retributive campaign, known today as the Cayuse War, fueled numerous calls for the extermination of Indians throughout the Pacific Northwest. Armed with genocidal rhetoric and a determination to kill Indians, many Oregonians brought their destructive views to the gold fields of northern California

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Community on Klamath Reservation," in *Social Anthropology of North American Tribes*, ed. Fred Eggan (Chicago: University of Chicago Press, 1955), 380. Gray Whaley locates this process within a larger period of imperial reordering in Oregon, Whaley, *Oregon and the Collapse of Illahee: U.S. Empire and the Transformation of an Indigenous World, 1792-1859* (Chapel Hill: University of North Carolina Press, 2010), 76-79, 209-214. On diseases see Elizabeth A. Fenn, *Pox Americana: The Great Smallpox Epidemic of 1775-82* (New York: Hill and Wang, 2001), 224-258; Robert T. Boyd, "Demographic History Until 1990," in *Handbook of North American Indians*, vol. 12 (Washington, D.C.: Smithsonian Institution, 1998), 467-483.

[51] Led by Jesse and Lindsay Applegate, two brothers from Kentucky who migrated west in 1843, the first Americans to travel through the Klamath Basin did so along the Applegate Cutoff or simply the Southern Route, a offshoot of the Oregon Trail that bypassed the Columbia River by crossing through the Klamath Basin and then over the southern Cascades before entering the Willamette Valley. Lindsay Applegate, "Notes and Reminiscences of Laying Out and Establishing the Old Emigrant Road into Southern Orgeon [sic] in the Year 1846" *Oregon Historical Quarterly* 22:1 (March 1921), 23-25

after 1848. Murdering Natives in the mining towns of Mariposa, Siskiyou, and Lake counties, they repaid a thousand fold any violence possibly perpetrated by the Natives.[52]

Acts of violence against Indians in Oregon and California feed off one another inspiring a surge of annihilationist violence that soon swept through all of northern California and southern Oregon. Between 1854 and 1861, the Klamath Basin in particular witnessed a conflagration of state-sponsored Indian-killing, including the notorious Ben Wright Massacre and the murderous Crosby or Modoc Expedition of 1856, which resulted in the deaths of scores if not hundreds of Klamath Basin Indians and may have been the most lethal California militia expedition in a very bloody era.[53] According to historian Benjamin Madley, the massive demographic decline of American Indians in California – when the Native population plunged from around 150,000 to fewer than 30,000 – only ended with the Modoc War, a fact that contributed to its dubious distinction as California's so-called last Indian war. As he points out: the death of General Canby triggered "a final, genocidal phase" of U.S.-Indian violence in the region, a strategy President Ulysses S. Grant endorsed, calling for the Modoc's "utter extermination" and that "[Y]our work be done thoroughly."[54]

This dissertation, then, recognizes the legacy of violence in the Klamath Basin but it seeks also to explain how historical narratives of that violence have been part of the

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[52] Whaley, *Oregon and the Collapse of Illahee*, 177-182; Stephen Beckham, *Requiem for a People: The Rogue Indians and the Frontiersmen* (Norman: Univ. of Oklahoma Press, 1971).

[53] Benjamin Madley has meticulously documented the over 7,800 incidents of California Indian death by violence in his recent dissertation. Madley, "American Genocide: The California Indian Catastrophe, 1846-1873" (PhD diss, Yale University, 2009), 212-315. Other episodes of violence during this period in the Klamath Basin include: the so-called Red Cap War, Klamath War, or the Klamath and Humboldt Expedition, January 1855-April, 1856; the Siskiyou Expedition or the Humbug War, July 28 - October 31, 1855; The Klamath Expedition May 3 - June 3, 1856. Madley, "American Genocide," 326-359.

[54] Madley, "American Genocide," 493-494.

story of colonialism in the region. Indeed, the violence of American colonialism in the Klamath Basin was never limited to the physical realm of death and dying. As this dissertation chronicles, in the aftermath of the Modoc War, dramatic representations, novelistic adaptations, personal reminiscences, and academic and antiquarian histories of these colonial conflicts continued the violent reordering of the world began by men like Ben Wright and Ben Crosby. Encoding U.S.-Indian relations within supposedly self-evident categories such as the frontier, savagery, development, and progress, these cultural productions structure our understanding of and relationship to the past.[55] The denial of indigenous epistemologies and the suppression of Native historical knowledge, moreover, only confirm the often-colonial nature of historical knowledge production.[56] History is not just written by the winners; history helps to create the winners by serving as a tool of colonial oppression, and it is only in labeling the writing and circulation of history as violent that we can connect the long recognized violence of conquest with the unnamed and normalized violence of writing histories of conquest.[57]

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[55] Literary critic José Rabasa articulates this point: "The concept of writing violence comprises both the representation of massacre, tortures, rapes, and other forms of material terror, as well as categories and concepts informing the representation of territories for conquest, the definition of Indian cultures as inforerior, and the constitution of colonized subjectivity. Where as the first meaning of writing violence is self-evident, the second might provoke reader to resist seeing the force of writing itself as violence. But the two meaning are also related, for writing codifies legal categories such as criminals, insurgents, deviants, and insubordinates, and legitimizes violence against these groups." José Rabasa, *Writing Violence on the Northern Frontier: The Historiography of Sixteenth Century New Mexico and Florida and the Legacy of Conquest* (Durham: Duke University Press, 2000), 22.

[56] Kanaka Maoli scholar Noenoe Silva has asserted that colonial historiography "does not simply rationalize the past and suppress the knowledge of the oppressed" but also justifies the continued colonization of Native understandings of the past. Anthropologists and post-colonial scholars like Raymond DeMallie and Dipesh Chakrabarty have similarly identified historiography as a form of colonial violence. Silva, *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Durham: Duke University Press, 2004), DeMallie, "'These Have No Ears': Narrative and the Ethnohistorical Method," *Ethnohistory,* Vol. 40, No. 4, (Autumn, 1993), 524; Chakrabarty, "Minority Histories, Subaltern Pasts," *Postcolonial Studies* 1 (April 1998), 15-29.

[57] Michel de Certeau argues that the practice of writing history is the space within which colonialism finds its true power. "This is writing that conquers. It will use the New World as if it were a blank, *savage*

American Innocence and U.S.-Indian Violence

Despite the physical and epistemological violence of American settler colonialism in the Klamath Basin, the wide-held belief in the fundamental innocence of the American character has contributed to the self-image the United States as neither an expansionist nor a colonial power. As historian Jeffrey Ostler and others have pointed out, Americans in the early nineteenth century adopted a theory of the United States as an empire of innocence. Organized under the banner of manifest destiny and founded upon republican ideas of political freedom stemming from economic freedom, they rationalized a version of history in which the endless, or seemingly endless, expansion of the nation was necessary for the success of their republican experiment. Simply put, the United States had to expand in order to maintain its freedom through a culture of broad-based white, male land ownership. The inevitable violence resulting from this expansion was thereby justified as innocent, for theirs was, in the words of Thomas Jefferson, an "empire of liberty."[58] In other words, if the freedom of the republic depended upon the westering impulses of a virtuous yeomanry, any obstacle to that movement or any attack upon that citizenry became a treat to nation itself.

Americans developed a distinct ideology of innocence to justify their wars of aggression. Grounded at first in notions of unfettered white male labor, by the mid-nineteenth century feminized representations of the United States as a courageous but

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page on which Western desire will be written. It will transform the space of the other into a field of expansion for a system of production. From the moment of a rupture between a subject and an object of the operation, between a will to write and a written body (or a body to be written), this writing fabricates Western History." Certeau, *The Writing of History* trans. Thomas Conley (New York: Columbia University Press, 1988), xxv - xxvi.

[58] Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (New York: Cambridge University Press, 2004), 14.

guiltless woman – an image reproduced through the leitmotif of the pioneer mother – had created, according to historian Barbara Cutter, "a model of American identity in which violence committed by the United States was, by definition, feminine, and therefore justified, innocent, defensive violence."[59] Casting their own innocence within gendered categories, Americans imagined themselves as the victims of frontier violence by representing Indians as the irrational aggressor and violator of a civilized nation's just laws. But these narratives of American innocence were not limited to the Indian wars of the nineteenth century. Rather, they proved to be highly communicable concepts. From the explosion of the *Maine* in Havana harbor and the sinking of the *Lusitania* by a German U-Boat, to the Balangiga Massacre in the Philippines, the Gulf of Tonkin incident in Vietnam, the bombing of the Pacific fleet in Pearl Harbor, and the destruction of the World Trade Center on September 11, 2001, allegedly unprovoked assaults on supposedly innocent American citizens or service personnel have been used to justify belligerent policies and wars of aggression throughout the long twentieth century.[60] The perseverance of these historic and nationalistic narratives, then, can be observed in the tendency among Americans to always view their wars as defensive conflicts.

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[59] Barbara Cutter, "The Female Indian Killer Memorialized: Hannah Duston and the Nineteenth-Century Feminization of American Violence," *Journal of Women's History* 20, no. 2 (Summer 2008): 10-33; 26. Patricia Limerick likewise finds this gendering present in the westering impulse. "The idea of the innocent victim retains extraordinary power and no situations made a stronger symbolic statement of this than that of the white woman murdered by Indians," she writes. "Here was surely a clear case of victimization, villainy, and betrayed innocence." Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton & Company, 1987), 37.

[60] As Marita Struken observes, "This belief in innocence affirms the image of the United States as a country of pure intentions to which terrible things can happen, but which itself never provokes or initiates attack." Sturken, *Tourists of History*, 15. Also see Sturken, *Tangled Memories*, John Carlos Rowe and Rick Berg, eds., *The Vietnam War and American Culture* (New York: Columbia University Press, 1989);Yen Le Espiritu, "The 'We-Win-Even-When-We-Lose' Syndrome: U.S. Press Coverage of the Twenty-Fifth Anniversary of the 'Fall of Saigon'," *American Quarterly* 58, no. 2 (June 2006): 329-352.

Persistent claims to innocence have permitted the United States to pursue its domestic and foreign policies but it also enabled its citizens to live their lives in a state of touristic detachment. "The tourist is a figure who embodies a detached and seemingly innocent pose," writes cultural critic Marita Struken. The tourist's subjectivity is that of an observer; her experience of the past is one mediated through consumerism and popular culture. History, for the tourist, is something to be consumed and experienced through images, souvenirs, and other commodities. By assuming a touristic subjectivity, Struken contends, Americans inscribe narratives of exceptionalism onto traumatic events and then reduce complex historical narratives to consumable objects, which enable naïve political responses.[61]

This retreat to aloof voyeurism can be observed in the consumer culture of the Indian wars. Through the depiction of Indians in the Gilded Age popular press or on the lyceum lecture stage, newspapermen as well as performers like P.T. Barnum consciously blended history with discourses of American innocence and Indian savagery to convince white Americans that they were the victims of the Indian wars and not in fact the victorious aggressors.[62] Books, photographs, paintings, films, reenactments, and commemorations have likewise reduced the complex and political nature of the Indians wars to consumable objects.[63] Through the touristic consumption of history, then, Americans have made and remade their self-identity as fundamentally innocent.

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[61] Struken, *Tourists of History*, 9, 12.

[62] Linda Frost, *Never One Nation: Freaks, Savages, and Whiteness in U.S. Popular Culture, 1850-1877* (Minneapolis: University of Minnesota Press, 2005), 22.

[63] Historian Karl Jacoby touches on this in his study of the Camp Grant Massacre in American memory as does literary critic Michael A. Elliott, who tends to emphasize the persistently political nature of these remembrances. Indeed, as he observes in his study of "Custerology" – the numerous arenas in which historical knowledge of all things Custer have been produced – Americans keep on remembering the Indian

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This dissertation contends that American innocence is negotiated in the marketplace of remembering. Proceeding chronologically and thematically, it consists of five chapters and a conclusion, each of which explores how different marketplaces have commoditized remembrances of U.S.-Indian violence in the Klamath Basin to sustain and reproduce the myth of American innocence. Chapter One, "The Red Judas: Memory, Media and the Modoc War," provides an analysis of the Gilded Age newspaper industry and its coverage of the conflict. Throughout the course of the war, the media explained this episode of interethnic violence to its readership and in the process contextualized it within the racial politics of Reconstruction, revealing deep fissures within American society as to the future of American Indians within the body politic. Representing the death of General Canby and others through the prism of Christian martyrdom and white victimhood on the frontier, the Gilded Age press, I contend, transformed the Modoc War into a spectacle of racial violence and suffused the conflict with a narrative of American innocence.

If newspaper coverage of the Modoc War laid the foundation for future historical interpretations, the era's vibrant entertainment industries afforded some of the most enduring embodiments of that narrative. Throughout the 1870s and 1880s traveling Indian shows, itinerant public lectures, rodeos, circus acts, and patent medicine shows provided popular entertainment for many Americans. Performing recent historical events with melodramatic license, the symbolic and commercial semiotics of these performances

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wars because "the questions about the place of indigenous peoples and their nations withint he Unite States remain unresolved." Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York: Penguin Press, 2008), 240-244; Elliott, *Custerology*, 9.

imbued the Modoc War with romantic and reconciliatory overtones. In examining this marketplace of remembering, Chapter Two, "Pocahontas of the Lava Beds: Gender and the Traveling Indian Shows," considers the stage career of Toby Riddle, a Modoc woman who served as interpreter for the United States during the war, to consider how one woman used existing narratives of violence and gendered tropes of savagery and civilization to become an international star, earn a federal pension, and grow to be a local legend. Her prominence in public representations of the Modoc War since the 1870s, I argue, points to the desire among Americans to view episodes of nineteenth century U.S.-Indian violence as the tragic result of cultural misunderstandings.

The Modoc War put the Klamath Basin on the map but for the next three decades it remained on the margins of American colonial settlement. Geographically isolated, the advent of the railroad around the turn of the century coupled with the expansion of the nation's timber industry into the region after 1909 led many in the Klamath Basin to embrace the rhetoric of modernization. Expectations of a profound transformation in the Klamath Basin's regional economy from one dominated by small scale agriculture and ranching to one focused on industrialized timber production, moreover, resulted in competing understandings of the region's history. For non-Native land promoters and boosters, the Modoc War represented a rupture in the region's history, the beginning of the Klamath Basin's transformation from savagery to civilization, its incorporation into the nation state, and its embracing of modernity. But for the region's Native peoples, the Modoc War marked their violent suppression and political subjugation. Chapter Three, "The Angels of Peace and Progress: Promotional Literature, Modernity, and Land

Development in the Klamath Basin" explores these contradictory understandings of the Modoc War by analyzing the stories people told about the conflict in the midst of dramatic economic and technological change. In doing so, many non-Natives clung to a vision of American colonialism as benign, benevolent, and beneficial despite the protestations of Klamath Basin Indians political leaders and tribal historians to the contrary.

Native leaders may have opposed narratives of reconciliation, especially after promises of economic inclusion proved false, but not all Klamath Basin Indians rejected such stories. Indeed, between 1910 and 1940 dozens of Klamath Basin Indians applied for and received veteran benefits for their service as scouts for the U.S. Army by telling stories that emphasized their service to civilization. Adopting strategies similar to those used by fraternal societies such as National Indian War Veterans Organization, these Native veterans of the Modoc War, like their non-Native counterparts, sought to produce heroic narratives of progress that reconciled the violence of colonization with notions of inevitability. Yet, as Chapter Four, "Faithful Americans: Indian War Veterans, Citizenship, and Networks of Cooperation" explains, Native veterans encountered great difficulty in navigating the bureaucratic requirements of the turn of the century veteran benefits system. Couching their narratives within the rhetoric of citizenship and service, I argue, they reproduced narratives of individual valor in the service of civilization as they sought to monetize their experience within a system dedicated to the myth of American innocence.

The turn of the twentieth century saw dramatic economic change in the Klamath Basin as well as the proliferation of fraternal and sororal societies. Together, these twin impulses found expression in the rise of automobile tourism and Indian war memorialization. While nineteenth century Americans maintained their claims to innocence by reifying the death of General Canby as a quintessential moment of white victimization at the hands of unlawful Indian violence, the rise of automobile tourism in the 1910s and 1920s expanded the cult of victimhood to include all white soldiers and settlers as heritage groups, local business leaders and entrepreneurs, and outside investors surrounded themselves with domesticated representations of modern-day Modoc Indians who had supposedly forgotten the violence of the past. Disentangling the history of memorials and tourism in the Klamath Basin, Chapter Five, "Redemptive Landscapes: Memorials, Tourism, and the Reproduction of American Innocence," argues that monuments and memorials to the Modoc War have reproduced claims to American innocence through the commercialization of white victimhood and Indian outlawry even as they purport to revise historical interpretation through continually shifting categories of victimhood.

The dissertation's conclusion, "Exchanging Gifts with the Dead: Multiculturalism and the New American Innocence" extends this critique by exploring the legacy of nineteenth century U.S.-Indian violence in the late-twentieth century through an analysis of a 1988 Indian inclusive memorial to the casualties of the Modoc War. Using as a starting point a National Park Service sponsored Symposium on the Modoc War in which all participants were purportedly treated *the same*, I argue that multiculturalism has in

recent decades perpetuated narratives of American innocence while masquerading as a vehicle for reconciliation. By exploring the anthropological and sociological concept of the gift to critique the possibility of historical justice through such commemorative gestures, moreover, I suggest that such acts of reparations actually obscure the continuing power imbalances inherent within American settler colonialism while enforcing the obligation to forget ongoing inequalities as the price of inclusion within reconciliatory national narratives. In the end, *Marketplaces of Remembering* contends that by imagining the Indian wars as cultural rather then political conflicts and that by insisting that atrocities were committed on both sides, multiculturalism has perpetuated the persistent belief in American innocence.

Chapter 1

The Red Judas:
Memory, Media, and the Modoc War

"That awful power, the public opinion of this nation, is formed and molded by a horde of ignorant self-complacent simpletons who have failed at ditching and shoemaking and fetched up journalism on their way to the poorhouse."

Mark Twain, "License of the Press," 1873

William Simpson, Special Artist for the *Illustrated London News*, had a skilled hand at producing eyewitness accounts after the fact. And perhaps that is why he decided to interrupt his around-the-world trip to visit the Klamath Basin.[1] Disembarking on March 21, 1873 from the Pacific Mail Steamship Company liner out of Tokyo, Simpson was in San Francisco, seeing the sights and visiting the nearby hot springs in Calistoga, when news arrived of General Canby's death. "THE RED JUDAS: Based Treachery of the Modoc Indians. The Peace Commission Inveigled Into a Death-Trap. General Canby Murdered," declared the *San Francisco Chronicle* in a full-page article.[2] In the days and weeks following the April 11, 1873 attack on the peace commissioners, newspapers throughout the country and around the world picked up the story. The Republican leaning *Yreka Journal* called it the "most dastardly assassination yet known in either ancient or modern history."[3] The *Chicago Daily Tribune* condemned the "Indian Treachery" adding "Christian Treatment of Untamable Savages is a Sorry Delusion" while *Harper's Weekly* described "The treacherous murder of General Canby and the Rev. Dr. Thomas…[as] one

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[1] An account of this journey can be found in William Simpson, *Meeting the Sun: A Journey All Around the World Through Egypt, China, Japan, and California* (London: Longmans, Green, Reader, and Dyer, 1874).

[2] "The Red Judas," *San Francisco Chronicle*, April 13, 1873.

[3] *Yreka Journal*, April 16, 1873.

of the most tragical events in the history of Indian wars."[4] With newspaper editors throughout the country looking for material, William Simpson, famed veteran reporter of the Crimean War, the Franco-Prussian War, and the Paris Commune uprising, boarded a train in San Francisco and headed north for the remote battlegrounds of the Modoc War.

During his eight-day visit to the region, Simpson produced several drawings the most famous and widely copied being "The Murder of General Canby by the Modoc Indians" (Figure 4) Basing his portrayal on information obtained, sometimes third and fourth hand, from nearby ranchers and a few soldiers, none of whom were within a mile of the actual attack, Simpson's sketch was later made into a single massive 23 ¼ x 33 ½ inch block. Originally appearing in *The London Illustrated News* on May 31, 1873, Simpson's dramatic engraving reflected the national zeitgeist in the spring of 1873 by portraying Canby's death as a premeditated betrayal. Simpson's composition, moreover, evinced a sense of anticipated violence and betrayal and casts the conflict as a historic struggle between competing moralistic impulses. In the center stands Captain Jack, dressed in trousers, a long-sleeve shirt, boots, and a brimmed hat. He advances on General Canby, arm outstretched, a pistol leveled and aimed with calculated intensity. Opposite Jack the general commands his attacker to stop with his right hand held palm out. The two figures stand, eyes locked, frozen in a battle of wills. The background accentuates the image's metaphoric dualism. From the viewer's left, several armed Natives rush their unsuspecting victims. On the right hand side, the peace tent where negotiations were to be conducted stands with its door open evoking the possibility of a peaceful resolution, even in this final moment.

[4] "The Modoc Massacre," *Harper's Weekly*, April 26, 1873.

Figure 4. "The Murder of General Canby." Wood Engraving based on Sketch by William Simpson, *The London Illustrated News*, May 31, 1873 (508-509); republished in *Harper's Weekly*, June 28, 1873 (584).

Although Simpson seemed to have sympathized with the plight of the Indians – he later claimed, "the sense of justice in human nature must declare that these tribes have been cruelly wronged" – he nonetheless represented Jack's tactics as evidence of a moral failure. The Modoc, Simpson believed, were virtuous warriors whose romantic feats were legendary. Their decision to attack the commissioners, however, had tarnished their valor. "Had they not basely accomplished the deaths of General Canby and Dr. Thomas, few heroes could have been compared to them," Simpson later wrote. "That crime put them beyond the pale of mercy, and extermination like vermin was decreed against them."[5] Simpson's engraving, then, constructed a narrative of innocence lost, in which

[5] William Simpson, *Meeting the Sun: A Journey All Around the World Through Egypt, China, Japan, and California* (London: Longmans, Green, Reader, and Dyer, 1874), 367, 373.

Indian violence was not irrational but tragic. In resisting a romantic death, the Modoc had made history but would be forever remembered as villainous criminals.

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Brimming with racial and political tensions and tinged with Judeo-Christian as well as Shakespearian influences, Simpson's portrayal of the "Death of General Canby" remains one of the most ubiquitous and influential images we have of the event. But in portraying the violence of the Modoc War, it casts the conflict within the paradigm of American innocence and revealed the interconnectivity of representation and memory with the webs of violence that have created and maintained American colonialism. This chapter argues that the dynamics of the Gilded Age newspaper industry and its coverage of the Modoc War has mediated historical memories of U.S.-Indian violence in the Klamath Basin ever since. Motivated by a desire to capitalize on the rancorous sectional and political debates surrounding federal Indian policy and Reconstruction in the American West, newspapers in affluent cosmopolitan markets dedicated considerable resources to covering episodes of U.S-Indian violence throughout the 1870s, producing sensational accounts for their anxious readers.

These ideological and racially biased representations, moreover, laid the foundation for subsequent historical memories. Though certainly clichéd, the axiom "journalists write the first draft of history" should not be forgotten since journalistic representations of the present influence how a given community relates to its past or whether they remember certain events at all.[6] This is especially true for the nineteenth

[6] Jill A. Edy, "Journalistic Uses of Collective Memory," *Journal of Communication* 49, no. 2 (Spring 1999): 71-85.

century when the penny press revolution of James Gordon Bennett's *New York Herald* and Horace Greeley's *New York Tribune* in the 1830s and 1840s and the advent of illustrated weeklies like *Harper's Weekly* and *Frank Leslie's Illustrated News* in the 1850s and 1860s, resulted in a fundamental shift in the loci of American myth-making from novels to popular journalism.[7] Indeed, according to Richard Slotkin, the Gilded Age press was a kind of historical memory sausage factory in which "the raw material of history was immediately processed, conflated with ideology and legendry, and transformed into myth."[8] In other words, used to create, represent, transmit, revise, and preserve collective constructions of historical events as they unfolded, newspapers informed the American populace, influenced contemporary policy decisions, and, above all, laid the foundations for future historical interpretations by representing white Americans as the victims of Indian violence.

On the Origins of the Modoc War

"Who are the Modocs, and what is the Modoc war?" asked the *Boston Evening Journal*. "Daniel Webster said it would be awkward to be annihilated and not to know it, and so it would be rather hard to find our country engaged in a war with unknown enemies."[9] Months before Simpson produced his sketch of Canby's death, when violence erupted in the Lost River Valley in late-November 1872, few Americans had heard of either the Modoc people or the Klamath Basin. However, between late-January and early April 1873, intense newspaper coverage familiarized many with the region's history and

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[7] Paul Starr, *The Creation of the Media: The Political Origins of Modern Communication* (New York: Basic Books, 2004), 131-139.

[8] Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization* (Norman: University of Oklahoma Press, 1998), xvi.

[9] "The Modoc War," *Boston Evening Journal*, December 28, 1872, 2.

produced a network of associations that influenced federal policy. Combining political and military reporting with amateur history and anthropology, energetic muckraking, and shameless self-promotion, these accounts of the Modoc War constructed narratives of U.S.-Indian violence that, at times, served to reaffirm the biases and expectations of their consumers. Competing theories of the origins of the conflict circulated widely, often influenced by the market within which these narratives spread: local newspapers and commentators with economic ties to the region tended to single out the innate "savagery" of the Modoc character while more nationally minded commentators tended to favor political and economic explanations over cultural or social. From both supporters and detractors, economic exploitation, corruption within the Office of Indian Affairs, and political chicanery on the part of both the United States and the Modoc all emerged as explanations for the conflict; the only thing that changed was whether these motivations were evidence of culpability on the part of Klamath Basin Indians, settlers, or the federal government.

The spectacle of U.S.-Indian violence that came to be known as the Modoc War revealed tensions inherent within the Grant Administration's Indian policy. Following the Civil War and the end of slavery, erstwhile abolitionists like Lucretia Mott and Wendell Philips Holmes turned their attention to the plight of American Indians and the United States Army's strategy of warfare. They advocated for a more benign approach to the "Indian Question" that sought to remove control of federal Indian policy from the hands of corruptible bureaucrats in favor of the assumed incorruptible oversight of Christian missionaries. Under the pretense of pursuing more peaceful relations with the continent's

Natives, Congress adopted an approach that favored the establishment of reservations where Indian wards were, in theory, far removed from white settlement and under the guidance of Christian missionaries and might eventually assimilate to the American Christian-capitalist system.[10] Popularly referred to as the "Peace Policy" or "Quaker Policy," the government's approach to Indian Affairs after Grant's inauguration in 1869 nonetheless retained what Karl Jacoby terms a "germ of violence." "Those who do not accept this policy will find the new administration ready for a sharp and severe war policy," Grant declared in a comment that reveals the implicit violence of their approach. In other words, the government would be justified in pursuing total war on any Indians who refused to live "peaceably" within the boundaries of a reservation.[11]

But the prospect of an Indian war in the Klamath Basin exposed ideological differences between political factions in the both California and Oregon. California's Republican Governor Newton Booth, for one, refused to provide state funds to raise a company of volunteers to assist the Army. "[T]he United States forces are quite strong enough to cope with Captain Jack without any aid from the States," he believed.[12] Instead, the governor – observing that the Commerce Clause of the Constitution placed Indians under federal jurisdiction – proposed that Washington provide Captain Jack and his Modoc with their own, separate and smaller reservation, variously reported at from 1500 to 5000 acres, in Oregon's Lost River Valley.[13] Not surprisingly, many Oregonians,

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[10] Karl Jacoby, *Shadows at Dawn*, 125.

[11] Jacoby, *Shadows at Dawn*, 127; Robert Utley, *The Indian Frontier of the American West, 1846-1890* (Albuquerque: University of New Mexico Press, 1984), 130.

[12] "The Modoc War: Governor Booth Called Upon to Raise a Company," *San Francisco Chronicle*, January 1, 1873

[13] "The Modoc War: A Note from Governor Booth," *San Francisco Chronicle*, January 3, 1873; "The Modoc War: Gov. Booth Refuses to Call Out Volunteers," *Yreka Union*, January 4, 1873

including the state's Democratic Governor, did not favor Booth's solution. In a scurrilous editorial, Booth's opponents fired back:

> It would seem that the eminently humane Governor of [California] is a man of profound philantrophy [sic]. He thinks that the Government of the United States shall yield its hitherto declared policy towards Indians and that they ought to be permitted…to rove at will, dictating to settlers where they shall locate their future homes on unoccupied lands, and by a system of threatening and intimidation, prevent the progress and settlement of the country.

Building steam, the editorial turned to the fourteen dead Lost River settlers in late-November and expressed concern that should the federal government negotiate with the Modoc they would serve as a precedent for future "misbehavior" on the part of Natives throughout the region and across the continent:

> We are now told that [Booth] is recommending to higher authorities actually to pay these murdering thieves for their bloody work! Asking the United States Government to submit to their demands and to donate to them a hundred acre of land apiece for each citizen's life they have taken! If this course should be adopted, what is to prevent every Indian on any reservation from leaving, then raising the war whoop, and dancing the scalp dance in every exposed settlement?

Finally, in a crescendo of vitriol that presaged the most vehement calls for racial violence towards the end of the Modoc War, the editorial concluded:

> No American citizen…will consent to any condoning of these foul murders. Justice, sharp and bloody, ought to be executed against these remorseless scoundrels...We believe that any white man's life, however humble he may be, is worth all the murdering vagabonish [sic] Indians now roving over the continent…We trust, and we know it is the general wish, that by this time every cutthroat Modoc who has aided and abetted these murderers has expiated his crimes by his worthless life. All we regret is that any white man should be hurt in the struggle. Then we are willing that the government should donate to each one of them a Reservation–of six feet of unoccupied land.[14]

[14] Unfortunately, the extent files of the *Daily Oregon Herald* are incomplete but like-minded newspapers occasionally reprinted or commented on material from its pages. "The Modoc War," *Yreka*

Reprinted in the *Yreka Union,* the *Jacksonville Democratic Times*, and other Democratic papers in California and Oregon, the partisan nature of the opposition revealed the violence inherent within the federal government's Indian policy and the racial animosity towards Natives characteristic of California and Oregon politics at this time.

Political differences also influenced public perception of the conflict. William Irwin, editor of the *Yreka Union* and a Democratic State Senator, for instance, characterized the conflict as a race war. Shortly after the Battle of Lost River in late-November he warned, "It is just possible that Jack, if he has the genius sufficient, may combine all these tribes [in the region] in a treaty offensive and defensive, as against the whites." But he was quick to observe, "[N]o combination of Indian tribes can be so powerful but it must succumb before the invincible Anglo Saxon."[15] A month later, Irwin persisted in the widely held belief in the inevitability of indigenous extinction in the Klamath Basin. "[A]ll tribes on this coast are doomed to a speedy extinction," he wrote in an editorial.

> They are too weak and inefficient of character to profit by contact with the white race…The only effectual remedy is to erect a barrier so that the two [races] can not come together. This can be done, and in our judgment can only be done by the Government's taking charge of the Indians, placing them on reservations and compelling them to remain. Proper humanity toward the Indians requires that this shall be done whenever the white settlement's approach so near the homes of the Indians that the latter will seek the towns of the settlement as places of resort and loafing.[16]

Union, January 25, 1873. For a response to this editorial see "The Modoc War," *San Francisco Chronicle*, January 18, 1873.

[15] "The Indian Trouble: Fiock not Killed," *Yreka Union*, December 14, 1872.

[16] "The Modoc Question," *Yreka Union*, January 11, 1873.

In reporting on the Modoc War, Irwin and others participated in what Patrick Brantlinger terms the Victorian Anglophonic world's obsession with the "self-extinguishing savage."[17] If the Modoc were "howling, scowling, swearing savages" or "dirty, worthless, red devils," their violent, nomadic, and archaic primitivism was both the cause for and the evidence of their inevitable and inglorious extinction.[18]

While some journalists presented the conflict in terms of irrational Indian savagery in order to blame the Modoc, humanitarian and pro-Peace Policy papers tended to accuse local settlers of exploiting the Natives and to fault the federal government for its faithless dealings with the tribes. "The whites have encroached upon their country and appropriated their lands for agricultural and grazing purposes," explained the *San Francisco Chronicle.* "The Modocs have once been driven upon a Government reservation, a cold and dreary spot, where, neglected by the authorities, swindled by the traders, insulted and outraged by vagabond whites, they felt that they were unjustly dealt with."[19] Samuel A. Clarke, a prominent businessman and politician in Portland and the former editor of the *Oregon Statesmen*, tended to agree. In a letter to the editor of the *New York Times*, he wrote: "Having read several notices of the Indian troubles in Southern Oregon, in the New-York papers, none of which show accurate knowledge of the circumstances, I have worked up the facts." The Modoc, he said, were convinced to leave their reservation by "a certain class of whites who are decidedly 'of the baser sort,' and who have persuaded them that they are under no obligation to carry out their treaty."

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[17] Patrick Brantlinger, *Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800-1930* (Ithaca N.Y.: Cornell University Press, 2003), 2-3.

[18] *Daily Oregon Herald* quoted in *San Francisco Chronicle*, December 9, 1872, 3.

[19] "The Modoc War," *San Francisco Chronicle*, January 1, 1873, 2.

But Clarke did not absolve the Modoc of all responsibility. "They refused to treat, they refused to talk, and when the military were placed in charge of the affair they began the conflict themselves."[20] To the *Times'* predominantly conservative, middle-class readership, the oblique reference to "bad whites" would have reinforced their suspicion of working class immigrants and the supposed dangers they represented.[21]

Not all advocates for a political and economic explanation of the conflict, however, espoused white racism. Elijah Steele, for instances, embodied the more lofty if paternalistic views of abolitionists and the Republican bourgeoisie. A respected judge in Yreka and former legislator in the California States Assembly, Steele was an ardent Republican who had actively campaigned for Abraham Lincoln in 1860. As a former Agent of Indian Affairs for the Northern District of California, moreover, Steele had negotiated an earlier and ultimately unratified treaty with Captain Jack in February 1864. Known as the Valentine Day's Treaty, the agreement would have reserved Jack's claim to the Lost River Valley for fishing and hunting but would have obligated him to allow settlers to graze their cattle in the area.[22] In an interview with Robert D. Bogart of the *San Francisco Chronicle,* Steele explained what he believed was the root cause of the Modoc War: the Indian's right to property and Indian Agency graft. Employing his own interpretation of the Fifteenth Amendment, Steele said he had advised Jack that he could "pre-empt eighty acres of the land…live upon it, cultivate it, pay taxes, and in short live

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[20] Samuel Clarke, "The Modoc Indians: Origins of their Troubles," *New York Times*, January 1, 1873.

[21] Joshua Brown, *Beyond the Lines: Pictorial Reporting, Everyday Life, and the Crisis of Gilded-Age America* (Berkeley and Los Angeles: University of California Press, 2002), 77-103

[22] Elijah Steele to his brother, n.d. [c. May 1873] in *Modoc War Correspondences*, 297-309. The name "Valentine Day Treaty" may have come from Murray, *The Modocs and Their War*, 36-37.

like white people."[23] According to Steele, the Modoc were attempting to protect their land and exercise their rights as citizens of the United States. And Steele accused the Indian agents on the Klamath Reservation of having established a shadow business to supply beef and other provisions to the reservation; he charged twice the market rate for beef and then supplied only half the contract. Although Steele's allegations were never substantiated, they reflected the politics of Indian reformers by suggesting the Modoc were the victims of economic exploitation and that the conflict had been the result of fiduciary negligence on the part of the government.[24]

While more nationally oriented newspapers such as the *San Francisco Chronicle* and the *New York Times* tended to insist the conflict was rooted in the history of American settler encroachment, those interested in absolving the local settlers tended to invoke that same history as a rationale for a more bellicose course of action. In late-February or early-March 1873, Thomas B. Odeneal, Oregon Superintendent of Indian Affairs and the editor of the *Portland Daily Bulletin*, published a fifty-six page pamphlet in which he chided the "sensational press of the country – especially that of California" for promulgating "erroneous impressions" and "false accounts" of the origins of the Modoc War. "The peaceable arbitration and solution of foreign questions, and the political calm which followed the excitement connected with the presidential contest," Odeneal explained, "had left the newspapers of the land almost without material to work upon." When news of the Battle of Lost River "broke the monotonious [sic] quiet of the times," Yankee humanitarians and prejudicial Californians "keep up the wail for a

[23] "Modoc War: Elijah Steele Interviewed," *San Francisco Chronicle*, February 3, 1873. Also see R.F. Bernard to Samuel Buck, January 26, 1873, Klamath County Museum, *Don Fisher Papers*, 586-592.
[24] "Modoc War: Elijah Steele Interviewed," *San Francisco Chronicle*, February 3, 1873.

weekly stipend about the abuses, frauds, and injustice of the authorities against this band of Modocs" until "the sound was heard in every nook and corner of the nation." Fortunately, the "press of enlightened Oregon" had been spared from this "flood of misrepresentations." In defense of truth and the people of Oregon, Odeneal intended "to furnish for publication a brief history" and "to dissipate the cloudy fancies of romancists [sic]."[25]

The origin and cause of the Modoc War, according to Odeneal, was a lenient federal policy, which allowed the Modoc to ignore their treaty obligations and persist in an illegal and belligerent occupation of the Lost River Valley. Grant's Peace Policy was "the source of more trouble with Indians than anything else" for too much "pow-wowing" had "emboldened" Jack into believing that through negotiation a peaceful settlement might be reached. Immediate and decisive military action, Odeneal insisted, would have "accomplished the desired object." Besides, Odeneal was convinced of the fundamental legality of American settlement. In terminology that would appear over and over again in arguments for Modoc culpability, Odeneal insisted that settlers in the Lost River area had "vested rights in the land" and that by agreeing to the treaty of 1864 the Modoc had "divested themselves" of all claims to the region. Thus, in Odeneal's estimation, allowing Jack to remain in the Lost River Valley would have been "a violation of equity and justice." He concluded his explanation with an increasingly familiar warning: "Let Captain Jack dictate his own terms, and it may not be long before

[25] Thomas B. Odeneal, *The Modoc War: Statement of Its Origin and Causes Containing an Account of the Treaty, Copies of Petitions, and Official Correspondence* (Portland: "Bulletin" Steam Book and Job Printing Office, 1873), 2, 3-4, 5. For the Portland Daily Bulletin, see Harvey Whitefield Scott, ed., *History of Portland, Oregon, with Illustrations and Biographical Sketches of Prominent Citizens and Pioneers* (Portland, OR: D. Mason & Co., 1890), 419.

the Klamaths, the Snakes, some of the Umatillas, and others may feign to be aggrieved, and follow Jack's precedent."[26] Such arguments, no doubt, played well among Oregon voters and may have stemmed from Odeneal's ambition for state office.[27]

The historical and legalistic explanations Odeneal presented drew on a rich tradition of justifying inter-racial violence through appeals to American innocence and indigenous criminality. "Among those persistent values, few have more power than the idea of innocence," writes historian Patricia Nelson Limerick. "Even when they were trespassers, westering Americans were hardly, in their own eyes, criminals; rather, they were pioneers….Innocence of intention placed the course of events in a bright and positive light."[28] Moreover, the supremacy of Euro-American jurisprudence suffused Odeneal's diatribe. The Modoc had "divested themselves" of their land through an "international treaty" and their continued occupation of the Lost River Valley was, therefore, illegal. Essential to Odeneal's argument was the assumption that if the Modoc War were a political conflict, it was nonetheless further evidence of the Indian's dishonest and pernicious character. By entering into a treaty with the United States, he and others argued, Klamath Basin Indians had submitted themselves to the legal regime of the United States. Their property rights, then, were not the expansive rights afforded to citizens but the circumscribed rights of domestic dependent wards. In time, these arguments would arise again and assume new importance following the death of General

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[26] Odeneal, *The Modoc War: Statement of Its Origin and Causes*, 7-8, 8, 9-10.

[27] Odeneal had held a variety of county level positions in Benton County. Shortly after the Modoc War, Odeneal was elected to the Oregon Supreme Court, an elected position he held, intermittently, for several decades. John B. Horner, *Oregon: Her History, Her Great Men, Her Literature* (Corvallis, OR: Press of the Gazette-Times, 1919), 284-285.

[28] Limerick, *The Legacy of Conquest*, 36.

Canby and Reverend Thomas but in the winter of 1872-73 they played an important role in determining whether or not the federal government would seek a peaceful resolution.

"In Captain Jack's Cave": Political Crusades and Promotional Stunts

While the nation debated the causes and origins of the Modoc War, special correspondents dispatched to the Klamath Basin to cover the conflict found little to report. What had appeared to be a promising source for sensational accounts of Indian massacres and military defeats devolved into a protracted and secretive negotiation and a soporific ceasefire. To meet their editor's demands reporters relied on two emergent genres: the political crusade and the self-promotional stunt. Yet these methods of reporting the news had their costs and consequences. By fabricating or inflating tangential political scandals and focusing on masculine feats of journalistic prowess, the Gilded Age press obscured and marginalized the Modoc's motivations and perspectives even as they complicated and undermined efforts at peace. As the newly appointed Peace Commission convened to begin negotiations, the sensationalist media stood poised to transform the proceedings into a spectacle for their reader's consumption.

Originally consisting of three Oregonians – Alfred B. Meacham, a passionate advocate for Indian rights and the former Oregon Superintendent of Indian Affairs; Samuel Case, the Alsea Indian Reservation agent; and Jesse Applegate, who though nominally living in California, was the head of a prominent family of Oregon settlers and co-founder of the famous Applegate Cut-off, the primary route by which settlers migrated to the region – the commission had to answer charges of illegitimacy directed at them by

politicians and the media from the very beginning.[29] At their February 19th meeting, the first order of business was to respond to a blistering open letter from Governor Grover. Published in newspapers throughout Oregon and beyond just prior to being delivered to the commissioners, he made three points. First, he insisted the Modoc were murderers and that "the massacre of eighteen citizens…in cold blood at their homes and in their fields" was committed "without provocation and without notice." Second, Grover asserted that the trial and punishment of the Indians was under the jurisdiction of the civil authorities not the military or federal government. Finally, Grover insisted that in the interest of "future peace" no reservation could be established in the Lost River Valley.[30] The commission's reply was cool. In an open letter to Grover, Jesse Applegate chastised the governor for showing "undue haste" in addressing a letter to a board not yet constituted. And he reminded "his excellency" that although the Modoc War began in Oregon and was being conducted in California, it was nevertheless under the direction of the U.S. Army and that the commissioners derived their authority from the federal government.[31]

Grover was not alone in questioning the legitimacy of the Peace Commission. The press, in particular the *San Francisco Chronicle*, criticized the commission for its composition and spread rumors of Jesse Applegate's involvement in defrauding the Klamath Reservation. "It is generally believed that no one had more to do with getting up

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[29] C. Delano to William Belknap, January 30, 1873, C. Delano to the Acting Commissioner of Indian Affairs, January 30, 1873, and E. D. Townsend to W. T. Sherman, January 31, 1873 all in *Modoc War Correspondences,* 65-66.

[30] LaFayette Grover to the Commissioners appointed to conclude Peace with the Modoc Indians, February 10, 1873**,** *Letters Received of the Bureau of Indian Affairs, Oregon* in *KMY-ICC-100*, Roll 1-A, Frames 00826-00828.

[31] Jesse Applegate, "An open letter to Governor Grover," February 16, 1873 in *Modoc War Correspondences*, 252-253.

the Modoc war than the numerous tribe of Applegates," complained Robert Bogart in his dispatches to the *Chronicle*. "They wanted the Indians driven into the reservation that the Applegate pocket might be more plethoric with the plunder to be obtained from Uncle Sam, on the one hand, and the Modoc on the other."[32] Instead of Jesse Applegate, Bogart and others proposed the government appoint Elijah Steele and Alexander M. Rosborough, a Judge in California's 8th Judicial District and a vocal advocate for fair treatment of the Modoc.[33] For their part, the Modoc were also keen to replace Applegate with either Rosborough or Steele. During their initial meeting the commissioners – represented by Robert Whittle, a settler who operated the ferry across the Klamath River, his Modoc wife Matilda, and two younger Modoc women named Artina Choaks and One-Eyed Dixie – Jack refused to negotiate until more "impartial arbitrators" were appointed.[34] Jack would only discuss surrender, according to Matilda Whittle and Artina Choaks, if Steele and Rosborough replaced Applegate on the commission.[35] Unknown to the Modoc, General Canby had weeks earlier recommended that Rosborough be appointed to the commission to represent the interests of California settlers. At the request of the Modoc and with the support of Meacham and Canby, the judge was added in late-February.[36] In response, Applegate resigned citing a conflict of interest if the commissioners were to further investigate charges of fraud on the Klamath Reservation.[37]

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[32] "A Family Job," *San Francisco Chronicle*, February 18, 1873, 2.
[33] "The Modoc Peace Commission," *San Francisco Chronicle*, February 28, 1873.
[34] "The Modoc War: Negotiations for Peace," *San Francisco Chronicle*, February 27, 1873.
[35] New York Herald, March 8, 1873.
[36] Alfred B. Meacham to H.R. Clum, February 22, 1873, "Special File 10: Files Concerning Trouble with the Modoc Indians, 1872–1873" in *Records of the Indian Division, Office of the Secretary of the Interior: Special Files, 1848–1907,* Reel 4, Frames 0964-0970; E.R.S. Canby to W.T. Sherman, February 7, 1873, *Letters Received of the Bureau of Indian Affairs, Oregon* in *KMY-ICC-100*, Roll 1, Frame 0075.
[37] Jesse Applegate to H.R. Crum, February 26, 1873 in *Modoc War Correspondences*, 258.

Bogart's vigorous pursuit of Applegate and his crusade against the "Oregon Peace Commission Ring" were emblematic of changes in popular press transforming the nature of journalism in the mid-nineteenth century. Prior to the Civil War, the vast majority of American newspapers were firmly aligned with a political party. The 1870s, however, were a period of increasing journalistic independence as publishers in large cities increased their circulations and outgrew their financial dependence on political parties and the government printing contracts they brought. They replaced partisan sloganeering with boasts about their ideological independence or their reach, they professionalized, and they expanded. By 1875, there were an estimated 6,000 independent journals in the Northern states alone. Within this rapidly expanding market, the competition for readership was fierce and editors pursued sensational stories and then boasted about it. The *New York Times,* for instance, became famous for their 1870-71 campaign against William "Boss" Tweed and his political machine Tammany Hall. The *New York Herald* similarly garnered wide publicity when James Gordon Bennett, Jr. sent his reporter Henry Morton Stanley to Africa to find the Scottish missionary David Livingston. Bogart's coverage of the Peace Commission, then, drew rhetorical inspiration from this new style of reporting, and he was not alone.[38]

As the Peace Commission took shape, the media continued to transform the proceedings into national theater for their readers through a series of self-promotional stunts. An interview with Captain Jack was much coveted and every journalist in the Klamath Basin vied for an exclusive. On February 24th, Edward Fox of the *New York*

[38] Michael McGerr, *The Decline of Popular Politics: The American North, 1865-1928* (New York: Oxford University Press, 1986), 108-113.

Herald made his way into the Modoc's camp by following tracks in the snow of emissaries sent to negotiate with the Natives. In reporting on the meeting, Fox employed the sensational style of an adventurer-correspondent. He datelined his account "in Captain Jack's cave" and provided florid descriptions of the Modoc and their makeshift encampment. Yet, even allowing for Fox's journalistic license, the interview was a substantial statement on the origins of the Modoc War from the perspective of Jack and those with him. According to Schonchin – eldest headman in the Lava Beds – the soldiers were responsible: "[T]ell your people white men shoot first…I gave away all my country [and] keep little piece on Lost River, yet they shoot me. I don't know what for I thought I gave them all my land, water, grass, everything. I don't charge nothing for my country; give away all, yet they shoot me." He insisted, moreover, that he would not come to the soldier's camp to talk because "He remembered the Ben Wright treachery."[39] In 1852, the Quaker Indian Agent turned vigilante Ben Wright had supposedly invited the Modoc to a "peace feast" to negotiate a lasting agreement between the Klamath Basin Indians and the newly arrived settlers. However, when the Modoc had gathered, Wright and his men, according to Schonchin, opened fire and killed between forty or fifty. In reporting on the Modoc's accusation, the *Indianapolis Sentinel* editorialized: "This naturally created considerable distrust between the whites and Indians."[40] Always quick to defend their readership, the *Yreka Union*, claimed that Wright had not enticed the Modoc into an ambush but had killed the "dusky warriors" in "hand to hand combat" after witnessing

[39] "The Modoc Troubles: Visit to Captain Jack's Camp," *San Francisco Bulletin*, February 25, 1873.
[40] "The Genial Savages: More of the Modoc," *Indianapolis Sentinel*, February 24, 1873

the Indians attack a pioneer wagon train.[41] For Schonchin, the region's legacy of betrayal and violence made future negotiations nearly impossible.

Fox's reporting provided the Modoc an opportunity to articulate their grievances and to locate the conflict within more widespread incidences of corruption on the Klamath Reservation. According to one Modoc, they were "moved three times from place to place" in the middle of winter and "only given half a blanket" if they got blankets at all. Others complained they had received no food and had to "kill their horses for meat." In his brief interview, Jack reiterated these points but again expressed his desire for peace and to have the same rights as the settlers. He said all he wanted to do was to have peace and go to Yreka. "I go as white man; money in pockets; go to store; buy what I want. I make more friends with whites." Fox concluded his account of their interview by editorializing:

> [The Modoc] have been badly treated and the origins of the war can easily be traced to a few Oregonians….They hold themselves innocent of any crime, as after the white men attacked, they do not consider it any wrong to kill white men…They are, however, willing to go on a reservation, and if the whites only keep faith with them and the Indian agents do not rob them of their supplies…they will remain quiet like the rest of their tribe and give no further trouble.[42]

Although Jack and the other Modoc had confirmed the most egregious charges of corruption and misconduct on the part of the Office of Indian Affairs and the military, the popular press minimized the substance of the interviews and instead transformed the event into a spectacle of masculine journalistic prowess to the delight of their readerships.

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[41] "The Modoc Difficulties: Who is in the Right, the Indians or the Whites?" *Yreka Union*, February 15, 1873.

[42] "In the Modoc Camp: A Herald Correspondent's Ride into Captain Jack's Stronghold," *New York Herald*, February 28, 1873, 3-4.

The *New York Herald* dedicated an entire first page to the story and confirmed reports that the telegraph fees alone cost the paper $500 or $600.[43] "This feat of Fox has placed the *Herald* in the van, and distanced all competitors in the race for news!" declared the *Yreka Union*. The *Trenton Gazette* praised Fox for his gumption and chivalry:

> It reads more like some knight's tale, related at King Arthur's Round Table, than a mere matter-of-fact piece of modern newspaper enterprise… What sagacity and courage was needed to conceive and so successfully to execute the mission…to the Modoc chief among the almost inaccessible wilds of Northern California.[44]

And several papers, of course, compared Fox's success and style to Henry Morton Stanley and his search for Dr. Livingston in Africa.[45]

The Gilded Age popular press with its fondness for sensationalizing encounters with the racialized other, portrayed the first exclusive interview with Captain Jack not as a substantive statement on the causes and origins of the Modoc War from the Native perspective but rather as further evidence of the superior bravery of the white adventurer journalist, suggesting the degree to which the marketplace of memory transformed stories of U.S.-Indian violence into consumable objects for eastern, cosmopolitan audiences. By minimizing the political and economic origins of the conflict and blaming a "few Oregonians", moreover, the press maintained the notion that Americans were innocent despite the conflicts resulting for expansion and the ideology of manifest destiny. Although other correspondents emulated Fox's success and published their own

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[43] "The Herald and Its Enterprise," *New York Herald*, March 19, 1873.
[44] "The Herald Among the Lava Beds: Chivalrous Journalism," *Trenton Gazette*, March 1, 1873.
[45] "The Modoc Difficulties: The Latest from the Peace Commissioners," *Yreka Union*, March 1, 1873.

interviews with the Modoc, his performance and fame persisted, and for many years he maintained the sobriquet "Modoc Fox."[46]

Peace Negotiations and the End of the Peace Commission

While the *New York Herald* and other national papers marveled at their own capacity for delivering spectacle to the masses, the arrival of Rosborough and Steele to join the peace commission seemed at first to yield results. On February 27th, the commissioners met and agreed upon the terms they would offer the Modoc: first, they were to surrender to the United States Army and military authority; and second, they were to agree to move to a new reservation in either Arizona, Oklahoma Indian Territory, or Southern California.[47] The following day, Steele and Fairchild, with a Kentucky-born settler named Frank Riddle and his Modoc wife Toby as translators, brought these terms to the Stronghold. But the Modoc were uncertain. "I do not want to leave my country," Jack responded when told he would have to leave the Lost River Valley. "Not to any other country that I know of to live in. My father, mother, and brother also, are buried here. I desire to live and die in my own country."[48] The following day, the two parties met again and after several more hours of discussion and although the Modoc had agreed to nothing the emissaries left with Steele convinced the Modoc would agree to their terms eventually.

Upon returning to the Army's camp, Steele's rosy assessment of the Modoc's willingness to settle created a cavalcade of reactions that echoed across the media

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[46] "Newspaper Man and Soldier," *San Francisco Chronicle*, March 20, 1895.
[47] "Peace with the Modocs," *San Francisco Chronicle*, March 3, 1873.
[48] Albert Samuel Gatschet, *Klamath Indians of Southwestern Oregon* (Washington DC: Department of the Interior, 1890), 38-39. Idiomatically, her account was phrased differently because it was translated literarily. This is a slightly altered version to improve comprehension.

landscape. Meacham sent a hasty telegraph to Washington, D.C.: "Modocs to surrender as prisoners of war, to be removed to a southern and warmer climate and provided for. They accept the terms and have sent a delegation of eight to talk over details but not to conclude them….Everything looks favorable for peace."[49] The popular press picked up on the story and celebrated the news with banner headlines: "Captain Jack Abdicates!" "Burying the Hatchet, Smoking the Pipe of Peace with the Modocs" declared the *New York Herald* and *San Francisco Chronicle*.[50]

The euphoria, however, was short lived. When Steele and the others returned to the Stronghold to resume negotiations, they found the Modoc suspicious and distrustful. The Natives had heard rumors that Steele had misrepresented them to the soldiers and, suddenly mistrustful of Steele's motives, they had decided in council to reject the commissioner's proposal requiring them to leave the Klamath Basin. "Captain Jack don't know anything about another country—don't want to go there," Schonchin declared. "I want a good country to live in." As an alternative, Jack suggested that if a reservation in the Lost River Valley would cause too many problems, the Modoc might remain in the Lava Beds and allow the Oregonians to have the rest.

> I am not like the Oregonians; I want everything wiped out; I have been staying around here and am willing to stay here; let them have that side of the lake and I will keep this side; I don't know of any other country; don't want any but this, and have nothing to say about another country….This is my home; I was born here, always lived here and I don't want to leave here.[51]

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[49] Commissioners to C. Delano reprinted in "Red Wins!: Burying the Hatchet," *San Francisco Chronicle*, March 4, 1873.

[50] "Captain Jack Abdicates: The Modoc Unpleasantness Satisfactorily Settled," *New York Herald*, March 9, 1873; "Red Wins!: Burying the Hatchet," *San Francisco Chronicle*, March 4, 1873.

[51] "The Warriors' Council: Great War Talk at Modoc Headquarters," *New York Herald*, March 18, 1873.

Although Jack's proposal struck Steele and Fairchild as absurd because the area was deemed so inhospitable, it actually made a great deal of sense from the Modoc perspective. Located on the shores of *Móatakni é-ush* – Tule Lake – the Lava Beds were the center of the Modoc world. Many of the Modoc's most productive fishing sites were located along the shores of Tule Lake and, perhaps most significantly of all, it was where *Gmukamps* – the Modoc cultural hero – created the world by stacking handfuls of mud onto the lake shore. Jack's willingness to accept a reservation in the Lava Beds, then, might have been acceptable to both sides. However, Steele and Fairchild rejected the idea as certain to invite future conflict and they ended the meeting with only vague promises of another in the future.[52]

This failure at compromise marked the end of the first stage of peace negotiations and revealed deep divisions instead of common ground for moving forward. The Klamath Reservation was unacceptable to the Modoc but the Oregonians refused to allow them to remain in the Lost River Valley. A reservation beyond the Klamath Basin was equally unacceptable to the Modoc. Moreover, whether the result of intentional duplicity or imprecise translation, the Modoc had become mistrustful of their most ardent supporters. H. Wallace Atwell expressed the common sentiment when he wrote in the *San Francisco Chronicle*, "So ends the first chapter of the Peace Commission, which has been fraught with dangers, blunders and serious mistakes."[53]

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[52] Alice Marriott and Carol K. Rachlin, eds., *American Indian Mythology* (New York: Thomas Y. Crowell Company, 1968), 27-29.

[53] "In Capt. Jack's Camp: The Indian Chieftain's Change of Front," *San Francisco Chronicle*, March 11, 1873.

The impasse also corresponded with yet another reconfiguration of the Peace Commission. On March 2nd, Samuel Case resigned pleading urgent business on his reservation. Two weeks later Delano appointed to the commission Reverend Eleazar Thomas, a Methodist minister from Petaluma, California, and Leroy S. Dyar, the newly arrived Indian Agent on the Klamath Reservation – the third in six years.[54] Combining inexperience with unfamiliarity, relations between the Modoc and the commissioners were further exacerbated by the departure of both Steele, who returned to Yreka, and Rosborough, who, though, technically still a member of the commission, left in early March to attend to his judicial duties.[55] Without the support of allies such as Steele and Rosborough, the Modoc soon found themselves with few options.

By the second week of March the peace talks had all but ended and General Canby began a policy of "gradual compression." A variation on the classical double envelopment, Canby tightened the perimeter around the Stronghold and moved his headquarters progressively closer. After several weeks, detachments of troops were patrolling the area south of Tule Lake on a regular basis, drawing occasional fire from the increasingly concerned Modoc within the Lava Beds. On April 1st, Canby relocated his headquarters to a bluff within three miles of the Stronghold. Shortly thereafter, the Modoc sent a courier to the Peace Commission in hopes of arranging another meeting.[56]

The final stage of negotiations proceeded rapidly. On April 2nd, Jack met with the commissioners halfway between the Army's new encampment and the Stronghold. He

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[54] C. Delano to T. B. Odeneal, March 13, 1873; C. Delano to A.B. Meacham, March 18, 1873; E. Thomas to C. Delano, March 19, 1873 all in *Modoc War Correspondences*, 269, 273-274.

[55] A B. Meacham to H. R. Clum, March 3, 1873 in *Modoc War Correspondences*, 260.

[56] For a detailed discussion of troop movements, see Thompson, *The Modoc War*, 54-59.

demanded a full-pardon for all the Modoc, the immediate withdrawal of all troops, and a reservation in the Lost River Valley. Canby and the commissioners balked at the suggestion and insisted upon the earlier terms. Two days later, they met again, this time in a tent because of the weather. But they adjourned without coming to terms. After the meeting, General Canby informed the Modoc that his troops would move closer to the Stronghold unless they surrendered the Indians responsible for killing the Lost River settlers. The Modoc responded by requesting another meeting.[57]

On April 11, 1873 – Good Friday – the Modoc and the commissioners met for the last time. Two days later a telegram from Dyar arrived in Washington, D.C.: "I have to report that…while this commission was holding a council with the Modocs, by an act of Indians unparalled and premeditated treachery on their part, General Canby and Dr. Thomas were brutally murdered, Meacham left for dead."[58] News of the attack precipitated a national outcry as political leaders, military officials, and the press waved the bloody shirt and issued calls for vengeance. "The President now sanctions the most severe punishment of the Modocs and I hope to hear that they have met the doom they so richly have earned by their insolence and perfidy," declared William Tecumseh Sherman in a letter to General John McAlister Schofield, Commanding General of the Division of the Pacific, adding in a second telegram "you will be fully justified in their utter extermination."[59] Published in newspapers across the country, official declarations such as these were accompanied by battlefield reports, photographic and artistic imagery,

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[57] A. B. Meacham to C. Delano, April 16, 1873 in *Modoc War Correspondences*, 286-287; *Annual Report of the Commissioner of Indian Affairs, 1873*, 76.

[58] L. S. Dyar to H. R. Clum, April 13, 1873 in *Modoc War Correspondences,* 286.

[59] William T. Sherman to Schofield, April 13, 1873 in *Letters Received By The Office Of The Adjutant General (Main Series), 1871-1880*, M-666, Roll 21.

vociferous editorials, and political cartoons that condemned Captain Jack and the other Modoc. As *The Army and Navy Journal* described the national mood: "no event in connection with our Army since the Rebellion has created such excitement throughout the country as the news of the assassination."[60]

American Victimhood and Violence in the Modoc War

The official state funeral of General Edward R.S. Canby occurred on April 18, 1873 in Portland, Oregon. The day of remembrance began a few minutes before eleven o'clock in the morning with an intimate service for the family and a handful of close friends. Intended to shield the grieving widow from the impending media spectacle, the ceremony at the family's residence was as brief as possible. Following the service, Canby's body was marched through the city in a great funeral procession. At the head of the cortege was the hearse drawn by two great black horses adorned with heavy black draping and spectacular plumage. On either side ranged the pallbearers; top-ranking officers in the Department of the Columbia represented the military while Oregon Governor Lafayette Grove, District Court Judge Matthew Deady, Mayor Philip Wasserman, and other prominent politicians represented the civil authorities. The procession wound its way through the city's busy downtown area before stopping at Armory Hall, in what is today Portland's fashionable Pearl District, where the body, swathed in an American flag and wreathed with flowers, lay in state. "The solemn silence of death reigned," wrote one reporter, as an "immense concourse of people entered the

[60] *Army and Navy Journal*, April 19, 1873, 568.

building in single file to view the remains."[61] Throughout the United States, tributes were paid to the fallen hero and at least three towns changed their names in honor of the General's heroic sacrifice.[62]

For most Americans, the death of General Canby and the Reverend Eleazar Thomas was a moment of deep betrayal and national trauma. To render the violence comprehensible, American newspaper reporters and commentator portrayed Modoc violence as deriving from the nefarious and demonic landscape of the Klamath Basin and in the process they represented white soldiers, settlers, and religious officials as the innocent victims of Indian violence. "Go back to the Miltonian idea of the abyss to which the rebel angels were hurled," Samuel A. Clarke declared in an article in the *New York Times*, "and I can describe it, perhaps, better than in any other way; for if the surface of the burning lake of hell had cooled, Satan and his legions would have such a region to inhabit as the Modoc lava beds."[63] To many observers, the "gaping" and "yawning" nature of the Lava Beds with its "chasms" and "pillars of rock" behind which "naked" and "ferocious" Modoc Indians "lurked," "picking off every soldier they could see."[64]

The burgeoning pictorial marketplace of the 1870s in turn transformed descriptions of the Lava Beds into phantasmal and demonic pictorial dreamscapes for their eastern readership. For instance, alongside news of Canby's death, *Frank Leslie's Illustrated Newspaper* ran an image of the Lava Beds shrouded in a dense fog punctuated

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[61] "Gen. Canby's Funeral," *Frank Leslie's Illustrated Newspaper*, May 24, 1873, pp. 169-170. See also, "Funeral of General Canby," *Harper's Weekly*, May 24, 1873, p. 444

[62] Those three towns are Canby, Oregon; Canby, California; and Canby, Minnesota.

[63] Samuel A. Clarke, "The Modoc Lava Beds: Voyaging on Tule Lake," *New York Times*, July 1, 1873.

[64] "The Latest on the Modoc Battle," *Daily Bulletin,* January 21, 1873; "The Modoc War," *Chicago Tribune,* April 14, 1873; "The Modoc Massacre," *The Congregationalist*, April 24, 1873.

by layers of jagged rocks. In the foreground, shirtless Indian warriors are preparing for an ambush atop towering colonnades while a company of "union troops" advance (Figure 5). Through the use of perspective, the illustrator emphasized the association of Indian violence with the landscape, suggesting that white vulnerability was a byproduct of untamed western spaces. Another engraving published in *Harper's Weekly* depicts a group of "Modocs in their Stronghold" with long rifles perched on the rocks ready to shoot. The Natives aim their primed weapons at an unseen target, yet in the background a lone soldier waves a white flag of truce. The composition of the scene evokes the moment of duplicity in which the Indian's betrayal is concealed by the rocks of the Lava Beds (Figure 6). Although the arrival of photographers shifted the focus of printed imagery from representational landscapes to portraiture, by the war's end journalists had used written and pictorial reporting to establish a relationship between U.S.-Indian violence and the physical landscape of the Klamath Basin.

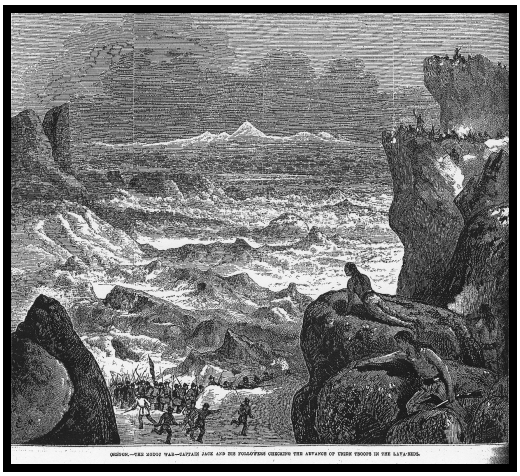

Figure 5. "Oregon – The Modoc War – Captain Jack and his Followers Checking the Advance of the Union Troops in the Lava-Beds." Wood engraving, *Frank Leslie's Illustrated Newspaper*, May 8, 1873 (128).

Figure 6. "The Modocs in their Stronghold." Wood engraving, *Harper's Weekly*, May 3, 1873, cover (364).

Public sympathy and the general inclination toward a peaceful resolution vanished as newspapers across the country and the political spectrum criticized President Grant's Administration and called for the resumption of war. "The policy of alternately coddling and killing the Indians has been tried long enough," declared the *Indianapolis Sentinel*. "There is nothing to be gained from preaching peace to the Indians in one section, and murdering them in another. The peace policy so called is fertile in war and massacre."[65] The Georgetown *Daily Colorado Miner* also reproached the administration for its "experiments with the noble red man" and declared their opposition to the peace policy: "western experience, in this and adjoining Territories, is decidedly against General Grant and the preachers."[66] Perhaps most succinctly, the *New York Herald* suggested the government return to the core principals behind its so-called Peace Policy: "Keep the peace or we shall kill you."[67]

News of Canby's death inflamed feelings throughout the country as politicians and private citizens vented their frustrations in the public sphere. The vast majority of newspapers relied on a racialized discourse of savagery and indigenous criminality. In an open letter to President Grant, Minnesota's Republican Governor Horace Austin claimed that the "Modoc assassination" had residents of the Gopher State in an uproar. According to Austin, those familiar with the "Indian character from daily observation and sad experience" were opposed to the president's Peace Policy both in principal and in practice. "The Indians respect no policy that is not backed by power enough to enforce

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[65] "The Policy of Massacre," *Indianapolis Sentinel*, April 13, 1873, 2.

[66] Daily Colorado Miner (Georgetown), April 22, 1873 quoted in Robert Mardock, *The Reformers and the American Indian* (Columbia: University of Missouri Press, 1971).

[67] *New York Herald*, April 13, 1873.

respect," he claimed, and there was no reason "the President should treat the Indians more leniently than he did the rebels." If the governor looked forward to an "immediate" and "decisive" response from the Grant Administration, Chicagoans bemoaned the president's "useless and vacillating Indian policy." The *Chicago Tribune* was in favor of "the extermination of Capt. Jack's band of outlaws and the hanging of the murderers who attended the conference," while the *Inter-Ocean* called for "the most summary measures."[68]

Even those who supported the Administration's Indian policy had to walk a fine line between calls for justice and the excesses of vengeance. The *Boston Evening Transcript*, for instance, believed the Modoc must be punished but were quick to urge the nation to adopt "the calm judicial attitude which a civilized people should maintain" and to "not hastily abandon" the Peace Policy.[69] In an opinion piece that almost certainly reached a much wider audience, *Harper's Weekly* adopted a similar view:

> [The] fury of the savage blood has been illustrated [again] in the murder of the Peace Commissioners…[and] their murderers should be punished as they deserve. But the innocent should not be confounded with the guilty…Nor is it the custom of our people to encourage the cry of extermination…Even against such treacherous murderers as the Modocs or their chiefs we are inclined to remember mercy, to spare the innocent,

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[68] These various responses were all reprinted in "The Modoc War: Feeling in Washington--Views of President Grant, Gen. Sherman, and Other Officials," *New York Times*, April 15, 1873. Others advocated a more nuanced approach. The *Chicago Times* wanted to "lay the blame of the murders to the Indian policy" but it did not advocate for extermination while the *Chicago Journal* called for a combination of "the Quaker policy and Sheridan policy." A letter to the editor of the *New York Times* crystallized this approach. Laying the majority of blame for the Modoc War at the feet of "the vile class of border whites who have...'inoculated' [the Indians] with all the vices of our civilization, and made them more depraved and vicious than they were by their own savage nature," the writer said: "Let Capt. Jack and his miserable crew be 'wiped out' for their recent atrocity, but let justice be meted out to these renegade and thoroughly brutal white men, who have preyed on the Indians so long; and let us not condemn the present Indian Policy." See "The Modoc War," *New York Times*, April 15, 1873; "Our Indian Policy," *New York Times*, April 16, 1873.

[69] *The Boston Evening Transcript*, April 16, 1873.

> and not to impute the crimes of the few to the multitudes of their fellow-savages.[70]

By advocating the government maintain its Peace Policy, *Harper's*, like other pro-Peace Policy publications, called for a judicious application of violence.

If some Indian-rights advocates sought to preserve a humane policy by sacrificing Captain Jack and the other Modoc accused of attacking the peace commissioners, others sought to explain the Modoc's actions. The *San Francisco Chronicle* suggested their attack was in retaliation for the Ben Wright Massacre of 1852. Calling Wright's victims "Modoc Peace Commissioners," the *Chronicle* asked, "Are they avenging the murder of their ancestors?"[71] William Simpson also believed the two events were connected and even suggested that Jack had used the same signal as Wright to commence the attack. "This is some of the history," Simpson wrote, "which it is necessary to know in order to understand the late Modoc war."[72] Still others pointed to the United States' long history of broken treaties with Indian nations. In a letter to the editor of the *New York Times*, "C.R." wrote:

> [T]he pen of the future historian of America...will calmly and truly tell the generation which succeeds us of the why and wherefore of this infamous deed. He will tell those living 200 years hence on the soil of America, that a so-called Christian people landed on this continent from Europe, and, coming into contact with its inhabitant...were treated by them with gentleness, if not affection...and he will tell them, to the shame and disgrace of the United States forever, that the Government has broken every treaty ever made with every Indian tribe.[73]

Any defense of the Modoc, however, was ultimately frustrated by the popular press' reliance upon racialized discourses of the other that viewed the conflict as the

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[70] "The Modocs," *Harper's Weekly*, May 3, 1873, 364-366.
[71] "The Modoc War: No Couriers From the Front Yesterday," *San Francisco Chronicle*, April 20, 1873.
[72] Simpson, *Meeting the Sun,* 365-366.
[73] "Our Indian Policy," *New York Times*, April 16, 1873.

result of a lenient federal policy towards the nation's unruly minorities. For instance, *Frank Leslie's Illustrated Newspaper*, often careful to balance criticism of Indian "character" with calls for fair or humane treatment, responded to the public outcry with a political cartoon featuring President Grant asleep in bed. Captioned "The Head of the Nation's Nightmare: See what dreams may come from too free an indulgence in the 'Pipe of Peace,'" the cartoon featured a smoldering calumet labeled "Modoc Massacre" beside the slumbering president. From the smoke a bare-chested black man looms over Grant and through the open window an Indian warrior menaces the nation with rifle in hand (Figure 7).

Figure 7 "The Head of the Nation's Nightmare." Wood Engraving, *Frank Leslie's Illustrated Newspaper*, May 3, 1873 (132).

Juxtaposing the "Modoc Massacre" with the violent suppression and mass murder of over one hundred freedmen in Colfax, Louisiana on April 13, 1873, the cartoon rhetorically linked the Modoc War with an incident of racial violence that epitomized

southern anxieties over reconstruction.[74] Indeed, as literary scholar Linda Frost suggests, reading the national coverage of local events through the prism of the era's many social upheavals sharpens our understanding of how Americans came to identify with the victims of frontier inter-ethnic conflicts and to understand these incidences as attacks on the larger national community. Editorial cartoons such as "The Head of the Nation's Nightmare," then, transformed the Modoc War from a regional episode of frontier violence into an existential threat to the nation and in the process rendered white Americans the victims not the aggressors.[75]

If "The Head of the Nation's Nightmare" represented the Modoc War as a threat to the national community, it also evoked an evolving understanding of the reconstructed nation's future racial composition. By placing the Indian threat outside of the house and the former slave within, the image evoked the spatial division of Native and black bodies within Reconstruction Era America. Located outside of the house, the Modoc is depicted as an external threat to the nation whereas the former black slave is a danger emanating from within the house of American society. This reading of the image is reinforced by historian Elliott West's observation that the federal project of Reconstruction had not been limited to the reintegration of the South back into the Union but also had to contend with the addition of many Western territories as a result of the war with Mexico.[76]

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[74] Known today as the Colfax Massacre, the attack on freedmen, what historian LeeAnna Keith has called the "the deadliest incident of racial violence in the history of the United States" occurred two days after the death of General Canby and, in some ways, was largely overshadowed at the time by events in the Klamath Basin. For more, see LeeAnna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (New York: Oxford University Press, 2008), xviii.

[75] Frost, *Never One Nation*, 13.

[76] Elliott West, "Reconstructing Race," *Western Historical Quarterly* 34, no. 1 (Spring 2003): 7-26. Also see Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), xvii-xxii.

Considered within the racially charged environment of this "Greater Reconstruction," the death of General Canby and the inherent tensions it exposed in the federal government's approach to integrating American Indians into the nation's body politic played into a general anxiety over the racial composition of the nation in the wake of Reconstruction Era reforms.

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While the press debated the future of the government's Indian policy, the Army made preparations to attack the Stronghold. On April 15th, 1873, Colonel Gillem ordered a general assault on the Modoc position with troops advancing from the west and northeast. In addition to the approximately 675 soldiers and four batteries of artillery, seventy Warm Spring Indians had arrived the night before, to assist in the fight against the Modoc. Earlier in the conflict, the federal government had enlisted dozens of Klamath Indians to serve as scouts. But rumors abound that the Klamath had aided the Modoc by supplying them with ammunition and by refusing to advance when ordered. "Our enlisted Klamath scouts have proved to be utter failures," Lt. Colonel Frank Wheaton, commanding officer of the District of the Lakes, had reported in a telegram to General Canby. "We want Warm Springs Indians. Donald McKay, my district guide, will take charge of them."[77] The son of Thomas McKay, a prominent fur-trader, and a Cayuse woman, Donald had worked for the U.S. Army and Bureau of Indian Affairs for over two decades. Throughout the 1860s, he and a company of Warm Spring Indian Scouts, under the command of his older half-brother William McKay, had fought with General Crook in his campaigns against the Northern Paiutes. By the spring of 1873, the War

[77] Wheaton to Canby, January 25, 1873 cited in Murray, *The Modocs and Their War*, 127.

Department authorized McKay to recruit and equip one hundred Warm Springs Indians to fight the Modoc.[78] For two days after the death of General Canby and the Rev. Thomas, a combined force of U.S. Army soldiers and Warm Springs Indian scouts attempted to surround the Modoc position and cut-off their access to water.[79] However, sometime after midnight on the morning of April 17th, hours before the Army's planned final assault, the Modoc abandoned the Stronghold, escaping under almost continuous fire from the artillery and mortars. The following morning, the soldiers advanced and captured a nearly emptied Stronghold; all that remained from the Modoc's hasty retreat were several articles of clothing, a few provisions, and a handful of elderly or wounded Natives. The Army killed the wounded, burning the bodies, and turned the elderly women over to the care of the Warm Spring Indians.[80]

By capturing the Stronghold but allowing the majority of the Modoc to escape through the lava flows to the south, the soldiers had failed in their primary mission. However, they soon suffered a far greater humiliation. On the morning of April 26th, Captain Evan Thomas with 71 soldiers and fourteen of McKay's Warm Spring Indian scouts left to reconnoiter the south of the Stronghold in an attempt to confirm the Modoc's location. Around noon, the group halted for food and rest at the base of Sand Butte in a flat grassy area surrounded on four sides by ridges. Caught unaware, Thomas and his command were attacked by over twenty Modoc armed with rifles and positioned

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[78] Keith Clark and Donna Clark, "Introduction" to Thomas Augustus Edwards, *Daring Donald McKay; or, The Last War Trail of the Modocs* (Oregon Historical Society, 1971); Keith Clark and Donna Clark, "William McKay's Journal: 1866-67: Indian Scouts, Part I" *Oregon Historical Quarterly* 79 (1978): 156-157.

[79] Thompson, *Modoc War*, 69, 155n6.

[80] *Army and Navy Journal,* April 26, 1873, 585

atop the bluffs. Many of the troops fled in disorder, some even mistakenly attacking the Warm Spring Scouts who were coming to their aid, while those who remained were pinned down for three quarters of an hour. In all, the Army suffered 36 casualties including Thomas and four other officers killed and one officer wounded.[81]

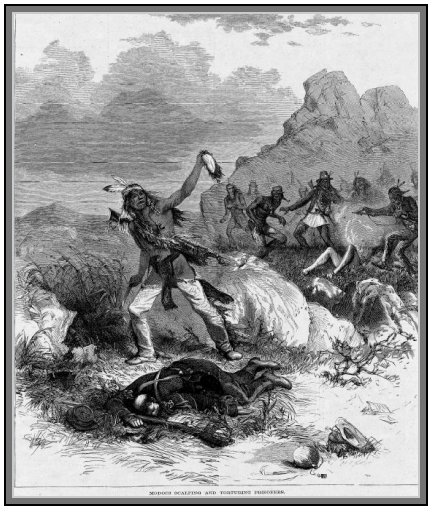

Figure 8. "Modocs Scalping and Torturing Prisoners." Wood Engraving, *Harper's Weekly*, May 17, 1873 (416).

Figure 9. "The Two Vultures." Wood Engraving, *Frank Leslie's Illustrated Newspaper*, May 17, 1873 (164).

The disappointing news of the Modoc escape from the Stronghold followed by the reconnaissance party's fiasco only further inflamed public sentiment against the Modoc. The *Army and Navy Journal* reported that Captain Thomas's body had been found "hidden in some sage brush stripped naked."[82] The illustrated weeklies in turn used the battle as an opportunity to produce representations of the Modoc War that blended racialized imagery with evocation of Indian savagery. For instance, *Harper's Weekly* published a full-page engraving of the "Modocs Scalping and Torturing [their] Prisoners"

[81] For a detailed discussion of troop movements and casualty figure see Thompson, *The Modoc War*, 79-92.

[82] *Army and Navy Journal*, May 3, 1873, 602.

(Figure 8) while *Frank Leslie Illustrated Newspaper* ran a political cartoon (Figure 9) featuring a Modoc warrior scalping a soldier with the caption: "'To the victor belong the spoils,' thinks the Modoc murderer who interrupts the feathered savage in his post-mortem repast." The comparison of these "two vultures" would have been lost on few readers. But, if these representations rendered the Modoc as bestial and savage in character, others figuratively transformed the them into pests and vermin.

Extermination discourse, common before the attack on the peace commissioners, gained greater vehemence and rhetorical effect through the pictorial journalism of the day. *Harper's Weekly*, despite initial calls for moderation, often portrayed the Modoc as blood-sucking insects. Following the surrender of Captain Jack and the Modoc on June 1st, the illustrated weekly ran the story that openly speculated on the prudence of extermination between a pair of engravings featuring a swarm of mosquitoes "preparing and off for the summer campaign" and an engraving of General Sherman, President Grant, and an unidentified Quaker signing "Ten Little Indians."[83] If such intertextualism might seem innocuous, consider the following example. A month earlier, *Harper's Weekly* printed a political cartoon titled "Uncle Sam Hunting the Modoc Flea in His Lava Bed" (Figure 10). In this cartoon, a Modoc is depicted as possessing the body of a flea. Considering the United States Army was at that moment pursuing the Modoc and that General Sherman had declared "[N]ow let extermination be the word. Let no Modoc live to boast that his ancestor had aught to do with the death of Gen. Canby," these image

[83] "The Last of the Modocs," *Harper's Weekly*, June 21, 1873, 532.

made explicit the connection between discourse, violence, and American innocence in the newspaper coverage of the Modoc War.[84]

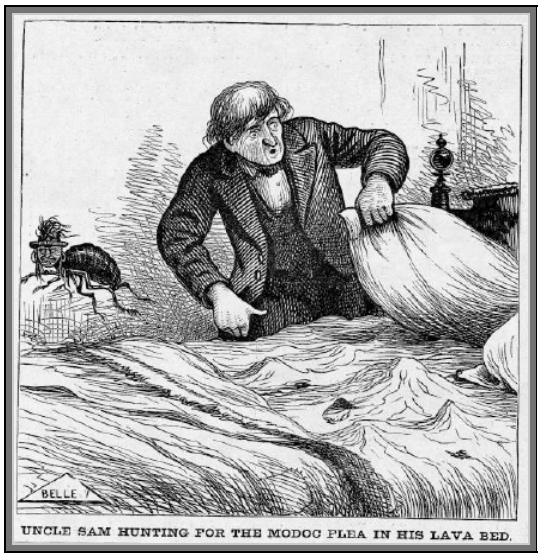

Figure 10. "Uncle Sam Hunting for the Modoc Flea in His Lava Bed." Wood Engraving, *Harper's Weekly*, May 10, 1873 (400).

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While the popular press continued to promulgate extermination discourse and circulate racialized and inflammatory imagery to sell newspapers to an infatuated American audience, the Modoc War lurched towards its conclusion. Following the ambush of Captain Thomas, Colonel Jefferson C. Davis relieved Colonel Gillem and assumed command of operations in the area.[85] A veteran of the U.S.-Mexico and Civil Wars, Davis had considerable experience commanding volunteer forces and so employed Donald McKay's Warm Spring Indian Scouts to greater effect. The result was that by early-May, the Modoc had been forced into the slightly more open southern and eastern

[84] William T. Sherman to Schofield, April 13, 1873 in *Letters Received By The Office Of The Adjutant General (Main Series), 1871-1880*, M-666, Roll 21.

[85] Technically, Davis was in command following the death of Canby but he had to travel from Fort Townsend, Washington Territory where he was stationed. E. D. Townsend to J. C. Davis, April 14, 1873 in *Modoc War Correspondences*, 78.

corners of the Lava Beds. On May 10th, the Modoc attacked a force of soldiers and scouts under the command of Captain Henry Hasbrouck in their camp on the shores of Sorass or Dry Lake. Caught by surprise, the soldiers panicked but Hasbrouck managed to rally his troops and after the Warm Spring Indians led a surprise counter-attacked, the Modoc withdrew.[86]

Contemporary accounts are virtually silent on what happened after the Battle of Dry Lake but, from subsequent accounts, it seems evident the Modoc suffered an irrecoverable blow to morale. Based on the testimony of some Modoc women and children captured a few days later, the *Yreka Journal* reported that the Modoc had had a "row" among themselves that resulted in "two thirds of the warriors decid[ing] there was no use in continuing the contest."[87] The cause of the disaffection, the *San Francisco Chronicle* reported, was that Jack had "consulted a stolen chronometer" before the battle and after performing several rituals he declared that the Modoc warriors would "shed rifle-bullets as a duck does water and escape unharmed." When several warriors were killed and others wounded in the fight, "indignation then reigned supreme in Jack's household."[88]

The defeat exposed deep tensions within the Modoc. The loose confederation of autonomous villages – including Lost River, Hot Creek, and Cottonwood bands – began to disintegrate. Indeed, as Steamboat Frank, a member of the Cottowood band, later explained to reporters, the coalition broke down because Jack had formed an

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[86] "Modoc Maneuvering: Another Ambuscade," *Indianapolis Sentinel*, May 14, 1873.
[87] *Yreka Journal*, May 24, 1873
[88] "The Dawn of Peace: Surrender of Seventy of the Modoc Tribe," *San Francisco Chronicle*, May 24, 1873.

"aristocracy" within the tribe, favoring members of his village over others. "He had made the Cottonwood branch of the tribe bear the burden of the campaign. The Cottonwoods had to watch and fight at all times."[89] Others, however, claimed that Jack had simply lost his ability to lead. The ritual with the chronometer, which was supposed to confer invulnerability onto the warriors, had failed. Considering Jack maintained his authority through prior success in battle, it seems possible some Modoc interpreted their defeat as evidence of Jack's declining power.[90] Regardless of the reason, the loose coalition that had lasted throughout the winter and spring of 1872-73 collapsed in the aftermath of the Battle of Dry Lake. As a result, approximately seventy Hot Creek and Cottonwood Modoc, including many of those responsible for the Lost River settler's deaths, left Jack and headed west.[91]

Not long after separating, the U.S. Army picked up the Hot Creek and Cottonwood Modoc's trail and on May 22nd the beleaguered band surrendered to Colonel Davis. But Davis and the others were intent upon capturing Captain Jack. In exchange for sparing their lives, he enlisted the aid of Hooker Jim, Bogus Charley, Shacknasty Jim, and Steamboat Frank to track down and captured the remaining Modoc.[92] On May 29th, the Army caught up with Jack and the others in the Langell Valley. For two more days, Jack evaded capture but finally, on June 1st, in a beautiful canyon on Willow Creek, a

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[89] "The Modoc War: Cottonwood Captives," *San Francisco Bulletin*, May 26, 1873.

[90] Philleo Nash, "The Place of Religious Revivalism in the Formation of the Intercultural Community on Klamath Reservation," in *Social Anthropology of North American Tribes*, ed. Fred Eggan (Chicago: University of Chicago Press, 1955), 377-442. For more on the 1870 Ghost Dance see Michael Hittman, "The 1870 Ghost Dance at the Walker River Reservation: a Reconstruction," *Ethnohistory* 20, no. 3 (Summer 1973): 247-278; Brad Logan, "The Ghost Dance Among the Paiutes: An Ethnohistorical View of the Documentary Evidence, 1889-1893," *Ethnohistory* 27, no. 3 (Summer 1980): 267-282.

[91] "The Dawn of Peace: Surrender of Seventy of the Modoc Tribe," *San Francisco Chronicle*, May 24, 1873.

[92] Jefferson Davis, "Official Report on the Modoc War" in *Modoc War Correspondences*, 109-110

tributary of the Lost River, Jack surrendered.[93] "[My] legs had given out," Jack reportedly said when laying down his arms.[94] Modoc descendents, however, would recall Jack's final words as a freeman differently: "I am ready to die."[95]

The Humanitarian Press and the Laws of War

On July 5, 1873, Jack and five other Modoc defendants stood before a military commission to face charges of "murder, in violations of the laws of war."[96] Colonel Davis had originally been disinclined to give the Modoc a trial at all. When news of Jack's surrender reached him, the Colonel ordered gallows built so he could summarily execute "eight or ten ringleaders." In a declaration of charges, Davis enumerated their crimes:

> The history of your tribe is filled with murders of the white race….For these crimes no adequate punishment has even been visited upon the guilty…upon the contrary, the Government has tacitly overlooked them. A few years ago, regardless of these acts of treachery, it gave your tribe a reservation….You left the reservation; you spurned the kindness of the Government and even resisted the soldiers in the execution of their duty…you decoyed the [Peace] Commission into your hands and murdered them…these acts have placed you and your band outside the rules of civilized warfare. In other words you have made yourselves outlaws.[97]

But the War Department ordered the executions postponed until the Attorney General decided whether they were prisoners of war to be tried by military court or murderers and

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[93] There is disagreement as to whether Jack surrendered to Captain David Perry or to Sergeant McCarthy, a citizen named Charles Putnam, and a party of fourteen Warm Spring Scouts. See David Perry, "The First and the Second Battle in the Lava Beds, and the Capture of Captain Jack," in *Northwestern Fights and Fighters*, by Cryus Townsend Brady (New York: Doubleday, Page and Company, 1909), 303-304. For a discussion of these contradictory see Cheewa James, *Modoc: The Tribe that Wouldn't Die* (Happy Camp,Calif.: Naturegraph, 2008), 147-150.

[94] Davis, "Official Report on the Modoc War" in *Modoc War Correspondences*, 111

[95] Jeff C. Riddle, *The Indian History of the Modoc War and the Causes That Led to It* (San Francisco: Printed by Marnell & co., 1914), 150.

[96] General Court Martial Order No. 32, in *Modoc War Correspondences*, 95-97.

[97] "The Modoc: What Should Be Done With Them," *Yreka Union*, June 14, 1873.

therefore under the jurisdiction of the civil authorities. Colonel Davis was irritated but General Sherman thought an Attorney General's opinion might establish a precedent.[98]

Jack had avoided the gibbet for a time; others were not so lucky. Shortly after Jack surrendered, Colonel Davis ordered all Modoc prisoners to be relocated from their various locations to the new military headquarters on the southeast side of Tule Lake. In accordance, on June 8th, James Fairchild – John Fairchild's brother – left his ranch on Cottonwood creek with seventeen Modoc men, women, and children. The Natives were put in a wagon drawn by four mules and without military escort. Around Lost River, Lieutenant Hyzer and a posse of Oregon Volunteers stopped Fairchild and questioned the rancher about his prisoners but allowed the party to continue unmolested. A few miles later, however, two gunmen intercepted the wagon train. When the firing stopped, four Modoc men – Little John, Tahee Jack, Pony, and Mooch – were dead and one Modoc woman – Little John's wife – was severely wounded. "It was a terrible scene; one I shall never forget," James Fairchild later remembered. "I shudder when I think what I saw and heard. The fearful voices of those women and children still ring in my ears…"[99]

The use of vigilante justice on the part of the Oregon Volunteers played into a national debate over the fair treatment of Modoc prisoners. When news of the attack appeared in eastern newspapers, Benjamin Coates – a prominent member of the American Colonization Society, an organization that established the colony of Liberia to resettle free black Americans in West Africa – wrote to the president, urging the government to pursue the vigilantes who attacked and killed the Modoc POWs with the

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[98] Schofield to Davis, June 7, 1873 in Hagen, "The Modoc War," 1075.

[99] "Murder of Modocs: Five Modoc Chiefs Atrociously Murdered by Oregonians," *Indianapolis Sentinel*, June 10, 1873; *Army and Navy Journal*, June 14, 1873, 697.

"*same effort*" as they had pursued Captain Jack. "I do not ask…for the '*utter extermination'* of all the border ruffians of Oregon, and the women and children belonging to them. But I would suggest that the white murderers and the red murderers have meted out the *same punishment at the same time*."[100] A Philadelphia newspaper agreed:

> The theory which prevails in such a community is that an Indian has no rights which a white man is bound to respect…As the victims were in the custody of the Government the crime assumes the character of an outrage directed against it, and we earnestly hope that the authorities will take measures to secure the arrest of the perpetrators.…It is folly and madness to make war upon the Indians and to hold them to rigid accountability for their misconduct, and then to neglect to punish our own citizens for the same crimes.[101]

Commissioner of Indian Affairs Edward Smith agreed with Coates and the humanitarian press. "[J]ustice, Christianity, and the rights of man" demanded the punishment of these later offenders against law and life. Despite Smith's desire that the responsible whites be punished "at the same time, and in the same manner as the treacherous Modocs," no one was ever brought to justice.[102]

The attack on the Modoc POWs all but eliminated any chance of a civil trial for Jack and the other defendants; the decision to try the Modoc in a military court, however, presented certain technical challenges. The key issue was whether or not the conflict could be called a war. In a lengthy brief, Major H.P. Curtis, the Army judge advocate appointed to prosecute the prisoners, argued the Modoc should be tried as war criminals. Drawing on language from Chief Justice John Marshall's landmark decision in *Cherokee*

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[100] Benjamin Coates to President Grant, June 11, 1873 in Hagen, "Modoc War," 1102-1109 emphasis in original.
[101] Unidentified Philadelphia Newspaper in Hagen, "Modoc War," cir. 1109.
[102] Edward P. Smith to Columbus Delano, June 19, 1873 in Hagen, "Modoc War," 1136.

Nation v. Georgia, Curtis offer unique interpretation of the law. He claimed that since Indians were "domestic dependent nations" and were "in no sense citizens of the United States," they would "cease to be *dependent* nations, as soon as they resist the paramount authority of their guardian, the United States, and become so instant *independent* nations, at war with the United States ceasing to be so, only when again reduced to subjection by force of arms." Unlike in the case of Shay's Rebellion or the Whiskey Rebellion of the previous century in which the combatants were judged by civil authority for treason, the unique status of the Modoc within the United States required they be tried as enemy combatants of a foreign nation, Curtis argued.[103]

George H. Williams, former Senator and Chief Justice of the Oregon Supreme Court, wrote an attorney general's opinion in which he concurred with Curtis' assessment. "It is difficult to define exactly the relations of the Indian tribes to the United States," Williams admitted. However, he concluded that they were equivalent to foreign nations for the purpose of waging war since they "have been recognized as independent communities for treaty-making purposes" and had "frequently carr[ied] on organized and protracted wars" against the United States. Therefore, Williams concluded:

> All the laws and customs of civilized warfare may not be applicable to an armed conflict with the Indian tribes upon our western frontier; but the circumstances attending the assassination of Canby and Thomas are such as to make their murder as much a violation of the laws of savage as of civilized warfare, and the Indians concerned in it fully understood the baseness and treachery of their act.

[103] H. P. Curtis to Gen. A. J. Schofield, June 7, 1873 in Hagen, "Modoc War," 1030-1041.

The Modoc, then, were to be tried by a military commission for "offenses against the recognized laws of war," and if they should be found guilty, "they may be subjected to such punishment as those laws require or justify."[104]

Not surprisingly, the local press responded with approval. Reviling the Modoc prisoners and urging the military commission to set an example, William Irwin of the *Yreka Union* declared, "No mawkish sentimentalism should be permitted to interfere with the course of justice in this matter. No desirable object could be accomplished by sparing the lives of these murderers and assassins." Moreover, Irwin went so far as to recommended an appropriate mode of punishment. "It is said Indians dread death by hanging more than in any other form. This then is the mode of execution which should be adopted….to strike a salutary terror among all other Indians who shall hear of it."[105] The *Yreka Journal*, usually a moderating voice in the community, agreed. "[T]hose whose hands are red with blood must pay the penalty of their crimes, and learn other tribes that treacherous murders…cannot pass unpunished."[106]

For Indian-rights advocates and East Coast humanitarians, the trial of Jack and the other Modoc by military commission was a *cause célèbre*. In a public meeting at Cooper Union in New York City, a group of sympathizers including Indian-rights advocates John Beeson and William Williams, unanimously adopted a memorial to President Grant declaring the trial and the inevitable guilty verdict a "farce and a tragedy, the truthful

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[104] George H. Williams, *The Modoc Indian Prisoners*, June 7, 1873, *14 Opinions Attorney General*, 249-252; also in *Modoc War Correspondences*, 88-90.
[105] "The Modoc: What Should Be Done With Them," *Yreka Union*, June 14, 1873.
[106] *Yreka Journal*, June 25, 1873.

history of which our posterity will blush to read."[107] On July 12th, the Universal Peace Union, an active and transnational peace organization founded in 1866, added their voice when they met with President Grant and besieged him to uphold the tenets of his own Indian Policy. "However false, cruel or treacherous the Indians may have been…we ask that they may not be brutally treated, and that your "peace policy" be not departed from." Moreover, they insisted the Modoc could not receive a fair trial on account of the vengeful mindset of the settlers in the region and expressed their desire for "executive clemency."[108] Unbeknownst to the member of the Universal Peace Union, the military commission had found Jack and the other Modoc guilty of all charges several days earlier.

Military Commissions and Frontier Justice

The trial of Captain Jack, Schonchin John, Black Jim, Boston Charley, Barncho and Slolux was held in the adjutant's office at Fort Klamath in the first week of July 1873. The defendants sat on a bench along one side of the room with their legs shackled while uniformed soldiers stood guard armed with rifles and bayonets. Major Curtis served as judge advocate and represented the government in the trial whereas the Modoc

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[107] John Beeson, "Memorial to U.S. Grant, President of the United States" in *Modoc War Correspondences*, 313-316.

[108] Alfred H. Love to Ulysses S. Grant, July 12, 1873, in *Modoc War Correspondences*, 309-311. It should be pointed out that reactions to Curtis and Williams's conclusions among humanitarian organizations were not always consistent. The American Indian Aid Association, for instance, interpreted the attorney general's opinion as freeing Indian tribes throughout the country from odious state laws. "We now call upon the friends of justice and humanity to see to it that this decision does for the red men substantially what President Lincoln's emancipation proclamation did for the black men," W.C. Gould to the Department of the Interior, August 8. 1873, in Hagen, "Modoc War," 1293. The *New York Tribune*, however, was more critical, denouncing the Modoc as "outlaws and marauders, no more entitled to belligerent rights than so many ruffians escaped from Sing Sing," it claimed that to recognize the sovereignty of "a band of two-score Digger Indians" would be absurd since the United States had "never granted them the status of independence" it was impossible for them to declare war on their country as "a foreign power." Republished in *Yreka Journal*, July 9, 1873.

were denied the benefit of counsel and so had to trust the commission to protect their interests.[109] Apparently, Elijah Steele had asked E.J. Lewis, an attorney from Calusa, California, to defend the Modoc and the lawyer had agreed. But the military commission proceeded without delay and Lewis arrived at Fort Klamath on the last day of the trial, too late to be of any material assistance.[110] Compounding the lack of counsel, the commission included several officers who could hardly be considered impartial. Of the six members of the commission, four had served under General Canby and three had seen combat against the Modoc. They were therefore passing judgment on defendants they had personally fought and who were charged with murdering their commanding officer.[111]

In addition to being biased, the commission also failed to follow its own rules and procedures, further undermining the legitimacy of the proceedings. Since some of the defendants spoke little English, Frank and Toby Riddle were employed as translators. Technically officers of the court, the interpreters should have been impartial third parties. Yet, both Frank and Toby Riddle testified on behalf of the government.[112] Furthermore, at least one observer believed the Riddles had compromised the proceedings. In a letter to the Secretary of the Interior, H. Wallace Atwell, a reporter covering the trial for the

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[109] Although Carol Chomsky mistakenly claims that the 303 Dakota convicted of murder and rape in early December 1863 were the only Natives ever to be tried by military commission, she provides some useful insights into the similarity of their experience before the tribunals. Carol Chomsky, "The United States-Dakota War Trials: A Study in Military Injustice," *Stanford Law Review* 43, no. 1 (November 1990): 13-98.

[110] "From the Modocs!: The Trial Concluded!," *Yreka Union*, July 12, 1873.

[111] The only member of the military commission charged with trying the Modoc who did not serve under Canby was Lieutenant Colonel Washington Elliott who acted as senior officer for the commission. The other members were Captain John Mendenhall, Captain H.C. Hasbrouck, Captain Robert Pollock, and Lieutenant George Kingsbury. For a more detailed discuss of the gross injustices of this trial, see Doug Foster, "Imperfect Justice: The Modoc War Crimes Trial of 1873," *Oregon Historical Quarterly* 100, no. 3 (Fall 1999): 246-287.

[112] "Proceedings of a Military Commission Convened at Fort Klamath, Oregon, for the Trial of Modoc Prisoners" in *Modoc War Correspondences*, 132-183. Frank and Toby Riddle were the first two witnesses called, Ibid., 136-147.

Sacramento Record stated: "We know that the general belief is, the interpreter employed is unworthy of evidence. We know he is illiterate; can neither read or write; cannot translate the idioms of our tongue; cannot even understand good English." Moreover, he accused Riddle of "shield[ing]" his wife's relatives "in his interpreting at the expense of others."[113] These objections notwithstanding, the trial proceeded with alacrity.

The prosecution began its case on July 5th and over the course of four days they presented the testimony of eleven witnesses. The non-Indian testimony offered by Frank Riddle, L.S. Dyer, Alfred Meacham, H.R. Anderson – Canby's assistant adjutant general – and Henry McEldery – assistant surgeon – focused on establishing the presence of the defendants at the meeting and determining who fired at whom and whether the wounds Canby and Thomas received were fatal. The prosecution also offered the testimony of several Modoc, including Toby Riddle, Shacknasty Jim, Steamboat Frank, Bogus Charley, Hooker Jim, and William or Whim, whose statements were predominantly dedicated to establishing premeditation on the part of the defendants.[114] Throughout the course of the prosecution, the Modoc defendants never cross-examined any of the witnesses.

While the lack of counsel prevented the Modoc from receiving anything like a fair trial, they nonetheless seized the opportunity to explain the conflict from their perspective. On July 8th, the defense began their case, calling only three witnesses and then concluding with an address to the committee delivered by Jack. Their first witness was Scarfaced Charley, who said almost nothing about the attack on the commissioners

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[113] H. Wallace Atwell to Columbus Delano, July 30, 1873 in *Modoc War Correspondences*, 323-324.
[114] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 154.

and instead dedicated his testimony to detailing the several occasions in which the Klamath Indians, under Link River Jack and Allen David, had encouraged them to fight by supplying ammunition and promising not to shoot at them.[115] A Modoc named Dave reiterated this point in his testimony, "Allen David had told him to tell the Modocs to fight and not to give up to the soldiers—not to make peace." And he testified that Allen David had said "The Klamaths are your friends and have given you ammunition, and will give it [to] you whenever you want it."[116] The defendants' final witness, a Modoc named One-Eyed Mose, repeated these essential points and further indicted Allen David and the other Klamath.[117]

Why were the Modoc defendants so emphatic about establishing a conspiracy between themselves and their Klamath allies? At the time, observers scorned Jack for what they believed was an attempt to displace blame. The *New York Times* called these accusations "a tissue of lies" while the *Boston Globe* and others reproached Jack for being "anxious to shoulder the responsibility of the deed upon [others]."[118] Historians have similarly accused Jack of hoping to displace blame. Keith Murray, the most prominent historians of the Modoc War in the twentieth century, described Jack's defense as "a cry of distress, rage, and frustration…As a child about to be punished for misdeeds."[119] But the fact remains there may have been some truth to these accusations. It is likely the Klamath did indeed supply the Modoc with ammunitions and weapons and

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[115] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 169-171.
[116] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 171-172.
[117] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 172.
[118] "Capt. Jack's Story: His Interview with Gen, Davis," *New York Times*, June 11, 1873; "The Last of the Modoc," *Boston Globe* reprinted in *San Francisco Chronicle*, October 14, 1873.
[119] Murray, *The Modocs and Their War*, 291.

it is probable that Jack felt disinclined to bear all the blame for what had happened. The Modoc's defense, however, might also have been an attempt to explain the political indigenous landscape of the Klamath Basin and the network of obligations, which constitute chieftain authority and ultimately compelled Jack to participate in the attack on the commissioners. In Klamath and Modoc society, a headman never acted of his own free will but was always bound to enforce the wishes of the community whether or not he supported it. A powerful leader might influence the community to act as he desired but as he declined in power, he often found himself carrying out the wishes of others – a point Jack tried to make clear in their closing statements.

Showing his usual savvy, Jack began his final statement with an appeal to their conscience by reminding the court, and the spectators who had gathered to hear his defense, how unfamiliar he was with the etiquette of such a proceeding. "I hardly know how to talk here. I don't know how white people talk in such a place as this; but I will do the best I can." In substance, however, Jack's speech suggested a considerable level of understanding for he offered as a defense the entire history of U.S.-Indian relations in the Klamath Basin. He began by explaining how he and his people had lived peacefully with the settlers and had even emulated their behavior. "I considered myself as a white man; I didn't want to have an Indian heart any longer." He insisted that the commission members did not understand how he had maintained peace in the region and he blamed Major Jackson for precipitating violence by coming to his village early in the morning and shooting his men and women. Jack reiterated that he had not intended to fight after the Battle of Lost River but that the other Modoc got scared when they heard how the

settlers intended to lynch them. In particular, Jack blamed Hooker Jim, who he said was the leader of those who killed the Lost River settlers. "None of my people had killed any of the whites," he said, "and I had never told Hooker Jim and his party to murder any settlers." Then, in an outburst of anger he yelled at Hooker Jim: *"What did you kill those people for? I never wanted you to kill my friends. You have done it on your own responsibility."*[120]

Finally, Jack explained how he had been the primary advocate for peace among the Modoc but that duplicity on the part of the commissioners had ultimately undermined his authority and influence. He had wanted to meet with the commissioners back in March but a settler named Nate Beswick, "an old Indian man," and another Indian woman had told them that the commissioners were going to "burn me, and I was afraid to come."[121] Jack concluded his closing remarks by explaining,

> Your chief makes his men mind him and listen to him, and they do listen to what he tells them, and they believe him; but my people won't. My men would not listen to me. They wanted to fight. I told them not to flight. I wanted to talk and make peace and live right; but my men would not listen to me.…By my being the chief of the Modoc tribe, I think that the white people all think that I raised the fight and kept it going. I have told my people that I thought the white people would think that about me…but they would not listen to me. I told them that they run around and committed these murders against my will….I thought that it would all be laid on to me, and I wondered to myself if there could be any other man that it could be laid upon."[122]

Despite Jack's attempt to explain the complex political landscape of the Klamath Basin, the system of chiefly obligations that compelled him to participate in the attack, and the seemingly inexplicable arrival of Major Jackson at their villages on Lost River,

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[120] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 174 (emphasis added).
[121] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 175.
[122] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 176-177, 178.

the military commission determined that the testimony introduced by the defense "was wholly irrelevant."[123] After adjourning briefly to deliberate, the commission found Captain Jack, Schonchin John, Black Jim, Boston Charley, Barncho, and Sloluck guilty of all charges, and sentenced them "to be hanged by the neck until…dead."[124]

Public Reactions, Commutations, and Jail House Interviews

A guilty verdict and the sentence of death elicited expected responses along familiar battle lines. The local press approved of the trial's outcome but cried foul when they learned the Modoc indicted for murdering the Lost River settlers were pardoned.[125] East coast humanitarians and those sympathetic to the Modoc, on the other hand, advocated for clemency for Jack and the other condemned men. Throughout July and August, President Grant and Secretary of the Interior Columbus Delano were inundated with requests for executive clemency. The American Indian Aid Association decried the "ridiculous farce of administering justice by erecting the gallows" even before the trial began, and they rejected "the fallacy of assuming that the extinction of the Indian race is owing to manifest destiny."[126] Elisha Steele, John Fairchild, H. Wallace Atwell, and William Morgan, Sheriff of Siskiyou County, signed a petition asking for executive clemency until a "full and fair investigation of the causes of the war" might be conducted.[127] These petitions, however, were to no avail.

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[123] J. Holt to W.W. Belknap, August 12, 1873 in *Modoc War Correspondences,* 194

[124] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 183.

[125] "The Modocs," *Yreka Union,* July 12, 1873; "Modoc News!" *Yreka Union*, July 19, 1873.

[126] "Indian Affairs: Notice from the American Indian Aid Association," *New York Star*, Wednesday July 23, 1873.

[127] Elijah Steele et al. to Columbus Delano, July 30, 1873 in *Modoc War Correspondences*, 322-323.

The only successful petition came from Major Curtis, the judge advocate who prosecuted the Modoc defendants. "I would like to have said a word in favor of lenity towards Barncho and Slocuk," he wrote in a private letter to an officer in the Judge Advocate General's office in Washington, D.C.

> The others were all involved deeply in the plot to murder, consulted about it with each other, and acted as ringleaders, I have no doubt. B[arncho] and S[lolux], however, I regard as common soldiers, who obeyed orders in being present, or rather within hail, and whom it will be an unnecessary outlay of national venge[a]nce to put to death. They both took no visible interest in the trial, and I doubt if they understood it. Sloluck sat with his hands over his face and much of the time on the floor, apparently asleep. He is quite a boy, at least in looks. Barucho was little better. Neither of them, I believe, could have taken any prominent part in the war, or in anything.[128]

On September 10th, Grant modified the sentence by commuting Barncho and Slolux's punishment to life imprisonment on Alcatraz Island.[129]

As the weather cooled, Fort Klamath prepared for the execution. Throughout September, the Modoc prisoners were keep under guard in a stockade erected for the purpose. Relatives or friends from the Klamath Reservation, often in groups as large as fifty, visited the prisoners with some regularity. Towards the end of September, Hiram Fields, the post carpenter, erected the gallows as guests began to arrive.[130]

On October 2, 1873, the condemned men met with Colonel Wheaton and, in the presence of several reporters, their sentences were read aloud with David Hill and Oliver Applegate acting as interpreters. After reading the sentence, Wheaton informed the

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[128] Curtis to unknown, n.d. in *Modoc War Correspondences,* 190.

[129] General Court Martial Orders, #34, September 12, 1873 in *Modoc War Correspondences*, 203.

[130] James Williams, *Life and Adventures of James Williams, a Fugitive Slave, with a Full Description of the Underground Railroad*, 4th ed. (San Francisco: Women's Union Book and Job Printing Office, 1874), 113.

condemned they were to be hanged the following morning. Jack spoke first: "I am not a bad man, but have a good heart and was always friendly to the whites. I tried to keep peace and opposed the murder of the Peace Commissioners." He again reminded Wheaton of his long political alliance with the United States and expressed his desire to discuss his punishment with the president. "The Great Chief is a long way off. There have been representations made to him, and if he would come and talk face to face, he would let [me] live." But Wheaton told Jack that the president's people were "numbered by millions" and that he would not come to meet Jack. Seeing his death could not be averted, Jack despaired. "It is terrible to think that I have to die. When I look at my heart I would like to live till I died a natural death."[131]

Each of the condemned men spoke in turn. Slolux was defiant: "I was arrested, ironed, and chained under misrepresentations. My child died yesterday and I am here in the guardhouse and unable to be with the mourners. Show me a man that will say that I was present at the time of the massacre?" He demanded to know who testified that he had attacked the commissioners. "Perhaps it was Riddle's wife. I am innocent. I took no part in the murder of the Peace Commissioners, and I am here on the representation of Tobey." Barncho similarly declared his innocence and denied he played any part in the attack, "I was not there till the killing was done, but was some distance away with the other Indians." For his part, Boston Charley corroborated Jack's claims to innocence:

> I killed General Canby, assisted by Steamboat Frank and Bogus Charley…. Captain Jack has implicated others, but I see it would be too late. I know that our chief men, Captain Jack and Schonchin, were not at the bottom of that affair; that they did not take as prominent parts as some

[131] "Hanged," *San Francisco Evening Bulletin*, October 4, 1873.

> of the younger men. I am young; know but little, and cannot say much. I only know what I see with my eyes.

Like Slolux, Boston Charley concluded his statement with an accusation aimed at Toby Riddle: "Toby, Riddles' wife, understood that there was a plot on hand to kill the Commissioners. Toby said: 'To kill the four.' Bogus said to her: 'Go with me to General Canby's tent.' That was the evening before the massacre. I am telling what I know to be true–nothing more. I am done."[132]

Schonchin John gave the final speech of the morning and he spoke with resignation, like a leader betrayed by his followers. "I have always tried to be a good man, and have always given my young men good advice, and was always ready to shake hands with white men when they came into my country; but here I am in irons and condemned to die." He believed that he was innocent and ought not to be executed but took solace in knowing he might again see his father, "I have always thought that I would like to see him in the Spirit Land. If I die now, perhaps I will see him with the Great Spirit." Above all, Schonchin regretted that the President had "formed the opinion that I was a wild savage Indian," and that "[He] did not know that I used my influence to prevent the young men from doing such great wrongs." He said, "War is a terrible thing, and we see the effects of it here to-day when we look at these chains." But,

> The Great Chief is a long way off; if I could see him face to face he might listen to me; but it is just the same as if I was at the bottom of a long hill and he on the top and I cannot see him. He has made his decision so let me die. I have talked much to-day, and you think I believe that by talking, I can escape the penalty, but I think no such thing. There is no way of crossing the line the Great Chief has drawn. When I saw the young men

[132] "Hanged," *San Francisco Evening Bulletin*, October 4, 1873.

> taking the lead I did not think I was a great criminal, and I do not talk to save myself, but that you may know my heart. I am not afraid to die.[133]

Two days later, newspapers across the country sold hundreds of thousands of copies, featuring versions of these men's final speeches along with detailed accounts of their execution.

Spectacles of Racial Violence and The Nineteenth Century Popular Press

Reflecting upon the ability of the popular press to cultivate racial enmity to the point of violence, James Williams – a fugitive slave who escaped from a Maryland plantation and traveled to California in search of gold – noted: "I believe that they were trying to deal with Captain Jack like they deal with the freedmen down South, but Jack didn't see the point…they were playing on Captain Jack, but he would not stand it, and you hung him."[134] For Williams, who initially expressed outrage at the news of Canby's death, the newspaper coverage of the Modoc War captured the essential nature of the Gilded Age press and its fascination with the spectacle of racial violence. To a man who had escaped slavery and read with horror accounts of lynchings in newspapers, the stories of the Modoc War contained in the pages of the popular press struck a familiar chord, drawing powerful connections between the public persecution of former slaves by Southern racists and the treatment of American Indians by the military and the media.

What had begun as a minor incident of frontier violence in an isolated and sparsely populated corner of the North American continent had become a national sensation as a rapidly modernizing media industry transformed this colonial conflict over land and resources into a supposed clash of cultures. The popular press's tendency –

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[133] "Hanged," *San Francisco Evening Bulletin*, October 4, 1873.
[134] Williams, *Life and Adventures of James Williams*, 111-112.

especially after the death of General Canby – to dwell upon the Modoc's supposedly savage and duplicitous nature and its penchant to represent Indian violence as illegal, immoral, and directed towards the nation as a whole revealed something fundamental about the American experience of the Modoc War: despite the romantic and sentimental humanitarianism of abolition-inspired liberalism, mid-nineteenth century Americans preferred to view the military conquest of Native peoples in terms of white victimhood and as entertaining, inevitable, and even justified.

The spectacle of racial violence that engulfed the Modoc War and its mediated representations within the Gilded Age press, moreover, provide a glimpse into the larger process through which Americans reconstructed their national identity in the decades following the Civil War. In *West from Appomattox: The Reconstruction of American After the Civil War*, Heather Cox Richardson argues that when faced with the grim realities of Southern Reconstruction, most Northern readers eagerly turned to the West for distraction. Fed on a steady diet of cowboys, railroads, silver mines, and Indian wars, the West as presented within the pages of the popular press, she contends, redefined the nation more than any actual frontier experience.[135]

Shades of this memory-forming process can be found in newspaper coverage of the Modoc War. Far from simply presenting a unbiased version of events, the Gilded Age press imposed cultural concepts of progress and modernity onto racialized representations of the Modoc and in the process turned actual American Indians into what John Coward terms "Newspaper Indians" – ideologically useful, symbolically important,

[135] Heather Cox Richardson, *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven: Yale University Press, 2007).

and ultimately disposable caricatures effective in measuring America' progress and civil achievements.[136] Indeed, on the day Captain Jack and the others were executed at Fort Klamath, the *Daily Alta California* declared, incorrectly, that "The Modoc have already filled their space in the world, nine[ty] days have passed since their capture and the public evidently care very little about them now."[137] Having performed their part in the romance of manifest destiny by assuming a brief and eventful role on the national stage, the Modoc were now free to vanish and make way for white prosperity.

But beyond promulgating the evitable or justified nature of U.S.-Indian violence, the newspaper coverage of the Modoc War highlights the often-overlooked interconnectivity of journalistic narrative/imaginary and the physical violence of colonialism in the history of the United States. As when the *San Francisco Chronicle* described Captain Jack as a "Red Judas" or when the *Harper's Weekly* depicted the Modoc as fleas to be exterminated, the reproduction and dissemination of these racialized representations of Modoc created asymmetrical relations that ultimately determined the course of the conflict. These representations, moreover, imbued the conflict with Judeo-Christian overtones, which transformed a complex colonial conflict into a story of betrayal and moral failure and contributed to notions of American innocence and the spectacle of violence and retribution. In other words, from the very beginning, histories of the Modoc War were shaped by the marketplace of the Gilded Age popular press that produced them, revealing the inseparability of nineteenth century violence from its

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[136] John Coward, *The Newspaper Indian: Native American Identity in the Press, 1820-90* (Urbana: University of Illinois Press, 1999), 11-12.

[137] "The Modocs: Lecture on the Modoc Troubles by Hon. A. B. Meacham," *Daily Alta California*, October 3, 1873.

mediated representations and the power of the media to influence subsequent historical remembrances.

While the dynamics of the Gilded Age newspaper industry transformed the Modoc War into a spectacle of racial violence, the national sensation also created new opportunities for Natives and non-Natives alike to remembering the conflict. Even before the execution of Captain Jack and the other Modoc brought the war to an end, a variety of traveling Indian shows and portable exhibitions brought the living and symbolic representations of the conflict directly to eastern audiences. For over two decades, these performances packaged the Modoc War for cosmopolitan consumption by blending reformist politics with ever-greater doses of romanticism and sensationalism. Many careers were made on the stage but none influenced the narrative of American innocence that surrounded the Modoc War as much as Winema, the Pocahontas of the Lava Beds. It is her career – one heavily influenced by gendered and sexualized representations of Euro-American conquest and colonization of the North American continent – that I turn to now.

Chapter 2

Pocahontas of the Lava Beds:
Gender and the Traveling Indian Shows

"Pure blood Modoc though she is, Winema Riddle is a heroine who should be as well known in American history as Pocahontas or Sacajawea, and her fame will grow brighter with the years."

Oliver Applegate, *Klamath Fall Express*, March 22, 1906

Twenty-seven years after the execution of Captain Jack and the other Modoc, the United States Congress passed a bill granting Winema, a Modoc woman, a pension of $25 per month for "prov[ing] herself to be the friend of the white man at the risk of her own life."[1] More specifically, Congress believed she deserved a pension for her service as interpreter during the Modoc War and for saving the life of Alfred Meacham, "a useful and noble man," who had chaired the Modoc peace commission. Representative Binger Hermann, the bill's author, cited Winema's bravery in warning the peace commissioners of her people's "intended treachery" and for "running from one [attacker] to the other, turn[ing] the[ir] pistols" as she frantically fought to save Meacham from her "murderous" relatives.[2] Hermann believed that Winema was a Pocahontas-like figure, who intervened to save Meacham's life but others portrayed her as a Native Florence Nightingale, rescuing Meacham and nursing him back to health. As one newspaper stated, she "heard his groans, went to him, tore strips from her dress to stanch the blood from his wounds,

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[1] The bill went through several iterations beginning as early as 1888. Final passage appears to have occurred on October 3, 1890. "A Friend to the Whites: Why a Pension was Granted to an Indian Woman," *San Francisco Chronicle*, October 5, 1890. The pension received final approval from the Bureau of Pensions on February 25, 1891. Pension Certificate #565101, *Winemah Riddle Pension File*, 12339, NARA.

[2] *Winemah Riddle*, HR 2147, 51st Cong., 1st Session, 6-7.

dragged him to a cave near by, and then fed and nursed him until he could escape."[3] The precise details of how she saved Meacham notwithstanding, all accounts agreed that once her fellow Modoc had discovered Winema's treachery, they banished the brave woman and forced her into the degrading position of cleaning houses and even begging on the streets of Yreka to survive. Fortunately for Winema, her supporters had discovered her miserable condition and had appealed to Congress for her relief.[4]

Through the text of the bill and other accounts from the 1890s, Winema emerges as an Indian Princess. Positioned as she was between the innocence of manifest destiny and the savagery of Native resistance, Winema proved her devotion to civilization by rescuing a white man from the dangers of male Indian violence.[5] This interpretation of Winema's life was not confined to the halls of congress or to the columns of reform-minded newspapers. In 1926, John B. Horner, a prominent Oregonian historian, wrote that Winema was a "Modoc Princess [and] Heroine of Early Oregon Days [whose] courage and valor…entitles her to rank along with Pocahontas and Sacajawea in American history."[6] Half a century later, Dee Brown made a similar argument in his best selling book *Bury My Heart at Wounded Knee,* casting Winema as a cultural go-between in his tragic narrative of the Modoc War.[7] And lest we think professional historians are immune to the seduction of the Winema's story, Rebecca Bales, in her 2001 dissertation

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[3] "Pension for an Indian Squaw," *Daily Inter Ocean*, February 18, 1888;

[4] "Pension for an Indian Squaw," *Daily Inter Ocean*, February 18, 1888; "The First Indian Pension Bill," *Red Man*, 1888 in *U.S. Bureau of American Ethnology: Manuscript Covering the Klamath Indians from the file of the Bureau*. 1885-1892, frame 186.

[5] Stedman, *Shadows of the Indian*, 17-41.

[6] John B. Horner, "Wi-ne-ma, Modoc Princess, Heroine of the Early Oregon Days," *The Sunday Oregonian*, 31 January 1926, 8.

[7] Dee B. Brown, *Bury My Heart At Wounded Knee: An Indian History of the American West* (New York: Henry Holt and Company, 1970), 227-238.

on the history of the Modoc Nation argued explicitly that Winema ought to be considered along with Sacajawea and Sara Winnemucca as a "Negotiator of Change."[8]

Behind these erstwhile attempts to give the story of Winema a celebratory meaning, however, lies an opportunity to explore the distorting effects of the marketplace on subsequent histories of the Modoc War. For far from being a "negotiator of change," Winema was, in reality, the stage name of Toby Riddle, the Modoc translator who, between 1874 and 1876, toured the United States as part of the Alfred B. Meacham Lecture Company and became the subject of numerous dime novels and Wild West shows. Indeed, by adopting the persona of a latter-day Pocahontas, Riddle embraced gendered representations of Native women as rescuers of white men in order to create a space for herself within the postbellum traveling Indian show industry. Considered within this context, the bill introduced on her behalf was not simply a posthumous act of nostalgia or an isolated case of myth making. Rather, it was the direct result of a highly gendered and sexualized marketplace in which dominant representations of Native women as rescuers of white men ultimately defined and confined the space of opportunity for survivors of the Modoc War.

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Several scholars have commented on the importance of gendered discourses of civilization and savagery in the construction of Indianness in American history. While the particular story of Pocahontas saving John Smith has been familiar to English reading audiences since at least the 1624 publication of *Generall Historie of Virginia*, the

[8] Rebecca Bales, ""You Will Be Bravest of All": The Modoc Nation to 1909," PhD, Arizona State University, 2001, 30-31.

metaphoric power of the Pocahontas story has persisted as the dominant construction of Indian women's lives throughout the nineteenth and twentieth centuries. This process of defining Native women in terms of their relationship to non-Native men is what Rayna Green has coined "the Pocahontas Perplex."[9] Building upon Green's exploration of the significance of the Pocahontas myth to American imaginings of Indian women, a number of scholars have identified the centrality of the Pocahontas myth in national debates over broad issues of race, nation, and empire.[10] At its best, this literature has revealed the multivalent ways in which the image of an Indian woman rescuing a white man has come to embody a thick network of ideas about the American nation's racial and gendered identity.[11]

While these critiques have thoroughly explored the importance of gendered representations of Indians generally, and the Pocahontas myth in particular, to how American society has imagined Indians and used these imaginings in national political debates, the significance of these literary devices to the lived reality of Native women who presented *themselves* as Pocahontas figures is less well understood.[12] Indeed, one of

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[9] Rayna Green, "The Pocahontas Perplex: The Image of Indian Women in American Culture," *The Massachusetts Review* 16, no. 4 (Autumn 1975): 698-714.

[10] The literature on Pocahontas and her legacy in American literature is vast. For a representative sample see Mary V. Dearborn, *Pocahontas's Daughters: Gender and Ethnicity in American Culture* (New York: Oxford University Press, 1986); Asebrit Sundquist, *Pocahontas & Co.: The Fictional American Indian Woman in Nineteenth-Century Literature: A Study of Method* (Atlantic Highlands N.J.: Humanities Press International, 1987); Helen Rountree, *Pocahontas's People: the Powhatan Indians of Virginia through four centuries*, (Norman: University of Oklahoma Press, 1990); Robert S. Tilton, *Pocahontas: The Evolution of an American Narrative* (New York: Cambridge University Press, 1994); Paula Gunn Allen, *Pocahontas: Medicine Woman, Spy, Entrepreneur, Diplomat* (San Francisco: HarperSanFrancisco, 2003). Camilla Townsend, *Pocahontas and the Powhatan Dilemma* (New York: Hill and Wang, 2004).

[11] An excellent examples of this kind of analysis is Rebecca Faery, *Cartographies of Desire: Captivity, Race, and Sex in the Shaping of an American Nation* (Norman: University of Oklahoma Press, 1999).

[12] Although not directly embracing the story of Pocahontas, the career of Molly Nelson Dellis provides a useful example of how we might understand Indian women performing within marketplaces of self-

the central contentions of this chapter is that these representations require a closer examination precisely because scholars have tended to overlook their contribution to the economic lives of those who performed these acts of remembering. If constructions of Indianness influenced political debates, reflected broad cultural expectations, and contributed to white identity formation and understandings of the nation-state, they also created opportunities for Native individuals who sought to utilize them for their own political, economic, and social agendas. Establishing this connection and tracing its contours and origins is an objective of this chapter.

To that end, my aim is to consider the strange career of Toby Riddle and in the process explore how one woman used existing narratives of violence and gendered tropes of civilization and savagery to become a national celebrity, earn a federal pension, and emerge as a local legend. But the story of Winema does not end with her public career. Rather, her mythic self continues to be a popular icon to the present day throughout the Klamath Basin and beyond. In exploring the consequences and implications of this historiographical and memorial tradition, I want to suggest that the cultural landscape of southern Oregon and the historiography of the region are both the result of Native men and women participating, out of necessity, in the mystification and romanticization of their past and scholars afterwards glorifying and reproducing these narratives. Within this tradition, the fetishization of Winema's individual choice to go against her people and save a white man reveals Euro-Americans' desire to portray the conquest of Native peoples as a tragic clash of cultures. In other words, the Winema story ultimately points

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representations; see for example, Bunny McBride, *Molly Spotted Elk: A Penobscot in Paris* (Norman Okla.: University of Oklahoma Press, 1995).

to the complex ways in which capitalism and colonialism have worked hand-in-hand to construct liberal individualism by restricting Indian self-representation within a civilization/savagery dichotomy. This chapter, then, consider the life of Toby Riddle/Winema to explore how she transformed the Modoc War into a cross cultural romance in the context of the traveling Indian shows of the 1870s and 1880s, a story which begins on a dusty stage three hundred miles south of the Lava Beds, on the evening before Captain Jack and the others were hanged.

Act I. Overture: The Politics and Economics of Traveling Indian Shows

On October 2, 1873, Alfred Meacham took the stage at Mercantile Library Hall in San Francisco and forever changed the way Americans remember the Modoc War. Speaking in a strained voice and appearing with a head still bandaged from his near scalping, Meacham recounted for the audience the history of the Modoc War. The conflict, he argued, was the result from the government's failure to fulfill its obligations and to maintain good faith with its Indian wards. Moreover, he blamed the government for its reluctance to prosecute settlers for their crimes against Natives as well as its overreliance on corruptible agents rather than religious philanthropic organizations. But Meacham's version of events blended the political with the sensational. Indeed, as he ended his lecture with the tragic meeting of the peace commissioners with Jack and his warriors, the former Oregon Superintended of Indian Affairs described in harrowing detail how the Modoc had drawn their concealed weapons and fired upon the commissioners. He painted a dramatic picture of General Canby and Reverend Eleasar Thomas' deaths. And the emotional climax of this final scene was Meacham's timely

rescue by "Toby Riddle, womanlike…who failing in all else, clapped her hands and cried out 'Soldiers!'" thereby saving him from almost certain death. Following the lecture, many in the audience bought tickets to his next performance and lingered around the speaker's podium, wishing they could see the Native woman who had so miraculously saved this gaunt and pale man.[13]

Unbeknownst to Toby Riddle her career as Winema – the heroic savoir of white men – had begun. But Meacham's initial lecture with its emphasis on governmental mendacity and Toby's heroic rescue contradicted earlier versions of the event. Consider, for instance, the testimony of Toby and Meacham during the trial of Captain Jack and the other Modoc. Toby stated simply that during the attack she was hit across the back with a gun and knocked to the ground where, according to the court transcript, she remained until the soldiers arrived. For his part, Meacham testified that Riddle had thrown herself on the ground when the fighting began and that his attackers had knocked him unconscious. But he added that he regained consciousness only after "hearing the voice of Colonel Miller…that is the first sound I remember."[14] There is absolutely no doubt, then, that Toby repeatedly warned the commissioners of the Modoc's intention to attack them and that she may have prevented one of the Modoc from scalping Meacham, but contemporaneous sources from the spring of 1873 tend to emphasize the chaos of the day, leaving out the more familiar, coherent rescue narrative of later re-tellings. In other words, on the stage at Mercantile Library Hall in San Francisco, Meacham altered his

[13] "The Modocs," Daily Alta California, October 3, 1873, 1; also see Meacham, *Wigwam and War-path, or the Royal Chief in Chains*, iii-iv.

[14] "Trial of the Modoc Prisoners" in *Modoc War Correspondences*, 169.

version of events to take advantage of the dramatic expectations of his audience at the Mercantile Library Hall.

Meacham was not alone in lecturing on the Modoc War; many hoped to capitalize on the conflict's sensationalism and notoriety. Even before the conflict had ended, *Captain Jack of the Modocs*, a play by John F. Poole, opened at Wood's Theater in Manhattan. The follow spring, the Bowery Theatre débuted *White Hair; or, The Last of the Modocs*. And by November, Wood's Theater followed Poole's drama with one starting Oliver Doud Byron titled *Donald McKay, the Hero of the Modoc War* while in Boston a young man claiming to be an officer of the United States Army regaled lyceum audiences with a trunk full of relics supposedly from the Lava Beds along with stories of his fortunes and misfortunes in the late Modoc War.[15]

The notoriety of the Modoc War and the popularity of the Warm Springs Indians among Americans in the east found expression in other venues as well. William McKay, a medical doctor on the Warm Spring Indian Reservation and half-brother to Donald McKay, decided to organize a traveling Indian show of his own. Bringing together a troupe of twelve former Warm Spring Indian Scouts (Cappolas, Shaka, Kehsyakan, Hiatoo, Weneya, Klamatochchosney, Skemates, Asike, Oscar, Weyatathan, Semco, and Kamayax), as well as his half-brother and the mountaineer and fur trader Joe Meek, William McKay intended his show to include both a historical lecture and rousing

[15] Roger A. Hall, *Performing the American Frontier, 1870-1906* (Cambridge University Press, 2001), 85-86; Banvard's Museum, "Wood Museum's Playbill for Donald McKay: Hero of the Modoc War" (New York : Cameron & Co., 1875), American Broadsides and Ephemera, Series 1, no. 23633; "About the Modoc," *Zion's Herald*, December 4, 1873.

demonstrations of Indian skills.[16] Focusing little on the recent history of the Modoc War beyond a dramatized version of the capture of Captain Jack, the story-telling portion of their show drew upon Frances Fuller Victor's book *All Over Oregon and Washington* (1872), which was likely also sold during the performances.[17] McKay's troupe gave their first performance in early March of 1874 in Portland, Oregon, where audiences flocked to see "The Modoc Slayers."[18] Having perfected their show in Portland, McKay hired Samuel Parrish, Malheur Reservation's well-liked Indian agent, as manager and the troupe began performing in eastern cities early in the summer of 1874.[19] Essential to the success of any tour was a well-organized schedule with sufficient advertising and suitable arrangements made in advance. Unfortunately for McKay and the other Warm Spring Indians, Parrish was not up to the task and financial troubles soon plagued the troupe.[20] By the winter of 1874, McKay was deep in debt and in June, 1875, he was arrested and placed in a Boston poorhouse.[21]

The failure of William and Donald McKay's 1874 traveling Indian show may well have been due to managerial incompetence but the 1870s were, nonetheless, a period of great opportunity for western-themed melodramas. Part of their popularity, historian L.G. Moses points out, was due to the inclusion of Indians actors, who came to represent

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[16] William McKay to Oliver Applegate, August 30, 1873, *OCA*, Ax 005, Box 5, Folder 2; "The Warm Spring Indians: Arrival of a Delegation of our Red-Skinned Allies," *San Francisco Chronicle*, May 6, 1874.

[17] F.F. Victor to O.C. Applegate, March 28, 1874, *OCA*, Ax 005, Box 5, Folder 4.

[18] Classified Advertisements, *Daily Evening Bulletin,* May 7, 1874.

[19] F. F. Victor to O.C. Applegate, April 23, 1874, *OCA*, Ax 005, Box 4. For information on Samuel Parrish, see Sally Springmeyer Zanjani, *Sarah Winnemucca* (University of Nebraska Press, 2001), 128-135.

[20] Meacham to O.C. Applegate, October 8, 1874, *OCA*, Ax 005, Box 5, Folder 4.

[21] "Warm Springs Indians in Trouble," *San Francisco Chronicle*, June 19, 1875; Thomas Augustus Edwards, *Daring Donald McKay; or, The Last War Trail of the Modocs*, ed. Clark, Keith and Clark, Donna (Portland, OR: Oregon Historical Society, 1971), xiii; Edward Serle Phinney, "Alfred B. Meacham, Promoter of Indian Reform" (Ph.D, University of Oregon, 1963), 223.

living and breathing trophies of western progress. In 1872 William Frederick Cody, better known as Buffalo Bill Cody, began his career by performing his own unique persona on stage behind a backdrop of Indian actors. But the 1870s also represented a renaissance for Indian actors as a new generation of eastern urbanities came of age in a United States where, for the first time, the appearance of Indians was viewed as a novelty.[22] It was within the context of this explosion of interest, then, that Meacham and the McKays sought to perform the history of the Modoc War.[23]

As McKay's troupe traveled around the United States, thrilling audiences and falling deeper into debt, Meacham began establishing the groundwork for his own traveling Indian show. Following his inaugural lecture at Mercantile Library Hall, Meacham delivered two additional performances in San Francisco to judge the financial profitability of his lectures. Well aware of the need for his performances to capture a more authentic Indian flare, Meacham wrote to Oliver Applegate back on the Klamath Reservation asking him to supply a series of Indian phrases, which he might use "cleverly" in his lectures.[24] Throughout the winter and into the summer of 1873-1874, Meacham worked on a book-length account of the Modoc War while recuperating at his father's farm near Iowa City.[25]

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[22] L. G. Moses, *Wild West Shows and the Images of American Indians, 1883-1933* (Albuquerque: University of New Mexico Press, 1999), 12, 19.

[23] Moses, *Wild West shows and the images of American Indians*, 20. Quoting Richard White, Moses notes that, "Whereas books, or art, or even other shows offered only white actors, Cody presented real Indians, who…'were imitating imitations of themselves. They reenacted white versions of events in which some of them had actually participated." Ibid., 287n38.

[24] Meacham to Oliver Applegate, August 9 1873, OCA, Ax 005, Box 5, Folder 2.

[25] Pension Claim No. 303,721, Box No. 34575, Alfred B. Meacham cited in Phinney, "Alfred B. Meacham, Promoter of Indian Reform," 222.

Written in defense of the humanitarian reform movement and its commitment to righteous administration of Indian affairs, *Wigwam and Warpath; or, the Royal Chief in Chains* presented the Modoc War as the shameful result of the United States' refusal to recognize the individual rights of American Indians.

> Read the history written by our own race, and you will blush to find from Cape Cod bay to the mouth of the Oregon, the record of battle-grounds where the red man has resisted the encroachments of a civilization that refused him recognition on equal terms before the law. You will find that these battle grounds have been linked together by trails of blood, marked out by the graves of innocent victims of both races, who have fallen in vindication of rights that have been by both denied, or have been slain in revenge by each. You will find scarce ten miles square that does not offer testimony to the fact that it has been one continuous war of races, until the aborigines have been exterminated at the sacrifice of an equal number of the aggressive race.[26]

Infused with romantic paternalism and committed to the notion of liberal individualism, *Wigwam and Warpath* sought to strike a balance between castigating the government's Indian policy without condoning the Modoc's attack on the peace commission.

Shortly after completing his book, Meacham began the process of turning it into a series of lectures. In May 1874, at the invitation of the famed abolitionist Wendell Philips, he traveled to Boston and delivered a lecture titled "The Tragedy of the Lava Beds" to a group interested in Indian reform at the Park Street Church. The event was a tremendous success and convinced Meacham that he should organize his own lecture company, combining lectures such as those he had written with more tantalizing Indian exhibitions.[27] "I have an enterprise that I think has money in it," he wrote Applegate in the fall of 1874, "and in order to carry out my designs I must find some reliable man

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[26] Meacham, *Wigwam and War-path, or the Royal Chief in Chains*, 665-666.

[27] Alfred B. Meacham, "The Tragedy of the Lava Beds," in Thomas Augustus Bland, *The Life of Alfred B. Meacham* (Washington, D.C.: T.A. & M.C. Bland Publishers, 1883), following page 30.

acquainted with Indian life." Meacham's plan was to bring together some former members of Captain Jack's band of Modoc Indians, a few Klamath Indians, and a medicine man or two. Above all, he hoped to recruit Toby Riddle and asked Applegate to help arrange it.[28]

While Applegate coordinated recruitment in the Klamath Basin, Meacham traveled to Oklahoma. Arriving in November at the Quapaw Reservation where the Modoc had been relocated to Indian Territory, he had little difficulty convincing several prominent Modoc to join his troupe. The horrid conditions and lack of economic opportunity afforded on the Quapaw reservation explain their willingness. Incidences of illness, especially for children, were high among the new arrivals. Of the 153 prisoners that arrived by cattle car in the winter of 1873, fully one-third had died of illness in the first six years.[29] Further exacerbating matters, the Quapaw Indian reservation was infested with nepotism, corruption, and fraud. Indeed, rather than being protected by "church men," the Modoc were in the middle of what Albert Hurtado has called a "Quaker Indian ring" whose operations ravaged the Quapaw Agency throughout the 1870s. For example, eleven of the twelve employees working at the agency were relatives of either Hiram Jones, the Indian Agent, or Enoch Hoag, the Superintendent of Central

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[28] Meacham to Oliver Applegate, October 8, 1874, OCA, Box 5, Folder 4.

[29] Patricia Scruggs Trolinger, *The History of the Modoc Tribe of Oklahoma*, The Modoc Tribe of Oklahoma, http://www.modoctribe.net/history.html (accessed February 10, 2009). In his history of the Modoc War, Riddle includes a chilling photograph showing nine children at the Quaker Indian School, of which five were dead within a few years. F.H. Smith, "Report on Condition of the Modoc Prisoners to the Board of Indian Commissioners," November 21, 1874 in Jeff Riddle, *The Indian History of the Modoc War* [San Francisco : Printed by Marnell & co., 1914], 293-295.

Indian Superintendency in Lawrence, Kansas.[30] Moreover, according to Patricia Scruggs Trolinger, Tribal Historian for the Modoc Tribe of Oklahoma, Jones was also guilty of embezzlement, knowingly purchasing rancid meat, and otherwise swindling the Modoc of their meager rations. To make matters worse, Jones restricted their access to trade with local merchants, refusing to allow them to do business with any merchants from the surrounding white community of Seneca, Missouri, thereby providing a monopoly for Superintendent Hoag's first cousin T.E. Newlin, who operated the reservation store.[31] Faced with such conditions, the opportunity to make money by participating in public performances such as Meacham's doubtlessly seemed appealing.

Despite the prospect of financial gain, government administrators disapproved of Meacham's plan to employ Native actors. Secretary of the Interior Delano suspected he might abandon the Modoc if his public exhibitions proved unprofitable and feared he might leave the government with the inconvenience, and financial obligation, of returning them to Indian country. In an attempt to limit Modoc involvement, the government required Meacham to provide for the Indians' wellbeing and transportation and insisted that he guarantee that his traveling show would cost the government nothing. In the end, three Modoc Indians were allowed to participate in Meacham's exhibitions – Steamboat Frank, the former chief of the Oklahoma Modoc, Scarface Charley, and Shacknasty

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[30] Albert A. Hurtado, "The Modocs and the Jones Family Indian Ring: Quaker Administration of the Quapaw Agency, 1873-1879," in *Oklahoma's Forgotten Indians*, ed. Robert E. Smith (Oklahoma City: Oklahoma Historical Society, 1981), 86-107.

[31] Patricia Scruggs Trolinger, *The History of the Modoc Tribe of Oklahoma*, The Modoc Tribe of Oklahoma, http://www.modoctribe.net/history.html

Jim.[32] All arrangements having been made, Meacham traveled back to Sacramento for his troupe's début.

If the Oklahoma Modoc saw Meacham's lecture tour as an economic possibility, those who remained on the Klamath reservation viewed it as primarily a political opportunity. The Klamath Tribes had been having problems with their annuities for over a decade and a promised mill had only recently materialized after years of delay. In selecting their representative, then, the Klamath headmen wanted to elect someone to speak directly to the President of the United States about conditions on their reservations and to advocate for the fulfillment of specific annuities. And their choice was David Hill, a man of considerable influence on the reservation who spoke English fluently and could serve as a representative for all the chiefs when he arrived in Washington, D.C. (Figure 11)[33]

Figure 11. David Hill (Warlak Skidat) was elected to head of Klamath Indian Delegation to Washington D.C., as part of Meacham's traveling Indian show in 1875 (courtesy of the National Archives)

[32] Phinney, "Alfred B. Meacham, Promoter of Indian Reform," 224; "Permit to Employ Indians," quoted in Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 13.

[33] David Hill's influence is suggested by the fact that upon returning to the reservation, he was chosen as second chief to Henry Blow and within a year, his followers outstripped the head chief's. Gatschet, *Klamath Indians of Southwestern Oregon,* I:50; Stern, *The Klamath Tribe*, 85-86.

The specific issues they wished David Hill to bring to the president were expressed in a letter dictated by the principal chiefs in 1875. Henry Blow, for example, wanted Hill to ask President Grant to provide funds for the position of chief as their original treaty stipulated.

> I understand that no provision has ever been made for pay of Head Chief on this Agency. George the old chief who was hung was promised pay for being chief by those who first made a treaty with him and a paper was sent to Washington to that effect. I know that straight and this is why I tell you this. Lincoln was President at that time. Chief George told us this, and shortly after he was hung when LaLakes became chief again but said nothing about pay. Now Lincoln and George are both dead and I don't know what has become of the paper. I want you and Oliver & Meacham to talk to the Hias Tyee [President] about this…I want Dave Hill & Tecumseh to know what the Tyee says about this.[34]

Blow was particularly concerned about the question of salaries for the various chiefs since giving gifts, feeding Indians during meetings, and providing for followers was the primary ways in which chiefs maintained their influence. Providing a salary to the chief was essential, Blow believed, to keeping the young men in line through networks of obligation based on generosity and he wanted Grant to understand this need. "We have cut our hair…and try to be like white men. I live up to the treaty and am all right…I help Mr. Dyar [the Agent] and we are both big men. I know about Gen. Grant and I want him to know that I help him in keeping my people straight. I want him to know what I say today. I have not sent him any talk for a long time."[35] Indeed, Allan David ultimately

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[34] Handwritten letter from the principal Klamath sub-chiefs to David Hill, [1875], *Lindsay Applegate Papers*, Ax 004, Box 2, Folder 4. Special Collections & University Archives, University of Oregon Libraries, Eugene, Oregon [hereafter *Lindsay Applegate Papers*]; also reproduced in Theodore Stern, *The Klamath Tribe*, Appendix, 268-271.

[35] Handwritten letter from the principal Klamath sub-chiefs to David Hill, [1875], *Lindsay Applegate Papers*, Ax 004, Box 2, Folder 4.

stepped down from the head chieftaincy because he was unable to afford the expenses without a government salary.[36]

In addition to bringing treaty issues before the president, David Hill was also charged with carrying several personal requests for the tribe, many of a minor though nonetheless essential nature to their material well-being. For example, one chief calling himself Captain, possibly Captain's Bob, wanted Hill to ask President Grant to give him a wagon. "I want a wagon. I want you to tell this to the Tyee at Washington…Allen David, Blow La-Lakes, Chiloquin & Jack have wagons and other things. Now I am chief I also want them. I have become like the Boston man [Americans] and I want these things." Henry Blow wanted Hill to request a "mowing machine so that we can cut more hay for our cattle." For his part, Allen David wanted Hill to tell Grant about the new Mill they had built and ask the president what he thought of it and how they might improve upon it, for David was very concerned that "bad men are trying to get our lands and are lying to the President." David Hill, therefore, was to "tell the whole truth to him and…not chaco tenas tumtum [become discouraged] at whatever he might say or do." In this way, Allen David coached David Hill prior to appearing before the president as their representative, "Don't be afraid of him, but tell him all about these things."[37] David Hill and Tecumseh's involvement in Meacham's traveling Indian show, then, was seen as a delegation sent by the Klamath chiefs in order to address their specific concerns directly to Grant, asking him to fulfill treaty obligations and other needs as part of a long term relationship between the Klamath and the United States government.

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[36] O.C. Applegate to F.F. Victor, February 2, 1874, *OCA*, Box 5, Folder 4, 7-9.

[37] Handwritten letter from the principal Klamath sub-chiefs to David Hill, [1875], *Lindsay Applegate Paper* Box 24, Folder 7, "Indian miscellaneous;"

With David Hill and Tecumseh signed on, Applegate visited Frank and Toby Riddle at their home in Yreka. It is not known what Applegate promised them but the Riddles soon joined Meacham's troupe. They may have seen the tour as an opportunity to educate their nine year-old son Jeff in the wider world and receive an education. We might well imagine the Riddles receiving the invitation with excitement and only a tinge of anxiety. Perhaps like many Natives who joined traveling Indian shows, Toby sought money and adventure. It is possible she wanted to see her husband's hometown in Kentucky. Or maybe like the Oglala medicine man Black Elk, Ogliasa, and many of the Lakota who joined Buffalo Bill's Wild West show, she agreed to go simply because she enjoyed traveling and wanted to travel more.[38] Regardless of the reason, shortly after New Years 1875, Frank, Toby and Jeff Riddle boarded on a train bound for Sacramento – the first of many trains they would ride in the months and years to come.

Act II. The Alfred B. Meacham Lecture Company and the Invention of Winema

On March 29, 1875, the "San Francisco Minstrels" took the stage of the Robinson Hall in New York City. For two months, they had traveled across the country from St. Louis, Missouri and Terre Haute, Indiana to Lexington, Kentucky and Washington, D.C., acting out the romantic and stirring scenes of the recently concluded Modoc War while Alfred Meacham lectured on the "Tragedy of the Lava Beds," the shortcomings of American Indian policy, and the American Indian's willingness to adopt the ways of civilization.[39] Every evening and twice on Wednesday and Saturday afternoons, Oliver

[38] Moses, *Wild West Shws and the Images of American Indians*, 44-46.
[39] Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 92-94; Phinney, "Alfred B. Meacham, Promoter of Indian Reform," 225; O.C. Applegate to Alfred H. Love, April 19, 1876, OCA, Box 5, Folder 6.

Applegate, Frank, Toby Riddle and their son Jeff, David Hill, Tecumseh, Scarface Charley, Steamboat Frank and Shacknasty Jim, and a Rouge River Indian named George Harney along with his wife Maggie appeared on stage in a kind of *tableaux vivant* as Meacham delivered his set lectures.[40] Meacham had tried to convince Natchez Overton, brother of the soon-to-be famous Sarah Winnemucca, to join the group. Overton would have been a popular addition to the tour but he was more interested in continuing the struggle for his Paiute people and declined the offer, traveling instead to Reno and Nevada City where Winnemucca and he lobbied senators and other influential American politicians to provide food to off-reservation Paiutes.[41]

Even without Natchez Overton, the Meacham Lecture Company appealed to a wide audience. Although descriptions of their performances are scarce, extant accounts suggest that Meacham sought to balance eastern audiences' desire for stereotypically authentic Indians with Meacham's reformist and humanitarian agenda. A studio photograph probably taken in Boston captured this tension (Figure 12). Appearing in fringed shirts and feathered headdresses the Modoc actors regaled their audiences with hokum performances and feats of skill. Indeed, Shacknasty Jim in particular soon became famous for his archery skills. During one performance, according to Meacham, Jim asked Oliver Applegate to stand at the front of the stage and hold a six-inch wide pine board

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[40] "Dramatic: Union Square Theatre," *New York Times*, March 28, 1875; Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 93;

[41] *New Northwest*, February 19, 1875; Gae Whitney Canfield, *Sarah Winnemucca of the Northern Paiutes* (Norman: University of Oklahoma Press, 1983), 84-93. It should be noted that there are striking similarities between the career of Toby Riddle and Sarah Winnemucca. For example, like Toby, Sarah also participated in performances about her people's experiences of colonialism. In many of these performances, Sarah, like Toby, was viewed both as a female rescuer of the US troops she worked with during the Bannock War. See Zanjani, *Sarah Winnemucca* (University of Nebraska Press, 2001), 72ff. Special thanks to LaVonne Brown Ruoff for pointing out this similarity.

over his head while he and the other Modocs stood arrayed throughout the auditorium. "Every eye was upon the target," Meacham later recounted, "when the first arrow was sent."

> It struck a little above the mark. The next man planted his arrow within the spot. Then another still closer. At each twang of the bowstring the audience shouted…Scar-Face Charley struck his arrow within half an inch of the centre, and a storm of applause greeted him as he strode back to the stage. Each Indian had planted an arrow in the target and their feathered ends stood bristling towards the audience. Every eye was now on Shacknasty Jim, who seemed fully alive to the occasion, going close to the target and scanning the arrows closely, he made a small white spot in the exact centre…then drawing his arrow and placing it on the string of his bow he whirled, and almost before he had stopped, he sped it forth with wicked twang and there in the little white spot in the very centre of the target stood Shacknasty Jim's arrow, still vibrating.[42]

Even allowing for a level of embellishment on Meacham's part, the inclusion of Shacknasty Jim's archery performance together with the stylized dress of the performers was certainly a crowd-pleaser.

But Meacham's goal was to edify his audiences with lectures on the American Indian's tragic condition and the need of the government to assume its responsibility. As a so-called Friend of the Indians and future founding editor of *Council Fire* – a humanitarian journal committed to "justice to the Indian and arbitration as a remedy for war" – he was keen to present Native peoples in a positive light.[43] To accomplish this, the troupe emphasized the role Toby Riddle had played in the war and sensationalized her relationship to Meacham and American civilization in general. Dressing her in high-necked and uncorseted tea gown, Toby served as the interpreter on stage, translating the

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[42] Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 89-91; *Modoc: The Tribe that Wouldn't Die*, 196-199.

[43] Jacqueline Fear-Segal, *White Man's Club: Schools, Race, and the Struggle of Indian Acculturation* (University of Nebraska Press, 2007), 41.

Modoc's speeches into English for the audience while David Hill attested to the Indian's eagerness to embrace American culture (Figure 13).[44] At the end of each performance, according to the Sacramento *Record*, "Mr. Meacham paid a glowing tribute to the devotion, truth, and sagacity of Toby Riddle, and declared her a heroine of the highest order."[45] In the Meacham Lecture Company's performances, then, they sought to blend the humanitarian lecture style of the antebellum abolitionists with the more rowdy novelties of the traveling medicine or vaudeville shows.

Figure 12. "Alfred B. Meacham Lecture Company," 1875. Left to Right: Shacknasty Jim, Steamboat Frank, Frank Riddle, Jeff Riddle, Toby Riddle, Scarface Charley. Courtesy of the Klamath County Museum.

Figure 13 "Toby Winema Riddle," 1876. Courtesy of the Oregon Historical Society, OrHi 12715.

The commercial lyceums of the 1870s operated on razor thin margins and required considerable business acumen and organizational talent. To aid in the daunting the task of organizing a national tour, Meacham hired James Redpath's Boston-based Lyceum Bureau to manage their accommodations. Redpath was well suited to the task. In

[44] "A Stolen Indian: The Curious Story of an Adult, Red-Skinned Modoc Charley Boss," *Inter Ocean*, September 17, 1875.
[45] *Record*, February 3, 1875.

addition to having organized tours for the likes of Mark Twain and the American debut of Gilbert and Sullivan, he was also adept at drawing large crowds for shows of the exotic and the foreign. In 1875 alone, Redpath organized a debate in St. Louis between two philosophers, one Confucian and the other Zoroastrian; in New York, he secured an appearance for illusionist Harry Kellar before a substantial audience; and he even managed to arrange for the Ottoman counsel general to appear on stage in full native dress and demonstrate some of the Muslim worship practices. Yet, despite his keen sense of showmanship, Redpath was a passionate reformist who hoped that by presenting their story on the national stage, Indians would prove that they deserved peace.[46]

Passion and talent, however, were not a panacea and unforeseen obstacles soon exposed divisions within the group. Despite the high hopes and expectations of his fellow Klamath, David Hill's meeting with president Grant revealed the United States government's lack of care for the Klamath and its unwillingness to hear their complaints. In February, Meacham and his group arrived in Washington, D.C. and traveled to the White House and Capitol Hill to meet president Grant and speak with Edward P. Smith, the Commissioner of Indian Affairs. As he would later recount, the number of African Americans he saw in and around Washington amazed Hill but he was shocked not to see any Indians. "I was in the great law house at Washington…I saw Negroes there. I saw every kind of people there, but Indians." When the delegation met Grant, Hill was surprised by the lack of grandeur surrounding the "Hias Tyee" of the United States. "He looked just like any other man. I was not afraid of him." But when Hill spoke to the

[46] John McKivigan, *Forgotten Firebrand: James Redpath and the Making of Nineteenth-Century America* (Ithaca: Cornell University Press, 2008), 132-133.

president, delivering the Klamath's wishes and concerns, he was disheartened by Grant's lack of interest. "I intended to tell him what my people wanted, but his ear was to [sic] small, he could not hear me. I brought all the things in my heart away." The delegation's visit with Commissioner Smith likewise ended in disappointment. "He had large ears," Hill recalled, "He seemed to listen to what I had to tell him, but I looked him in the eye. He did not put the things I told him in his heart. My heart got sick, because I had came a long way with Colonel Meacham to see these men, but they would not take the words I gave them."[47]

With his political mission a complete failure, Hill decided to abandon Meacham and the rest of the troupe and return home to the Klamath Reservation. Using money he had saved to buy a train ticket, Hill departed New York on April 27th or 28th and got as far as Chicago or perhaps a little further before he ran out of money. As he walked west, Hill found occasional work making hay for white farmers in western Illinois and Iowa, saving money and traveling by rail whenever possible. In Fremont, Nebraska, Hill discovered that a local conductor allowed Indians to ride free of charge so long as they rode on the platforms and tops of the boxcars. "So I painted myself a little, and…taking my place on the top of a car, I found it went well…being first a Sioux, then a Shoshone, then a Piute, and finally a California Digger." Traveling so disguised, Hill returned home to the Klamath Reservation in early August.[48]

Hill's unheralded departure together with unforeseen financial difficulties caused considerable concern among the rest of the troupe. Meacham contacted the New York

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[47] David Hill's Speech at Independence Hall, Philadelphia, March 24, 1875, in Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 103-107.
[48] *Daily Evening Bulletin*, August 18, 1875.

Police and hired a private detective, he publicized the disappearance, sought assistance from local charities, and even enlisted the services of a spiritualist who conducted a séance, all to no avail. By happenstance or by design, an enterprising group of imposters contacted Meacham several weeks after Hill had left claiming to have him held captive. At first, the purported kidnappers demanded $1000 for his safe return. However, once it became evident that Meacham would not depart with such funds without proof, the gang withdrew its demands and was never heard from again.[49] When news reached Meacham and company that Hill had returned safely to the Klamath Reservation, Meacham called the entire affair a "cock and bull" fabrication.[50] To make matters worst, Hill's sudden departure and the considerable expense it caused were not the troupe's only misfortune. Through the generous support of several prominent humanitarians, Redpath and his associate had managed to raise a considerable sum – reportedly as much as $30,000 – to support and promote Meacham's Lecture Company. In early May, however, the Boston bank in which Redpath had deposited the funds failed.[51] Bankrupt, Meacham had no choice other than to send Applegate and all the Modocs home in June of 1875. All that remained of the original company were Toby, Frank, and Jeff Riddle.[52]

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The stress of financial failure took its toll on Meacham and affected Toby Riddle particularly hard. Of all the members of the troupe, Toby had been less influenced by the

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[49] "The Kidnapped Klamath," *New York Times,* Sep 14, 1875; Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 100-102.

[50] Meacham to Applegate December 7, 1875, *OCA*, Box 5, Folder 5.

[51] F.A. Shaver, et al., *An Illustrated History of Central Oregon* (Spokane, Wa: Western Historical Publishing Co., 1905), 1092-1094; Elinor F. Meacham, "Redbird of Meacham," in *Memorandum book of Nellie F. Meacham, Salem, Oregon, October 21, 1878-May 11, 1879 and Manuscript of Autobiographical Novel*, University of Oregon Library, MICROFILM F884.M38 M43 1959, 102-104.

[52] "Meacham's Indians: Their Return to Yreka," *Inter* Ocean, June 23, 1875

uncertain circumstances they encountered. Traveling with her husband and son, she had greater emotional support. Moreover, she had enjoyed tremendously traveling by train, marveling at the beauty of the great American prairie.[53] For his part, her son, Jeff, found the fantastical and macabre attractions of the eastern cities unforgettable. Indeed, as he would later recall, while walking along Pennsylvania Avenue during their visit to Washington, D.C., Jeff saw a large crowd gathered outside of a tent, in which it was said a great Indian chief was on display. Paying the entrance fee, Jeff later recalled, "I expected to see a living Indian [and] looked for such. [T]o my dismay I saw Captain Jacks head in a large jar pickled. I knew the instant it was Jacks head…the sight of the chiefs head in a big glass jar struck me with such force so far from home I have never forgotten it and will as long as I live."[54]

But with the departure of her fellow Modoc and Klamath, Toby's otherwise good-natured self turned morose and in September dire signs of Toby's homesickness began to appear. In a letter to Applegate, already back at the Klamath Reservation, Frank Riddle disclosed that "Toby wants to here [sic] from her people very bad" and wishes for news of life back home.[55] As the troupe's debts mounted Toby fell into a deeper depression and in December, Frank became terribly ill. His son wrote that "I think my Father cannot live much longer in the great City of New York…"[56] Although things seem to have improved a bit with the weather, Toby's mental state made a turn for the worst by the early summer of 1876. In a heartbreaking letter to a friend back in Oregon, Frank poured out his despair

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[53] Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 93.
[54] Jeff C. Riddle to Ruth E. King, January 15, 1934, *LBNMRL*, Vertical File: Modoc War, Jack's Head – Riddle.
[55] Frank Riddle to O.C. Applegate, September 17, 1875, OCA, Box 5, Folder 5.
[56] Jeff Riddle to O.C. Applegate, February 21, 1876, OCA, Box 5, Folder 6.

for Toby and her fragile mental state: "I don't know what to do with [Toby], she has them fits every day or too [sic] now. I have to watch her to keep her from killing her self she thinks she will never get home…I think if we don't get away from here soon, Meacham and her both will go crazy…" He concluded his letter with an appeal for help: "I want you to see the Indians as quick as you can and let me no [sic] what you and them can do."[57] In the midst of this crisis, both financial as well as personal, Meacham and Riddle collaborated to create the myth of Winema.

Heavily in debt and desperate to send Toby home before she committed suicide, the troupe published and began selling a novel that would forever change Toby's life. Written by Meacham, *Wi-Ne-Ma (The Women-Chief) and Her People* was intended to be an inexpensive accompaniment to the company's performances (Figure 14). Priced at one dollar per copy, *Wi-Ne-Ma* valorized Toby Riddle by casting her as a mythical chieftainness. Systematically excising all evidence of her previous identity as Toby Riddle, Meacham wrote that, "Of the several characters developed by [the Modoc War], none stands out with more claim to an honorable place in history than Wi-ne-ma (the woman-chief) who is the subject of this sketch" (20). While in the course of the lecture tour, Toby had certainly played the role of Meacham's savior, she never claimed to be a Modoc chieftainness. Nonetheless, *Wi-Ne-Ma* claimed for Toby a central role in almost every aspect of the war. From the very beginning of the conflict, according to the novel, she rode around on horseback, carried messages, negotiated peace agreements, and commanded Modoc troops.[58]

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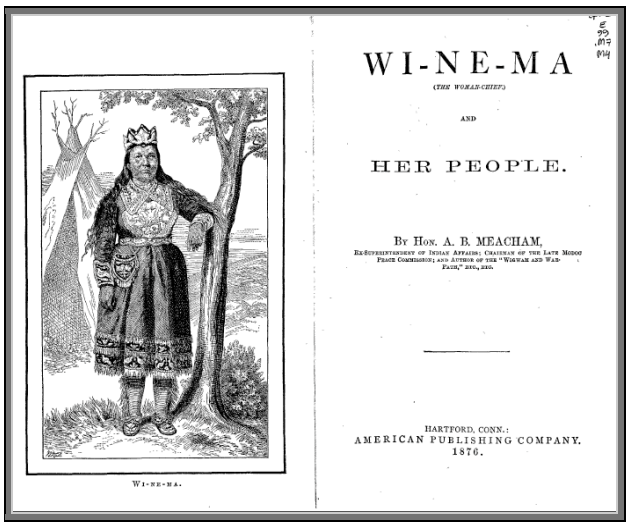
[57] Frank Riddle to O.C. Applegate, June 6, 1876, OCA, Box 5, Folder 7.
[58] Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, esp. ch. 5, 7-11.



WI-NE-MA.

WI-NE-MA

(THE WOMAN-CHIEF)

AND

HER PEOPLE.

BY HON. A. B. MEACHAM,

EX-SUPERINTENDENT OF INDIAN AFFAIRS; CHAIRMAN OF THE LATE MODOC PEACE COMMISSION; AND AUTHOR OF THE "WIGWAM AND WARPATH," ETC., ETC.

HARTFORD, CONN.:
AMERICAN PUBLISHING COMPANY.
1876.

Figure 14. Alfred B. Meacham, *Wi-ne-ma (The Woman-Chief) and Her People* (Hartford: American Publishing Company, 1876).

In addition to exaggerating her role in the Modoc War, the novel also chronicles in minute detail Winema's growing fascination with everything associated with white society as well as asserts her conviction that the Indian's salvation lies in them embracing such things. For example, according to the novel, Winema learned to speak English after nursing a sick white man who is found wandering the woods lost, half-starved after being separated from his party. While attending to this man (the first of many she will save) and learning to communicate with him, Winema learned of all the cities Americans had built and the wonders of industrialization. "Her heart was fired by her first lessons in the white man's history," and she eventually dedicated her life to learning all she could about the "higher life of the white man," (22). Ultimately, her desire to learn about white society draws her to Frank Riddle who enchants her with "stories of civilized life." After they are married, Winema rejects Indian clothing and learns to cook only European foods and keep a European-style house, attaining "the distinguished title of 'a first-rate housekeeper'" (27).

In recounting her fascination with American society, the novel portrays Winema as a model for civilizing Natives through acculturation. The evident superiority of everything associated with white society draws Winema to reject the purportedly savage ways of her people and, once introduced to white society, she never falters in assimilating herself and others. Indeed, it is claimed that she became "a teacher and missionary to her own race," speaking with them for hours about the "wonderful things she had seen among the white people" (37). Moreover, the completeness with which she embraced white society is further suggested by her distinct lineage. "Her mother is said to have belonged to a family of Indians remarkable for one peculiarity, that of having very fine brown or red hair" (20). In addition to supplying Toby Riddle with a new stage name, the book also gave her the basis for claiming a deep and profound admiration for American society and even hints at the civilizing benefits of racial mixing.

The complexity of Winema's romantic relationships and the centrality of her union with a white man are further revealed in the character of Uleta, her "savage" Indian-lover. Early in the novel, Winema tries to inspire Uleta to embrace the evident superiority of white civilization but he is "so thoroughly Indian" that her tales do not interest him. Her first civilizing project revealed as a failure, Winema rejects her Indian lover and turns her attention towards finding a partner among the whites. But Uleta is overcome with depression and consumed by madness such that he plots to kill Frank during the tribe's annual bear-hunt. Learning of his plan, Winema intercedes and prevents Uleta from taking her husband's life, adding yet another white man to the list of those she

has saved from male Indian violence. His love rejected and his revenge thwarted, Uleta throws himself from his canoe and drowns.[59]

Within the context of the novel, not only does Winema choose to marry a white man, but she also assumes the role of a protector of Indian women's virtue. Locating Toby within another historical event, the novel portrays her as an agent of colonialism when it asserts that she supported the Oregon Superintendency's 1870 declaration that all enslaved Natives must be freed and that Indian women could live with white men only if they were legally married. According to the novel, Winema embraced the project and crusaded to get Native women and non-Native men married, "unceasing in her efforts for the fulfillment of the law, [she] rested not until the white men holding Indian women in bondage had married them." Indeed, Winema's involvement in this project is crucial in explaining her friendship with Alfred Meacham and her decision to save his life. "To my efforts in this matter may be accredited Wi-ne-ma's friendship for me, and her heroic services in the Lava-beds in my behalf" (41-2). Winema's sexual relationships and her commitment to interracial marriages, then, are used to presage her eventual choice to betray her people and save Meacham's life.

Winema's romantic relationships are important in presenting her as a Pocahontas-like character but her role as a rescuer of white men and as a peacemaker are central to the novel's portrayal of the Modoc War. "Numerous instances might be related," Meacham asserts, "of Wi-ne-ma's timely intervention between the races, whereby bloodshed was averted" (32). The novel tells of her efforts to secure peace not only between Euro-Americans and Natives but also between the warring indigenous nations.

[59] Meacham, *Wi-ne-ma (The Women-Chief) and Her People*, 24-30

Moreover, in addition to saving the lives of several settlers who might otherwise have been killed by hostile Indians like the Shasta, Winema is also portrayed as being the architect of a ceasefire between Captain Jack and the US Army in the lava beds as well as delaying bloodshed by placing herself, physically, between Canby and Jack during peace negotiations. "I have not the slightest doubt that but for her presence our party would have been attacked and slain" (45). Speaking in the first person, Meacham suggests the depths to which Winema played the role as harbinger of peace and negotiator of change.

Despite her best intentions, however, Winema cannot delay the inevitable violence and the novel features, as the traveling show did, her rescue of Meacham. Narrating in the first person, Meacham wrote:

> [D]rawing both a knife and a pistol…[Schonchin] pointed at my head, and discharged the pistol…Before the next shot, Wi-ne-ma was between him and his victim, grasping his arms and pleading for my life. I walked backwards forty yards, while my heroic defender struggled to save me. [Other Indians] joined Schonchin in the attack, and Wi-ne-ma, running from one to the other continued to turn aside the pistols aimed at me, until I went down. (60-61).

Believing him to be dead, Winema persuades the Modoc not to scalp the commissioner by shouting that the soldiers are coming, contenting themselves with simply taking his clothing and leaving her to grieve over his lifeless body. By thus portraying Winema's rescue of Meacham as the climatic event at the center of the Modoc War, the novel transforms an otherwise complex moment in U.S.-Indian relations to a recognizable demonstration of Indian savagery redeemed through the loyalty of an Indian women to white civilization.

While certainly a fantastical story, was there any basis for the version of her exploits portrayed in the novel? Although it seems evident that some of the details contained within the novel were factual and doubtlessly provided by Toby, in particular accounts of her courtship with Frank Riddle, the vast majority of the novel is almost certainly the product of Meacham's imagination. Far more importantly, however, the novel provided a kind of paper trail for the myth. Indeed, this version of Meacham's rescue was nearly identical to the one contained within the 1891 pension bill and in fact serves as the source for virtually all accounts of Winema's rescue of Meacham.[60] Toby probably saw Meacham's Lecture Company as an opportunity to construct a version of events that portrayed her as a central figure. Although the illiterate Toby did not actively collaborate in the writing of the novel, she nonetheless embraced this mythological presentation of her life. Yet, she was unconstrained in her subsequent self-representation as a latter-day Pocahontas. Rather, the literary devices, which Meacham could use to tell the story of Toby/Winema were shaped by the accepted roles of Native women in nineteenth century popular culture. The ways these stereotypes came to shape and influence Toby Riddle's career as Winema, moreover, reveal the centrality of American innocence to her public persona.

Act III. Mise en Scène: Framing a Myth

In the winter of 1875, Toby Riddle agreed to meet with Edwin F. Bacon, a phrenologist from Oneonta, New York. Having heard of the heroine of the Modoc War,

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[60] James Michael Allen, *Wi-ne-ma* (New York: Vantage Press, 1956); Brown, *California Northeast: The Bloody Ground*; Hugh R. Wilson, *The Causes and Significance of the Modoc War* (Klamath Falls, OR: Guide Print Co., 1953); Arthur Quinn, *Hell With the Fire Out: A History of the Modoc War* (Boston: Faber and Faber, 1997); Rebecca Solnit, *River of Shadows: Eadweard Muybridge and the Technological Wild West* (New York: Penguin Books, 2004).

Bacon traveled to New York City to personally examine the head of a Pocahontas. When Toby met with Bacon, she conversed with him amiably and told him about her experiences in the Modoc War while the phrenologist felt the bumps and depressions of her skull that would reveal her personality and character. Despite the fact that her mother had significantly altered the shape of Toby's skull as she rubbed the child's soft forehead to conform to Modoc conceptions of beauty, Bacon was nonetheless interested in her faculties for conscientiousness as well as approbation and anything that distinguished her as different from other Natives. "She has more Combativeness than Destructiveness while her people generally have more Destructiveness than Combativeness," Bacon later wrote, speaking of the relative size of the various regions of her skull, "she has large Consciousness, and loves justice as well as honor." Not surprisingly, Bacon found that her faculties corresponded exactly to his expectations of what a Pocahontas-like heroine would posses. In conclusion, he stated that: "She has very strong social feelings. She is true to her friends, and would be a devoted lover. She is fond of home, friends, and society…She has more open bravery, but not so much severity or cruelty, or artfulness, as most people of her race."[61] In other words, as far as Bacon was concerned, Toby's skull proved that she had the compassion and bravery necessary to be the Pocahontas of the Lava Beds.

The conclusions of Bacon's examination reveal the degree to which Toby's self-representation had to conform to broad cultural expectations of what a Pocahontas-like person would possess. Indeed, the character of Winema, which Meacham had

[61] An account of Bacon's examination of Toby Riddle is contained in Edwin F. Bacon, "Tobey Riddle (Winemah): The Heroine of the Modoc War," *Phrenological Journal and Life Illustrated* 62, no. 2 (February 1876): 130-138; 131.

mythologized in his book and which Toby Riddle chose to adopt for her stage persona, was the product of nearly a century of popular literary and dramatic representations. Needing to make her role legible within the literary conventions of the day, Toby's stage persona was profoundly circumscribed by long established plot devices of the genre. In this way, Toby Riddle located her fictional self within what Diana Reep has termed the literary device of "Woman Rescues Man."[62] According to Reep, the popularity within nineteenth century literature of a woman rescuing a man from physical danger, almost always at the hands of her male relatives, is consistent only when the woman is an Indian maiden and the man is white.[63] Historical precedents, then, structured the story of Winema.

While the story of Pocahontas was familiar prior to the nineteenth century, the antebellum period, with its sectionalist debate over Indian removal and slavery, brought a considerable increase in the prominence of popular representations of Native women rescuing white men. According to literary critic Leslie Fiedler, the rise of popularity among romance authors of the Pocahontas story corresponded with a blending of her historic figure with the more generic "Indian Princess."[64] First performed on the stage of the Chestnut Street Theater in Philadelphia and popularized in theaters throughout the United States by James Nelson Barker's *The Indian Princess; or La Belle Sauvage* (1808), the idea of a virginal Native woman falling in love with and then saving a white man from the violence of her protective male relatives would become a standard literary

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[62] Diana Reep, *The Rescue and Romance: Popular Novels Before World War I* (Bowling Green, OH: Bowling Green State University Popular Press, 1982), 89-108

[63] Reep, *The Rescue and Romance*, 89.

[64] Leslie A. Fiedler, *The Return of the Vanishing American* (New York: Stein and Day, 1968), 64-66.

device for antebellum romance writers.[65] One example that crystallizes this motif is Catharine Maria Sedgwick's Magawisca, in *Hope Leslie* (1827).[66] Strong-willed, out-spoken, caring, and loyal, Magawisca is the young daughter of chief Mononotto and childhood friend to book's protagonists, Hope Leslie and Everell Fletcher. When Mononotto decides to kill Everell in revenge for the death of Samoset, his son, Magawisca is revealed as the ideal Indian princess as she tries to reason with Mononotto, "send back the boy, and our path will be smooth before us" (75). The urgency of Magawisca's pleas, however, are ignored until the chief is about to behead Everell with an axe when Magawisca jumps between them:

> Magawisca, springing from the precipitous sides of the rock, screamed – "Forbear!" and interposed her arm. It was too late. The blow was leveled – force and direction given – the stroke aimed at Everell's neck, severed his defender's arm, and left him unharmed. The lopped quivering member dropped over the precipice. Mononotto staggered and fell senseless, and all the savages uttering horrible yells, rushed toward the fatal spot (92-93).

Magawisca's selfless actions are motivated by her love for Everell and symbolize her rejection of her father and the violence he would perform. The ordeal is designed so that Everell might demonstrate his courage and, by proxy, claim the tempering experience of Indian violence – "See, he flinches not. Thus stood [Samoset], when [the Englishmen] flashed their sabers before his eyes" (92). Yet, even as Everell prostrates himself upon the sacrificial rock and willingly offers his body to Mononotto, his sacrifice is made unnecessary by the actions of Magawisca. Within the genre of Indian romances, then, the

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[65] Albert Keiser, *The Indian in American Literature* (New York: Oxford University Press, 1933), 70-73.
[66] Catharine Maria Sedgwick, *Hope Leslie; or, Early Times in the Massachusetts*, ed. Mary Kelley (New Brunswick and London: Rutgers University Press, 1987).

intercession of a Native woman allows white men to both experience Indian violence and live to see another day.

Since Magawisca's choice to sacrifice her body and save Everell was motivated by her love for the white man and his culture, there is never any chance for a sexual relationship between the two. Indeed, immediately after rescuing him, Magawisca drives Everell back towards Euro-American civilization: "Stand back! I have bought his life with my own. Fly, Everell—nay, speak not, but fly—thither—to the east!" (93). Saved by the valiant Magawisca, Everell is allowed to return to civilization and pursue the rightful object of his sexual desire, his cousin Hope. In this way, the character of Magawisca allows Sedgwick to utilize the story of Pocahontas while also avoiding the dreadful specter of racial mixing, what Leslie Fielder has called "the bugaboo of miscegenation."[67]

Magawisca represents one variant on the Pocahontas story but adaptations of the myth were quite common throughout the antebellum period and beyond. Building upon the work of other literary critiques, Robert Tilton notes in his exploration of how the Pocahontas narrative in American literature changed throughout the eighteenth and nineteenth centuries, that such a blending of narratives reflected American anxieties over miscegenation, and race-relations more generally. Successful interracial unions presented a challenge to antebellum writers who wished to use the story of Pocahontas in its entirety. As a result, Tilton argues, many writers simply borrowed elements of Pocahontas' life, namely her rescue of John Smith, and discarded her subsequent marriage to John Rolfe.[68] This selective borrowing is evident in varying degrees through

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[67] Fielder, *The Return of the Vanishing American*, 70.
[68] Tilton, *Pocahontas*, 72, 77-92.

characters ranging from James Kirke Paulding's Aonetti, or "Deer Eyes," in *Koningsmarke* (1823), William A. Caruther's Wyanokee in *The Cavaliers of Virginia* (1834), Anne L. Snelling's Onona in *Kabaosa; or the Warriors of the West* (1841) to Ann Sophia Stephen's *Malaeska* (1860) and John Neal's Lily-Pad in *Little Moccasin* (1866).[69] By thus recasting the life of Pocahontas in the form of other Native women, nineteenth century authors could preserve aspects of the story that presented these relationships as one in which Indian women rescued and redeemed white men while avoiding, or at the vary least revealing the tragic consequences of miscegenation.

If romance authors portrayed Native women as rescuers of white men, Native men were often represented as tragic heroes, valiant leaders of anticolonial wars of resistance who were destined to die violent deaths as iconic martyrs. As Gordon Sayre has demonstrated in his examination of this masculine literary trope, a veritable craze for Indian tragedies sprung up during the antebellum period. Drawing on examples from James Wallis Eastburn and Robert Charles Sands's *Yamoyden* (1820) to John Augustus Stone's *Metamora* (1829), Joseph Doddridge's *Logan* (1868), Lydia Maria Child's *Hobomok* (1824), and John Richardson's *Tecumseh* (1828), Sayre argues that by representing Native men as tragic heroes, these authors and playwrights transformed the once fearful and dreaded Indian adversaries into doomed but noble foes ready to deliver eloquent speeches before exiting stage right.[70] By viewing all Native men as "chiefs" and all Native women as "Pocahontases," American audiences projected their own values and

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[69] For an in-depth analysis of these characters see Sundquist, *Pocahontas & Co.*

[70] Gordon Mitchell Sayre, *The Indian Chief as Tragic Hero: Native Resistance and the Literatures of America, From Moctezuma to Tecumseh* (University of North Caroline Press, 2005), 1-41; 6.

desires upon Native bodies as part of a process of translating the conquest of North America's indigenous peoples into a tragic love story.

This process of literary translation is evident in Meacham's traveling Indian show through lectures like "The Tragedy of the Lava Beds" and "The Royal Chief in Chains" but far more Americans experienced the transformation of the Modoc War into a tragic romance through the publication of dime novels in the days and weeks after the event.[71] For instance, Captain Seth Hardinge's *Modoc Jack; or, the Lion of the Lava Beds*, published in the first week of October, 1873, presented the Modoc War as the ultimate consequence of Captain Jack's tragic desire for revenge.[72] Although Hardinge's novel is largely a compilation of newspaper article accounts of particular battles and negotiations, including, verbatim, a long account of the hanging of Captain Jack probably published days earlier in the *San Francisco Chronicle* (92-100), it nonetheless dwelt extensively on Jack's adolescent motivations. Drawing upon themes popular among other dime novels, Hardinge opens with the capture of "Bright Feather," Jack's fictionalized father, by whites which elicits a moving vow from the young Jack that he will avenge his father's betrayal: "The time will come when the Son of Bright Feather will avenge his father's wrong, when he will drink the blood of the palefaces as the hunted deer laps the water of Nondagura" (14). Plotting his vengeance, Jack indentures himself to an English family in Santa Barbara, California, eventually returning to his tribe after enacting his vengeance on his employers whom he blames for the death of his mother and father (44). Upon returning to his tribe, Jack becomes embroiled in the Modoc War. Yet, despite his thirst

[71] Meacham, "The Tragedy of the Lava Beds," Meacham, *Wigwam and War-path, or the Royal Chief in Chains* (Boston: John P. Dale and Company, 1875).

[72] Seth Hardinge, *Modoc Jack; or, the Lion of the Lava Beds* (New York: Champion Books, 1873).

for vengeance, Jack is portrayed as a character consumed by his tragic flaws. The novel ends with a hasty account of Jack's capture, his court martial, and sentencing before lingering on his heroic speeches from the scaffold (91).

Hardinge's Jack fits at times awkwardly within nineteenth century imaginings of the tragic chief; other dime novels more successfully translated Modoc women into Pocahontas-like characters. In *The Squaw Spy; or, the Rangers of the Lava-Beds,* T.C. Harbaugh, writing as Captain Charles Howard, tells the story of Artena – presumably a fictional version of Artena Choakus, the Modoc translator who aided Edward Fox on his trip into Captain Jack's cave and received considerable mention in the national popular press – who assumes the role of Pocahontas by helping the fictional character Kit South rescue his daughter Teresa. By placing Artena at the center of the Modoc War, Howard's novel suggests that Americans were eager to find a Pocahontas-like character in the story of the Modoc War. Moreover, the book's various set pieces presaged in important ways many of the stories and episodes that Toby Riddle would eventually adopt for her stage persona.[73]

* * *

While dime novels like Hardinge and Howard's cast the Modoc War in popular literary categories, two works by Joaquin Miller, the "Poet of the Sierra," were far more instrumental to Toby Riddle's career: *Life Among the Modocs* and *The Tale of the Tall Alcalde*. The first, published in the summer of 1873, as news of the Modoc War continued to titillate readers, was titled so as to capitalize on the almost instantaneous

[73] Charles Howard, *The Squaw Spy; or, the Ranger of the Lava-Beds* (New York: Beadle and Adams, 1873).

popularity of anything connected to the Modoc.[74] Blending biography with fiction, *Life Among the Modocs* would in many ways anticipate the arguments of Helen Hunt Jackson a full decade before she wrote *A Century of Dishonor.* Indeed, as he wrote:

> This narrative is not particularly of myself, but of a race of people that has lived centuries of history and never yet had a historian; that has suffered nearly four hundred years of wrong, and never yet had an advocate...When I die I shall take this book in my hand, and hold it up in the Day of Judgment, as a sworn indictment against the rulers of my country for the destruction of these people (5, 397-398).

Despite his intention of writing in defense of American Indians and against US policy towards them, Miller nonetheless believed that Indians were a vanishing race. "I shall endeavour to make a sketch of my life with the Indians…true in every particular" for the Indian was "a race of prophets," and one that "is moving noiselessly from the face of the earth" (5). Moreover, Miller claimed, "I saw him as he was, not as he is. In one little spot of our land, I saw him as he was centuries ago in every part of its perhaps, a Druid and a dreamer—the mildest and tamest of being." (6). In this way, Miller reproduced the humanitarian-inspired colonial discourse of Native extinction and positioned himself within the marketplace of remembering as the self-appointed official historian of the Modoc.[75]

Miller presented his book as intricately connected with the political moment and sought to add his book and its descriptions to the larger debate about the Modoc and the Indian question in the United States. "As I write these opening lines here to-day in the Old World, a war of extermination is declared against the Modoc Indians in the New."

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[74] Joaquin Miller, *Life Among the Modocs: Unwritten History* (Berkeley: Heyday Books, [original 1873] 1996).

[75] Brantlinger, *Dark Vanishings*, 68-93.

While he acknowledged the crimes for which the Modoc were condemned, he nonetheless intended his account to provide a measure of understanding. "Peace commissioners have been killed by the Modocs, and the civilized world condemns them. I am not prepared to defend their conduct…but I could, by a ten-line paragraph, throw a bombshell into the camp of the civilized world at this moment, and change the whole drift of public opinion. But it would be too late to be of any particular use to this one doomed tribe" (7). In later editions of his book, Miller would claim that he wrote it because, "A war of extermination, it seemed to me, was being waged against my best friends, and it was imperative that I should strike hard and at once."[76]

Life Among the Modocs begins when the fourteen year-old Joaquin Miller runs away from home to find adventure among the Native living around Mount Shasta. His sojourn into the idyllic world of the Modoc is shattered when the young Miller discovers the savagery of white "civilization" while viewing a painting in a saloon. "An Indian scalp or two hung from a corner of this painting. The long matted hair hung streaming down over the ears of the bear and his red open mouth. A few sheaves of arrows in quivers were hung against the wall, with here and there a tomahawk, a scalping knife, boomerang and war-club" (62). Confronted with the ambiguity of the boundary between civilization and savagery, Miller is awakened to the injustice of US-Indian violence: "For every white man that falls the ghost of a hundred Indians follow…killed in cold blood by the settlers, and the affair is never heard of outside the country where it occurs" (106).

[76] Joaquin Miller, *My Own Story* (Chicago: Belford-Clarke Co., 1890), vi. Miller republished *Life Among the Modocs* under a variety of titles, including *Unwritten History* (1874)*, Paquita, the Indian Heroine* (1881)*,* and *My Life Among the Indians* (1892).

If Miller's realization about the truth of U.S.-Indian relations is at the center of the book, his evolving relationship with the beautiful Paquita is its emotional core. Described as "tall and lithe, and graceful as a mountain lily swayed by the breath of morning" (228), Paquita was saved from a burning wigwam by Miller's companion and mentor the "Prince." As she grows up, Paquita is revealed to be an industrious and intelligent woman who is respected by her people despite the fact that she cannot fully embrace their ways – "She had seen just enough of civilized life to deprive her of the pleasures of the wild and free" (227). In the course of things, Miller marries Paquita and they live an ideal romance until Miller is wounded in battle and he is forced to turn to a life of thieving and raiding. After a number of adventures, the book ultimately climaxes with Miller's arrest and imprisonment in Shasta City for stealing a horse. Languishing in prison and besieged by charlatan lawyers, Miller begins to despair until one night his beloved Paquita arrives and provides him with a knife. For over a week, the two of them hacked at the bars by moonlight until with the assistance of his "true and faithful little savage, the heroine, the red star of [his] dreadful life," he escapes (344). Burning the prison as they flee, Miller and Paquita race across the Sacramento River on horseback, until they are caught in an ambush set by the pursuing soldiers. In the ensuing battle, Paquita is wounded in the act of saving Miller's life. Holding his beloved Paquita in his arms, the scene ends with her dying as "the great white moon rose up and rolled along the heavens, and sifted through the boughs that lifted above and reached from the hanging cliff, and fell in lines and spangles across the face and form of my dead, Paquita!" (351). After disposing of Paquita's body, he returns not to his adopted Indian family but to white society.

Though a far more complex work than the hackneyed dime novels of Hardinge and Howard, Miller's novel nonetheless portrays the Modoc War within the same intellectual framing. Native men are tragic heroes whose eloquent deaths are all the more mournful for their inevitability while Native women exist, seemingly, only to save non-Native men. Thus, even before Toby Riddle joined Meacham's traveling Indian show, both dime novels and international bestsellers like *Life Among the Modocs* had set the groundwork for her rendition of the Modoc War. But while all these novels helped Toby craft her persona, another poem, also by Joaquin Miller, would be the source for her stage name.

* * *

In the spring of 1871, Joaquin Miller published *Songs of the Sierras*, a collection of poems that included *The Tale of the Tall Acalade*. Featuring ten poems inspired by the romantic scenery of the American west, the collection contained several poems in which Natives played important roles. For example, in *Kit Carson's Ride*, the legendary frontiersmen is presented as besotted with his stolen Indian bride who "with a longing and love, yet a look of despair" (166), returns his love only to perish in saving him from a band of pursuing Comanche. "And now as she fell from the front, and went down in the ocean of fire, the last that I saw was a look of delight that I should escape" (167). *The Last Taschastas* similarly combined the theme of tragedy with the destruction of Indian land to invert the traditional categories of civilization and savagery. [77]

[77] Joaquin Miller, "Kit Carson's Ride" and "The Last Taschastas" in *Songs of the Sierras* (London: Longmans, Green, Reader, and Dyer, 1871), 79-92 and 161-168.

But while these poems presented US-Indian violence in predictable veins, Miller's *The Tale of the Tall Alcalde* nonetheless provided Toby's career with fresh inspiration. Written in the florid prose for which Miller would become famous, the poem tells a "tale of lovers who are star-crossed by the cross-cultural," as Benjamin Lawson describes it.[78] The poem is a rehearsal for Miller's account of his relationship with Paquita though in this version his lover and rescuer is named Winnema. "Her eyes were like the rabbit's eyes, her mien, her manner, just as mild, and, though a savage war-chief's child, she would not harm the lowliest worm" (138-139). As in *Life Among the Modocs*, Miller becomes imprisoned and in need of a savior. Unlike the story of Paquita, however, in order to rescue Miller, Winnema must sacrifice her body to the jailer's sexual desire, "And all his face was as a fire as he said, 'Yield to my desire.'" (151). When Winnema comes to rescue Miller, she is desolate and cries uncontrollably, "Still sadder—so that face appears, seen through the tears and blood of years—than Pocahontas bathed in tears" (147). Having freed Miller from his captivity and nursed him back to health, Winnema assumes her place by his side as they ride away. But, Winnema's betrayal of her people and her tainted sexual purity haunts her and although they escape their pursuers, she cannot return Miller's love for her. "O touch me not, no more, no more, 'tis past, and my sweet dream is o'er" (150). The poem climaxes with the Indian woman's sacrificial self-murder. "Oh the peril and the pain I have endured! The dark stain that I did take on my fair soul, all, all to save you, make you free, are more than mortal can endure: but fire makes the foulest pure" (152). Plunging a dagger into her breast,

[78] Benjamin S. Lawson, "Joaquin Miller (Cincinnatus Hiner)," in *Encyclopedia of American Poetry*, ed. Eric L. Haralson and John Hollander, 1998, 301-02.

Winnema kills herself so that Miller, rescued from danger, might not be burdened with her impure body.

The poem, with its motif of an Indian princess laying down her life for her white lover, echoes the prominence of the Native woman as rescuer that would so dominate Toby Riddle's future career. Winnema, then, emerges from Miller's poem as an archetype for the Pocahontas-like character, sacrificing herself to rescue white men before dying so as not to burden the white man with her past transgressions. Indeed, as Miller observed in a commentary on the poem in the *New York Tribune*:

> The Indian girl is permitted to perish because it is in the order of things. She represents a race that is passing away. It would have been contrary to the order of things to have allowed her to escape. There is not one Indian in all my songs that survives, not one Indian woman that does not die a violent death, because that is as it is. I have done my work advisedly, such as it is, and if I have created a sympathy for the Indian girl that compels an outcry, it is surely more perfect than I had thought.[79]

Although Toby Riddle would have disagreed with Miller's insistence upon her evitable self-murder, she nonetheless probably shared his desire to produce sympathy within the hearts of American audiences.

Clearly the decision to present Toby Riddle as a latter day Pocahontas was influenced by nineteenth century representations of Native women as the rescuers of white men. But did Toby's choice of Winema as a sobriquet hold any deeper meaning? Is it possible that Toby might have seen a similarity between her circumstances and those of Miller's Winnema? It is likely that Meacham read novels and poetry to the Riddles in the evenings during their traveling show and we know he tutored young Jeff – did Toby hear

[79] Joaquin Miller to Editor of the *New York Tribune*, "A Card from Joaquin Miller," October 7, 1871, cited in Martin Severin Peterson, *Joaquin Miller: Literary Frontiersman* (Stanford: Stanford University Press, 1937), 69-70.

the story of Winnema and see her present circumstances in it? She was homesick and stranded, after all, thousands of miles from her people. We know she was suicidal and probably she did feel "sadder than Pocahontas bathed in tears" while in New York. Did Toby choose the name Winema because she felt a dark stain upon her soul, so far from her people? Overcome by despair at the prospect that she might never return home, did Toby long for the release of a dagger or the purifying flames of a traditionally built pyre? Or did Meacham simply think the name might sell a few more tickets and so choose it among the spectrum of options?

We do not know. I like to think she did have some part in choosing the name. It seems unlikely that Meacham would have chosen the name for commercial reasons since Miller's poetry was not particularly popular in the United States, being valued much more in Europe where the poet lived at the time and where his writings were published. But whether or not Toby chose the name at first, it is beyond a doubt that she adopted the persona of Winema following the publication of Meacham's novel. Within the context of nearly a century of literary representations, Toby's choice to borrow a name from Miller's poem and her decision to mystify her past in order to create a new present becomes not only logical but also necessary. In order to render her fictional self-legible to late-nineteenth century traveling Indian show audiences, Toby knew it was best to accept Meacham's rendering of her as the Pocahontas of the Lava Beds. Unlike the Winnema of Miller's poem, however, Toby did not die but lived for a very long time, playing out her national persona.

Act IV. Epilogue: Living a Myth

In the summer of 1903, Julia Frather left her house in Klamath Falls, Oregon and traveled the forty or so miles to the Klamath Reservation, where she camped along the banks of the Wood River and observed the Indian's Fourth of July celebrations. Staking her tent in the mist of the Indian campground, Frather was glad to see that virtually the entire tribe had gathered in the meadow for she sought one individual in particular. In the mist of over a thousand Natives, singing, dancing, gambling, and plying their wares on tourists such as her, Frather was overcome by the sense of abundance. Indeed, as she walked among the tents, she noted that although some contained only the barest of necessities, others were well provisioned with tables and tablecloths, glass and decorated china, healthy amounts of fresh, white bread and green vegetables, and succulent jellies. It is perhaps for this reason that when she finally located the person she was looking for in a surprisingly well stocked tent, Frather was indignant at the high price she demanded for a photograph. "Wi-ne-ma…was obstinate and proved mercenary," she later wrote. For over half an hour, they negotiated and haggled over her fee until they finally reached a deal and Toby agreed to have her photograph taken. At that moment, the affluence Frather had seen in the tents like Toby's was, perhaps, a little less mysterious.[80]

In the years after her time in Meacham's traveling Indian show, Toby Riddle continued to capitalize on her popularity within the American imagination. In addition to bartering with tourists who wished to take her picture, Toby's house on the Sprague River in Yainax was a popular destination for anthropologists and others interested in

[80] Julia F. A. Frather, "Fourth of July at the Klamath Reservation," *Overland Monthly* (December 1903): 116-123; esp. 121-123.

gathering accounts of the Modoc War.[81] In 1888, Toby asked Senator Delano to introduce a bill to Congress that would award her a pension for her service in the Modoc War, using material from Meacham's lectures in order to convince Congress she deserved a pension for her contributions to American society.[82] And in 1895, the popularity and sympathy generated by the Winema story led Jane Stanford, widow of the railroad tycoon Leland Stanford, to build Toby a new house and pledge to provide for her needs for the rest of her life.[83] Indeed, in the same year as that the bill was passed, the name Winema had become so popular among Oklahoma Indians that she seems to have been source for Alice Callahan's title character "Wynema."[84] Not surprisingly, then, even as her story grew in popularity, Toby Riddle continued to use the name Winema and everything it stood for to earn a living.

Alice Callahan, however, was not the only one to adopt the name and fame surrounding Winema for her own stories. While the publication of *Wi-Ne-Ma* in 1876 proved a commercial success and provided the Riddles with the funds they needed to return to Oregon later that year, her lasting fame reveals more fully the extent to which remembering the Modoc War was one of the strategies they used to survive its aftermath. Following the failure of their first traveling Indian Show, William McKay (of Daring Donald McKay fame) returned home to Oregon while Donald, after a brief period of

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[81] See for example, Gatschet, *Klamath Indians of Southwestern Oregon*.

[82] Pension file, certificate number 565101, Records of the Department of Veterans Affairs, RG 15, NARA. Also see HR 2147, 51st Congress, 1st Session and SR 2091, 51st Congress, 2nd Session.

[83] "The Story of Wi-Ne-Ma: She Risked Her Life to Avert War and Prevent Murder," *New York Times*, October 27, 1895.

[84] See LaVonne Brown Ruoff's "Editor's Introduction," in S. Alice Callahan, *Wynema: A Child of the Forest*, ed. A. LaVonne Brown Ruoff (Lincoln: University of Nebraska Press, 1997), xiii-xlviii, esp. xliii-xlivn1. I would also like to thank LaVonne Brown Ruoff sharing valuable information regarding this connection as well as research relating to the name "Winema" among Oklahoma Indians in the late 19th century.

imprisonment for debt, traveled Europe with his future business partner, Colonel Thomas Augustus Edward, reportedly performing before the Queen of England and other monarchs.[85] In 1876, McKay and Edward returned from Europe and participated in the national centennial celebrations in Philadelphia. For the next couple of years, Donald McKay traveled and participated in various Indian shows, including "Texas Jack" Omohundro and the Kickapoo Indian Medicine Company in Boston.[86] Around 1880, Donald joined the Oregon Indian Medicine Company, which sold a cure-all tonic called Ka-ton-ka in bottles shaped to look like the Daring Donald McKay and his daughter Minnie McKay. However, when Minnie died from a respiratory illness in 1884, the Oregon Indian Medicine Company had to find a replacement. They recruited a young Warm Spring Indian women who assumed the stage name "Wi-ne-mah, or, Bird of the Mountain" and replaced Minnie as the face behind the product. According to the company's pamphlet, Wi-ne-mah was "a beautiful little Indian maiden…mild and gentle unless aroused to anger." In addition to having a good disposition, the character of Wi-ne-mah as she appeared with the Oregon Indian Medicine Company was also rich, "She had an old Indian uncle, who, when he died, left her many hundred ponies. They have increased in number whilst she has been traveling." Moreover, while traveling as part of the company, Wi-ne-mah was in charge of making the "Great Indian Medicine, KA-TON-KA," for which she received many presents out of gratitude from whites, "According to the custom of her people, the handsomest young girl in the tribe has to stir

[85] "A Famous Indian Scout, Death of Donald M'Kay Near Pendleton," *Morning Oregonian*, April 21, 1880; also see *Idaho Daily Avalanche*, November 30, 1875, which states that "Donald McKay, with his wife and one Indian, went to Europe."

[86] *Daring Donald* McKay, xiii

the medicine…this duty falls to her, and Wi-Ne-Mah can be seen nightly occupying the Post of Honor amongst her tribe."[87] Evidently, the image of Winema continued on long after her personal career had ended.

Throughout her life, Toby's identity and reputation as Winema was thoroughly mystified as it became appropriated by others and used for a variety of reasons. Indeed, around the turn of the century, settlers in the Klamath Basin began using the name Winema mark various cultural and technological achievements. Mont Hutchinson, for instance, named his hotel the Wi-Ne-Ma in her honor, for which Toby gave his son a horse. Similarly, in 1905, Totten and Hansbury ran a contest to name the new, luxury steamboat they were building, nicknamed the "grand lady" or the "Queen of the Lake." The winner was Mrs. F. W. Jennings who had proposed that the largest steamboat ever to sail in the Klamath Basin should be named the *Winema*.[88]

Such adulations came to dominant Toby's public persona, rendering her into a latter-day Pocahontas. Indeed, when she died on February 18, 1920, the local newspaper wrote that Winema, which they claimed in Modoc meant, "descendent of a long line of Modoc chieftains," was "loyal to the whites" despite her kinship with Captain Jack and the "Modoc rebellion." Within a decade, many things besides the steamboat would be named Winema. Even after death, Toby Riddle's stage persona lived on as the mythic "good Indian" of California's last Indian war.[89]

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[87] Thomas August Edward, *Luk-cay-oti, Spotted Wolf* (Corry, PA: Oregon Indian Medicine Company, [1885]), 30.

[88] "Her Name is Wi-ne-ma: Mrs F.W. Jennings Won Honors by Suggesting Name of Indian Heroine of the Modoc War," *Klamath Republican* (Klamath Falls, January 26, 1905); Harry J. Drew, *Pages from the Past* (Klamath Falls: Klamath County Museum, 1979), 11.

[89] *Surprise Valley Record*, March 17, 1920.

Remembering Colonialism

In the summer of 2008, while driving south along scenic highway 97 between Bend, Oregon and Klamath Falls, I was confronted with the continuing importance of Winema's story in the Klamath Basin. A few miles north of the struggling town of Chemult, a brown and yellow sign announced that I had entered the 2.3 million-acre Winema National Forest. Established in 1961, more than 50% of the Winema is comprised of former reservation land declared surplus following the termination of the Klamath Tribes in 1954 and incorporated into the Department of Agriculture in order to stabilize lumber prices by preventing the introduction of the whole Klamath Reservation into the market at one time.[90] Continuing south, I next passed the Chief Schonchin Cemetery near the former reservation town of Beatty where a Daughters of the American Revolution monument stands, "In memory of Winema, Modoc Heroine" for her "Courageous and Loyal Service" in the Modoc War.[91] From Beatty, I drove into Klamath Falls, where I found an enormous mural dedicated to her on the side of the Winema Inn, which was next to the Winema Dance Hall. A few blocks from downtown, I bought batteries at the Winema Electronics Store. Through conversations with locals, I soon discovered that over the years several schools throughout southern Oregon have been named after Winema, as well as numerous Winema Ways and Drives in cities throughout

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[90] United States Department of Agriculture, Forest Service, *Winema-Fremont National Forest History*, United States Department of Agriculture, http://www.fs.fed.us/r6/frewin/about/history.shtml (accessed February 3, 2009).

[91] Photo of marker in possession of author. The marker was erected in 1932 by a Corvallis-based chapter of the Daughters of the American Revolution named the Winema Chapter in honor of Toby Riddle. The DAR chapter was extremely active in gathering information about Toby Riddle and her life, see Clara R. Jones to O.C. Applegate, April 30, 1923, Ax5/9/6 OCA. Fifty-two years later, the Klamath Falls Historical Society placed a new marker beside this one to "In memory of Frank Tazewell Riddle…Beloved Husband of Winema."

the state, a Winema Lodge near Tule Lake, a theater in Scotia, California, and even a Christian Summer Camp in northwestern Oregon. Indeed, her name has even been used on a specifically-for-women sleeping bag manufactured by the outdoors manufacturer, Sierra Design, and when Oregon State University developed a species of Red Potato specifically for the Klamath Basin, they designated it the *Winema*.[92]

The ubiquity of the name Winema on the southern Oregon landscape suggests her perseverance in the collective memory of the region. But when combined with the propensity for historians of the region to reproduce fanciful narratives of Toby's life that adopt whole-cloth the story of Winema, these cultural representations propelled me to ask, who was the real Winema and why does she continue to occupy such a prominent place in the Klamath Basin's collective memory? While this chapter has considered how Toby Riddle and others actively mystified their own history, I have yet to consider why historians have not told this story before. Why has the myth of Winema persisted while the conditions that produced it remain always on the edges of the story?

One answer may lie in the general lack of understanding of the experience of show Indians. In *Wild West Shows and the Images of American Indians, 1883–1933*, L.G. Moses contends that scholars have largely overlooked the particular experiences of Show Indians because the shows created persistent stereotypes. Focusing on these shows as sites of producing racism and victimhood, historians have ignored how they functioned also as sited of economic production. Indeed, according to Moses, by 1890 a Show Indian could expect to earn between twenty-five and ninety dollars a month, salaries which far

[92] See Sierra Design advertisement, in possession of author. For the Winema Potato, see A. Mosley et al., *WINEMA (NDO2438-6R)*, http://oregonstate.edu/potatoes/Winema.PDF (accessed on September 25, 2008).

exceeded those available to Indians on reservations and would rank among some of the best paid of Bureau of Indian Affairs employees.[93] We ought not to be surprised, therefore, that when presented with the chance to earn a living by constructing a narrative of her life that might not have been completely true, Toby Riddle took it. It is at this performance-as-labor level of experience that Toby's story reveals the very real way in which memories of US-Indian violence were part of the process of surviving colonialism.[94]

But beyond reconceptualizing the traveling Indian show as a space of material production as well as cultural construction, the story of Toby's life offers us the opportunity to think about the relationship between historical knowledge production and colonialism. For what concerns me is that popular culture and, in particular, historians of the Klamath Basin have perpetuated the Winema myth and in the process they have fetishized her and participated in what Maureen Konkle and Vine Deloria, Jr. have termed "the intellectually satisfying" act of portraying Natives as "torn between two cultures."[95] Rather than explore the economic and political motivations which contributed to the production of the Winema myth, historians like Horner, Brown and Bales to name a few have been happy to reproduce it and thereby produce the expected image of the Modoc War as a clash of cultures wherein only one women was able to stand between these two, tragically different people.

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[93] Moses, *Wild West Shows and the Images of American Indians*, 7-8, 284n22.

[94] Alice Littlefield, "From Legend to Land to Labor: Changing Perspectives on Native American Work," in *Native Americans and Wage Labor: Ethnohistorical Perspectives* (Norman: University of Oklahoma Press, 1996), 245-273.

[95] Maureen Konkle, *Writing Indian Nations: Native Intellectuals and the Politics of Historiography, 1827-1863* (Chapel Hill: The University of North Carolina Press, 2004), 290.

In writing about the intersection of mythology and Natives, historians have largely focused on how Euro-American society creates and then revels in their construction of American Indians. But as Philip Deloria has suggested, we should not be surprised to find Natives capitalizing upon dominant conceptions of Indianness.[96] Toby and other Native women willingly presented themselves as Pochontas-like figures because that was how society expected them to appear within the public sphere. In overlooking the part played by women like Toby Riddle in the making of historical narratives that feed into white expectations, historians have inadvertently overlooked the importance of the marketplace in the production of historical memories of U.S.-Indian violence and of myths of colonization.

This tendency to write about U.S.-Indian violence within the paradigm of American innocence and to present conflicts like the Modoc War as the inevitable clash of two cultures is particularly concerning in light of what scholars like Linda Tuhiwai Smith, Noenoe Silva, Claudio Staunt and many others, have identified as the inexorable interconnectivity of colonialism and the politics of making history.[97] The essences of the Winema myth and the reason it continues to hold such currency is precisely because it embodies Americans' desire to view the conquest and colonization of the West as an unavoidable cultural conflict. If only the other Natives or the non-Natives had been more like Winema, the story goes, this tragedy could have been avoided. This narrative, of

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[96] Deloria, *Indians in Unexpected Places*.

[97] For excellent examples of this critical historical literature, see Konkle, *Writing Indian Nations: Native Intellectuals and the Politics of Historiography*; Silva, *Aloha Betrayed*, Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999), David Hurst Thomas, *Skull Wars: Kennewick Man, Archaeology, And The Battle For Native American Identity* (New York: Basic Books, 2000); Jace Weaver, Craig Womack and Robert Warrior, *American Indian Literary Nationalism* (Albuquerque: University of New Mexico Press, 2006).

course, comes out of a particular historical moment, one in which its proponents would have been considered progressive for their views. Despite all its multicultural political correctness, the culture-clash narrative perpetuates the belief that colonization was inevitable and cloaks nineteenth century U.S.-Indian violence in the veneer of American innocence.

As this chapter has sought to demonstrate, since histories of nineteenth century U.S.-Indian violence must connect the present with the past in order to expose the role of professional history and historical memory in the colonization of western Native spaces, the meticulous reconstruction of the making of the Winema myth is necessary to undo her fetishization by the marketplace. Indeed, as Ned Blackhawk suggests, in order to remedy the "social and intellectual racism" of professional historians, scholars must analyze not only "how representations underpin colonial inequities, but also…how such ideas themselves can influence the conditions in which indigenous peoples must operate."[98] By placing the myth of Winema at the center of their narratives of the Modoc War to portray the war as fundamentally a culture conflict, historians have silenced the essentially political and economic nature of colonial violence in the American west and twice-silenced the inherently political and economic nature of *remembering* that violence. The persistence *in professional historiography* and popular culture of the Winema myth is one example of our inability to think of colonialism outside the culture-conflict paradigm. Evidence of Toby Riddle's engagement with meaning of the Modoc War and Americans' desire to continue to remember episodes of U.S.-Indian violence in terms of their own innocence are written onto the landscape of the Klamath Basin.

[98] Blackhawk, *Violence over the Land*, 280.

But the traveling Indian shows of the 1870s and 1880s were not the only marketplaces of remembering in which individuals transforms the Modoc War from an episode of ethnic cleansing on the western frontier to an enduring symbol of American innocence. Even as Toby Riddle, Alfred Meacham, and others were reenacting their version of the Modoc War for eastern audiences, non-Native land promoters and local business owners in the Klamath Basin were reinterpreting the region's history of U.S.-Indian violence. As the railroad sped settlers and commerce into the Klamath Basin around the turn of the twentieth century, these interest groups produced historical narratives of the region that located Indian violence in the distant past. For Native leaders and tribal historians, however, the violent reordering of the Klamath Basin was not a narrative of progress but, as we shall see in the next chapter, a constant reminder of their political and economic subjugation.

Chapter 3

The Angels of Peace and Progress: Promotional Literature, Modernity, and Development in the Klamath Basin

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"This is writing that conquers. It will use the New World as if it were a blank, *savage* page on which Western desire will be written. It will transform the space of the other into a field of expansion for a system of production. From the moment of a rupture between a subject and an object of the operation, between a will to write and a written body (or a body to be written), this writing fabricates Western History."

Michele de Certeau, *The Writing of History*

On the Fourth of July 1893, more than two thousand five hundred people gathered around the barracks and buildings of the recently decommissioned Fort Klamath to mark the twentieth anniversary of the Modoc War and to rewrite history. For almost a week virtually the entire population of the Klamath Basin participated in a variety of entertainments. Exhibition baseball games pitted local teams against one another while various ethnic and civic organizations sponsored picnics, outdoor dances, foot races, and demonstrations of horsemanship. German, Irish, Italian, Russian and other recent Euro-American migrants strolled through the fort grounds visiting the graves, gallows, and the guardhouse made famous by the Modoc War. Hundreds of Klamath Basin Indians also participated in these midsummer rivalries, entering their children into the best baby contests and other competitions. Displays of patriotism were, of course, the order of the day and the schoolmaster at the Indian Agency School delivered a patriotic speech, "with a view to demonstrate the advance made by the Indians towards civilization." The culmination of this leisurely summer celebration and civic exposition, however, was an elaborate reenactment of the region's most notorious Indian war before the largest crowd ever to gather at Fort Klamath.

The performance began at around nine o'clock in the morning when Captain John Siemens strolled across the promenade to a small group of pines, where he sat, reading a newspaper, beneath an American flag. His examination of the day's reports was interrupted when Gus Melhase, on cue, burst from the tree line without hat or coat. "They have murdered our families and burned our dwellings," he cried. "They are now in that belt of timber." With the alarm sounded, the reenactors fell into a ragtag line, firing stray volleys at an unseen enemy. But the attack from the woods was a ruse and the Native's main force of over one hundred mounted actors, led by a white-plumbed chief, flanked the small force and descended from the opposite side. The *Klamath Falls Express* described the dramatic scene in vivid detail. Arrayed in plains style regalia, the Native actors – "paint-bedaubed savages, uttering their fearful war-hoops" – encircled the beleaguered Euro-American reenactors – "Uncle Sam's defenders." Collapsing into a square, the "pride of Oregon's soldiery," prepared to make their final stand when suddenly, the white-plumbed chief, who had remained apart from the assault, sprang forward and raised his hand in peace. "The whites are victorious!" he declared before lifting his headpiece to reveal "the features of Captain Ivan D. Applegate, the pioneer defender of western homes, the noted scout of three Indians wars, the honored and respected citizen of Klamath county." A cheer broke forth from the crowd as the sham battle ended.

Sitting in a circle on the parade grounds, the reenactment concluded with the actors – both Native and non-Native – smoking a ceremonial peace pipe while a dozen Native women returned the horses, guns, and swords the troopers had lost during the

performance. Accepting these ceremonial gifts as evidence of their continuing amity, the participants "drew up the written compact of friendship which has existed between the whites and the Klamaths since the latter first met their pale-faced brethren." They ended the event by singing the national anthem. "Powder and bullets have given way to education," the *San Francisco Examiner* proclaimed. "Probably it will be impossible to ever have in the Klamath country another spectacle similar to the one just concluded. The civilizing influences of churches and schools have extinguished the war spirit in even the older Indians…"[1]

* * *

The first reenactment of the Modoc War performed in the Klamath Basin marked a pivotal moment in the region's collective memory of U.S.-Indian violence. Bathed in patriotism and nostalgia, the performance recast the Modoc War as the originative moment of co-operation between Natives and non-Natives in the area. Indeed, by surrendering at their moment of victory and willingly declaring the Americans victorious, the performance signified the Native's voluntary participation in the conquest of the Klamath Basin. The Native women's symbolic act of rearming the soldiers coupled with the acknowledgement of their collective contractual agreement confirmed the legality of Euro-Americans' ownership of the Klamath Basin. The effusion of patriotism and the inducements of educational and civic institutions, moreover, encoded the event with a narrative of progress that seemingly affirmed the inevitable ebbing of the region's Native peoples before the onslaught of civilization. In other words, within the performative text

[1] "In War Paint and Feathers: A Reproduction of Pioneer Scenes on the Klamath," *San Francisco Examiner*, July 9, 1893; "In the Jaws of Death," *Klamath Falls Express*, July 6, 1893.

of the reenactment, the Modoc War marked a rupture in the region's history, signifying the beginning of the Klamath Basin's transformation from savagery to civilization, its incorporation into the nation state, and its embracing of modernity all within the framework of American innocence.

But this performance marked a pivotal moment in region's collective memory of U.S.-Indian violence in more material ways as well. Throughout the 1870s and 1880s, small-scale agriculture and ranching dominated the Klamath Basin's meager economy. Isolated from national markets due to the lack of railroads and other infrastructure, non-Native promoters nonetheless presented the region as a settled frontier to attract Euro-American migrants. In this vision of the Klamath Basin as a closing but not yet closed frontier and one committed to a shared agrarian future, they sought to improve the Klamath Basin's frontier mien by marginalizing or forgetting the Modoc War as an aberration on their path from wilderness to civilization.

The 1890s, however, heralded a new era in how both Natives and non-Natives in the Klamath Basin remembered the Modoc War. The passage of the General Allotment Act – known as the Dawes Act – in 1887 empowered the United States government to distribute reservation lands to individual tribal members. The explicit expectation of this abridgement of Native sovereignty was that tribal governments would cease to exist and that individual landowners would embrace American citizenship. But allotment had other intended consequences too. The passage of the Dawes Act coincided with a national timber boom and the concurrent near exhaustion of the Great Lake's forests leading American businesses to clamor for access to the vast timber stands contained within

many western Indian reservations. This was especially true in the Klamath Basin where almost one and a half million acres of ponderosa pine were contained within the Klamath Indian Reservation. As midwestern railroad tycoons and timber capitalists raced to open the Klamath Basin and its vast stands of prime timber, non-Native migrants and some Klamath Basin Indians began remembering the Modoc War as the harbinger of prosperity and peace in the region. The Fourth of July 1893 reenactment of the Modoc War, then, arose out of an expectation of profound transformations in the Klamath Basin's economy from both Natives and non-Natives.

The reconciliatory narrative of the Fourth of July 1893 represents the high-water mark of this historical re-interpretation. But it was not to last. The expansion of lumber production in a region dominated by an agricultural economy fundamentally altered the dynamics of interethnic relations. Virtually over night, the vast forests of the Klamath Reservation were transformed from being of little market value to some of the most desirable land in the country. The unrealized promises of economic prosperity that accompanied calls for allotment, moreover, breed first resentment and then open-hostility among many Klamath Basin Indians towards the federal government and Euro-American settlers in the area. Within this environment, the promises espoused by turn of the century reformers proved illusionary as Klamath Basin Indians found their sovereignty severely threatened. By the second decade of the twentieth century, Klamath Basin Indians had rejected the narrative embedded within the 1893 reenactment and in the process, they articulated their own versions of the past often drawing direct connections between the Modoc War and their present circumstances. My aim in this chapter, then, is to consider

the intersection of booster literature and local histories with the transformation of the Klamath Basin from a region dominated by ranching to one committed to the production of lumber to explore how economic development influenced narratives of the Modoc War.

Imagining a Post-Frontier Klamath Basin

Throughout the 1880s, Klamath Basin promoters sought to entice new migrants by constructing historical narratives of the region that located Indian violence within the distant past. As historian David Wrobel has observed, the post-Civil War years were a period of considerable promotional effort throughout the west as developers distributed pamphlets, brochures, newspaper articles, novels, maps, editorials, cartoons, and personal letters to tens of thousands of readers across the country and around the world. These texts all shared similar characteristics: an exuberance for the various opportunities afforded by settlement; a desire to assuage fears and to abolish any notion of hardship or danger so often associated with "frontier living"; a commitment to presenting the region as a bastion of culture and social institutions; and above all, a confidence in the area's historical trajectory from wilderness to post-frontier civilization. In short, boosters presented their western places as landscapes of opportunity in which the frontier was closing but not yet fully closed.[2] For Klamath Basin boosters, however, reconciling the region's violent recent-past with their aspirations for it future prosperity would be no easy task.

[2] David Wrobel, *Promised Lands: Promotion, Memory, and the Creation of the American West* (Lawrence: University Press of Kansas, 2002), 19-49.

Oregon promoters in general were adept at presenting their state as a "closing frontier." Dubbed "America's Sunset Land" by the Oregon State Board of Immigration, they claimed it was "the last among the states to be touched by those physical achievements, which have made man so irresistible and invincible in his wresting and heroisms with the rugged and defiant in nature."[3] Robert E. Strahorn, an ardent and prolific northwest promoter and himself a land and railroad speculator, praised Oregon as America's final frontier. "Where this region meets the sea ends the American 'course of empire.' Here, if not before, must our wondering capital and industry forever make its stand."[4] Lest the state's frontier demeanor deter perspective settlers, boosters in Portland and the fertile Willamette Valley were keen to emphasize the state's cultural and civic attainments. A Southern Pacific Company publication, for instance, advertised Oregon as endowed with numerous towns and cities, an abundance of churches, schools, and hotels, and a well-developed transportation system. "Western Oregon does not suggest pioneer conditions" they insisted but rather possesses the "convenience and privileges of far older States with the opportunities of a new one—that is to say, pioneer advantage without pioneer privations."[5]

Less precocious than their brethren on the Columbia River, Southern Oregon promoters nonetheless embraced the practice of boostering with verve. Emphasizing the region's suitability for agriculture and ranching, the Klamath County Board of

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[3] Oregon State Board of Immigration, *Oregon As It Is: Solid Facts and Actual Results* (Portland, Ore.: G. W. McCoy Steam Job Printing, 1885), 63 quoted by Wrobel, *Promised Lands*, 27.

[4] Robert E. Strahorn, *"Where Rolls the Oregon"* (Denver: Denver Times Press, 1882), 20.

[5] Southern Pacific Company, *Oregon for the Settler: A Great Area with Rich Valleys, Mild and Healthful Climate and Wide Range of Products* (San Francisco: Southern Pacific Company, 1922), 7, 60 quoted in Wrobel, Promised Lands, 60.

Immigration touted it as ideally suited for the production of cereals and grasses, fruits – especially cranberries – potatoes, and livestock. "There is, perhaps, no better country in America for the raising of horses," they declared. But the Klamath Basin was not without its obstacles; owing to its altitude – four thousand feet above sea level on average – farmers were, periodically troubled by mid-summer frosts. But the Board of Immigration was quick to observe:

> [I]t is the history of all new countries in the temperate zone…that they are subject to summer frosts during their infancy, and that, with the progress of settlement and cultivation, the frosts disappear….we can therefore reasonably hope when it comes to be well settled and cultivated, that the occasional disadvantage we have mentioned will be greatly modified, if they do not wholly disappear.[6]

Rain and sunshine might follow the plow but others were more sanguine in their appraisal of the region's agricultural fortunes. J. A. Chase, a promoter for the Rogue River Valley, advertised Southern Oregon as the "Italy of America," enriched by "newspapers and banks, schools and churches, business and speculation." A place, in other words, where "all things considered, the most advantages and fewest disadvantages do obtain."[7]

For the perspective migrant, however, productive land, culture, and a benign climate were often not enough. The Klamath Basin had become notorious for its recent history of U.S.-Indian violence and, contrary to the popular perception of the west as a magnet for the adventuresome, few settlers sought danger when they looked west to homestead. To combat these perceptions, promoters often turned to historians to convince others – and themselves – that Indian violence was a thing of the past. Harry Wells'

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[6] County Board of Immigration, *The Great Klamath Basin of Southern Oregon: Fertile Lands and Happy Homes* (Oakland, Calif: Pacific Press Publishing House, 1885).

[7] J. A. Chase, *Rogue River Valley, Southern Oregon. Its Resources and Attraction, Opportunities it Offers to Intending Settlers* (Ashland, Ore.: Tiding Power Print, 1888).

History of Siskiyou County (1881), for instance, presented the region as a post-frontier whose lands – through natural and evitable historical processes – had come into the possession of Americans settlers. As he states, the history of Siskiyou County is one in which,

> [T]he magic wand of gold was waved over the mountain tops, and a new race came to supplant the old, to level forests and disembowel the earth, to subdue the soil and deface the brow of Nature with the crown of civilization.

Couching the extermination of Klamath Basin Natives within the racialized extinction discourse of the era, Wells went on to claim they have "melted away before the advance of the Caucasian race like snow before the warm rays of the sun," though this sad occurrence had been "less [from] hostilities with the whites" than with other Indians.[8]

Wells' vision of a post-frontier Klamath Basin, however, extended beyond formulaic gesticulations towards the vanishing Indian. When Wells discussed Siskiyou County's Indian wars, he categorizes Indian violence as savage, illegal, provocative, against women and children, technologically inferior, and the remnants of an ancient way of life while presenting settler violence as civilized, legal, retributive, against men, technologically superior, and the precursor of industrialized modernity.[9] These binaries, moreover, carried over to Wells' rendering of the Klamath Basin's landscape. Interspersed throughout his history were no fewer than 96 unique engravings of the region's landscape, depicting neatly arranged and technologically advanced homesteads (Figure 15).

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[8] Harry Wells, *History of Siskiyou County, California* (Oakland Cal.: D.J. Stewart & Co., 1881), 29, 121.

[9] Wells, *History of Siskiyou County*, 126; 28; 129-30. Wells also published a brief history of the Modoc War. See Harry L. Wells, "The Massacre of the Peace Commissioners," *Cosmopolitan*, October 1891, 724.

Read alongside his descriptions of U.S.-Indian violence, these idyllic scenes of yeoman-urbanity visually transformed the region's landscape from Indian wilderness into a civilized, productive, and industrialized agricultural space dominated and owned by non-Native families. Indeed, as Henri Lafebvre argues the creation of space is fundamentally about the reproduction of society and hence of capitalism itself.[10] By representing the landscape of the Klamath Basin as a neatly ordered, modern agricultural space dominated and owned by Anglo-American families, these "views of residences" consolidated United States territorial claims while also revealing American anxieties and insecurities over a still-wild landscape.

Figure 15. "Bird-Eye Prospect on the Ranch of Josiah R. and Eliphalet B. Edson," in Harry L. Wells, *History of Siskiyou County, California* (Oakland Cal.: D.J. Stewart & Co., 1881). Courtesy of Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

To imbricate books like *History of Siskiyou County* within the rubric of promotional literature may seem inappropriate but consider their audience and the insinuating ways in which they aided the booster's cause. As historian Jean O'Brien has argued, local histories – often produced by men, and on the rare occasion by women, of

[10] Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Malden: Blackwell, 2007).

middling means – circulated widely with the proliferation of historical societies throughout the nineteenth century and constituted a "vernacular historical sensibility of enduring influence." Indeed, as local experts their "consolidated versions of the past" carried considerable authority and could be used to combat the incredulity of distant readers.[11] Equally important, these texts provided the intellectual superstructure to support a progressive historical narrative for the region, convincing non-Native boosters and settlers of the inevitability of their claims. In short, promotional literature and local histories together contributed to a collective representation of Klamath Basin as a post-frontier.

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As much as boosters would like to imagine a post-frontier Klamath Basin, the unrestrained optimism and effusive claims of promoters did little to alter outsiders' perception of the region throughout much of the nineteenth century. The Modoc War had transformed Linkville and the surrounding area from a hamlet with forty inhabitants to a bustling village of nearly three hundred. During the most anxious periods of the conflict, it swelled with frightened settlers, freighters hauling supplies to the battlefront, soldiers on leave and, of course, journalists looking for a story or a respite from the front. Moreover, newspaper reports from the area often appeared with the town's dateline, prompting one commentator to note: "the name of Linkville was upon the lips of every

[11] Jean M. O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota Press, 2010), xvii.

one who read of the bloody deeds enacted in that short, fierce struggle. Linkville was advertised in blood; the most catchy advertising ink in the world."[12]

Not all press, however, is good press and the persistent association of the Klamath Basin with U.S.-Indian violence enticed few non-Natives to settle in the region after the Modoc War. By the late-1870s the Linkville's promising growth had slowed to a trickle with potential settlers often hearing disparaging descriptions of the town before confirming their suspensions upon arrival.[13] A group of settlers from Mono County, California, passing through in 1884, considered carefully whether "they dared entrust their lives and property to this den of cut-throats."[14] Herman Werner, a cavalry officer stationed at Fort Klamath, found the area less the home of thieves than a region scared by its recent, violent past. While on an extensive reconnaissance of the Klamath Basin in 1881, Werner noted the presence of burnt-out cabins throughout the Lost River Valley and local settlers penchant for regaling travelers with tales of Modoc atrocities.[15] The Reverend R. W. Hill, who visited the region a year later, confirmed rumors that Linkville possessed all the "disagreeable features of a frontier town" with "nothing to entice one to linger long, save the lakes, and the cold fog..." In other words, the Klamath Basin was "decidedly a frontier region, as not only the country but the people indicated."[16]

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[12] F.A. Shaver, et al., *An Illustrated History of Central Oregon*, 977.

[13] Between 1885 and 1895, for instance, Linkville only gained 68 permanent residents. "Reflections and Recollections of Circuit Judge A.L. Leavitt, an Address to the Daughters of the American Revolution, September 17, 1925" in *Klamath Echoes*, no. 13 (Klamath Falls: Klamath County Historical Society, 1975), 55.

[14] "Klamath Neighbors Didn't Boost in 1884," a reprint of *Klamath News*, May 10, 1928 in *Klamath Echoes* 13 (1975): 61-66.

[15] Herman Werner, *On the Western Frontier with the United States Cavalry Fifty Years Ago* (Akron, OH: Werner, 1934), 13-14.

[16] R.W. Hill, "Mount Shasta," *New York Evangelist*, July 27, 1882.

Beyond the Klamath Basin, the word "Modoc" had come to be associated with civil disobedience or general thruggery and was often appropriated by vandals as moniker to disguise their unlawful activities. In Mississippi, a group of Confederate veterans opposed to reconstruction assumed the alias "the Modoc" as they terrorized and tortured freedmen who dared to exercise their political rights. According to one account, the hooligans pinned a black man to the ground by driving pegs through his wrists and ankles, cut out his tongue, and shot him in the stomach before leaving him to die.[17] In another instance, they broke into the home of a widowed women holding vigil for her murdered husband and brother-in-law and taunted the mourning family.[18] In Indiana, a secret society known as the "Modocs" gained notoriety when they declared war on the Burnville Turnpike Company, dismantling and stealing property to prevent the construction of a toll road through the area.[19] Potential migrants to the region doubtless had to weigh the region's benefits against its notoriety.

A few writers tried to redeem the Klamath Basin by absolving non-Native settlers of culpability. The journalist and ethnographer, Stephen Powers, writing in the *Overland Monthly*, indicted the federal government for beginning the conflict but assigned the majority of blame to the Modoc, whose "promiscuous running to and fro" and "intolerable" molestation of the non-Natives settlers was the "fierce and menacing undercurrent" that ultimately led to war. "The blood of those poor murdered women and children," he concluded, "lies not more upon the bloody-minded Modocs than it does

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[17] "A Relic of the Modoc War," *Cincinnati Daily Gazette*, May 5, 1874.

[18] Nicholas Lemann, *Redemption: The Last Battle of the Civil War* (New York: Farrar Straus and Giroux, 2006), 159-160.

[19] "A New Modoc War," *New York Times*, February 6, 1876.

upon the wretched, slabbering [sic], paltering policy which let them loose."[20] Frances Fuller Victor, a talented historian and an active booster who authored several promotional tracks pursued a similar agenda when she sought to defend Ben Wright's reputation. Calling him a "Knight of the Frontier," Victor claimed that the so-called Ben Wright Massacre had actually been a chivalric defense of white womanhood.[21] Who, then, was to blame for the Klamath Basin's undeserved reputation? Easterners who "could not understand the danger and suffering of pioneers with wives and children and scanty means, exposed to the mercy of exasperated natives," she later wrote in her contribution to Hubert Howe Bancroft's *California Inter Pocula* (1888).[22]

> They felt inclined rather to sympathize with a brave minority apparently fighting for hearth and home, for existence, against ruthless frontiersmen and soldiers, intent alone on usurpation and glory. Their representations before an administration equally unconscious of the real state of affairs brought about the issue of instructions which tied the hands of both settlers and troops, and were the principal cause for the prolongation of the war and the many attendant misfortunes.[23]

Despite the best efforts of promoters to imagine the Klamath Basin as a post-frontier

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[20] Stephen Powers, "The California Indians, No. VIII – The Modocs," *Overland Monthly*, June 1873, 543-44, 545. Powers subsequently published a revised version of this piece in Stephen Powers, *Tribes of California* (Washington, D.C.: Government Printing Office, 1877),

[21] Frances Fuller Victor, "A Knight of the Frontier," *Californian* 4, no. 20 (August 1881): 152-162.

[22] France Fuller Victor worked for ten years in Bancroft's History Company and she claimed to have authored all of the *History of Washington, Idaho, and Montana* (1890), the *History of Oregon* (1886-88), and the *History of Nevada, Colorado, and Wyoming* (1890) except for two chapters on the early history of Nevada, the political and railroad chapters in volume 6 and 7 of the *History of California*, and the account of Modoc War in *California Inter Pocula*. Published under Bancroft's name, Victor also craved recognition for her contribution. In 1893, at the Columbia World Exhibition, she included the four volumes she wrote while at The History Company as among her works. She reportedly inscribed her name along side Bancroft's on the title page and spine of each volume and included a special preface explaining her action. For more see William Alfred Morris, "The Origin and Authorship of the Bancroft Pacific States Publications: A History of a History," *The Quarterly of the Oregon Historical Society* 4, no. 4 (December 1903): 285-364. For a sampling of her promotional tracts see "Manifest Destiny in the West" (1869), *All Over Washington and Oregon* (1872) and Frances Victor, *Atlantis Arisen, or, Talks of a Tourist about Oregon and Washington* (Philadelphia: J.B. Lippincott Company, 1891).

[23] Hubert Howe Bancroft, *California Inter Pocula*, vol. xxxv (San Francisco: The History Company, 1888), 559-560.

region, the Modoc War remained a persistent reminder of their recent history of U.S.-Indian violence.

A Second Modoc War: Military Roads, Reservation Boundaries, and Frontier Garrisons

While non-Native promoters presented the Modoc War as a rupture in the region's progressive history, a series of disputes over land and resources throughout the 1880s exacerbated interethnic relations and gave rise to fears and rumors of a second Modoc War. The roots of the scandal stemmed from an 1864 congressionally authorized land grant to the state of Oregon to finance the construction of a public road connecting Eugene, Oregon to Silver City, Idaho via a designated pass over the Cascades. The Oregon Legislature, in turn, designated the Oregon Central Military Wagon Road Company of Eugene to receive the land grant and construct the road. Although the land grant predated the negotiation of the 1864 Treaty at Council Grove by a few months, the bill had not designated the precise route the road must take. Three years later, after the treaty had been negotiated and the reservation had been established, the wagon road company filed a provisional map of the route the road would take. Veering south for over thirty miles after crossing the Cascades, the road, in the words of Agent Dyar, ran "diagonally through the whole length of the Klamath Reservation, a distance of sixty miles or more, traversing the very best portions of the same" and had been designed to capture "more than one-half of all the land upon the reserve suitable for cultivation or for winter grazing."[24] On January 12, 1870, Oregon Governor George L. Wood certified the

[24] L. S. Dyar to W. Vandever, September 23, 1874 in 44th Congress, 1st Session, *Report No. 183: Klamath Indian Reservation* (Washington D.C.: Government Printing Office, 1876) Beineck Rare Book Library, Zc12 O7 901un (hereafter *Report No. 183: Klamath Indian Reservation*), 5.

420-mile long road completed and authorized the company to claim 806,400 acres of land, approximately 111,385 of which were within the boundaries of the Klamath Reservation. Subsequent investigations, however, determined that much of the road was never built but remained a rudimentary trail through the sagebrush. Shortly thereafter, the Eugene-based company transferred its land grants to the California and Oregon Land Company – a holding company, whose primary stakeholders were the former owners of Central Oregon Military Road Company and various outside investors.[25]

The treaty of 1864 did provide for public roads to cross the reservation but the Military Road's land grant seemed to many a direct violation. Agent Dyar, for instance, believed the grant illegal but with the Modoc War just concluded feared the Natives would react with violence. "[I]t is my honest conviction that, if a public announcement were made to-day…we would stand upon the verge of a war by the side of which the late difficulty with the renegade band of Modocs would be dwarfed to insignificance," he told the Commissioner of Indian Affairs in October 1873.[26] Rumors of the land grant, however, soon began circulating and in 1875, the Governors of Oregon and California began receiving petitions calling for the removal of the Klamath. Despite several attempts on the part of the California and Oregon Land Company to assert their claims, the legal status of the Military Road's land grant remained uncertain throughout the nineteenth century, barring any definitive action.[27]

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[25] Jerry A. O'Callaghan, "Klamath Indians and the Wagon Road Grant," *Oregon Historical Quarterly* 53, no. 1 (March 1952): 23-28; "Unblushing Land Frauds: The President Send Information to Congress," *New York Times*, March 21, 1888.

[26] L. S. Dyar to E. P. Smith, October 16, 1873 in *Report No. 183: Klamath Indian Reservation,* 4.

[27] L.F. Grover to The Secretary of the Interior, October 22, 1875 and William Irwin to Zachariah Chandler, Secretary of the Interior, January 28, 1876 in *Report No. 183: Klamath Indian Reservation*, 2-3; Stern, *The Klamath Tribe*, 89.

Klamath Basin Indians faced other threats to their land base, too. Beginning in 1877, Euro-American cattlemen began running livestock on lands to the north of Klamath Marsh and within the Sycan Valley, land which the Klamath Basin Indians believed were theirs. When they complained about the ranchers Agent Dyar assured them that "the white people were only stopping for awhile, and they would soon go away."[28] When John R. Roork replaced Dyar later that same year, the new agent began investigating the matter and soon concluded that the initial 1871 survey – known as the Mercer Survey – had excluded perhaps as much as half-million acres from the reservation as stipulated by the treaty.[29] Yet, despite the fact that everyone – including George Mercer, the original surveyor – believed the established boundaries were inaccurate, the Secretary of the Interior disregarded the Klamath Basin Indian's rights and previous land claims by declining to act because, he insisted, the department lacked the resources to finance a new survey. "Besides," he told the Commissioner of Indian Affairs, "settlers have located upon the desirable portions of the disputed territory, and their claims have been recognized by the General Land Office."[30]

For a decade, the boundary issue remained unresolved compounding already difficult conditions and spreading discord across the reservation. Visiting the Klamath Basin in May 1885, Jeremiah Curtin, an employee of the Bureau of Ethnology, found the

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[28] J. R. Roork to Commissioner of Indian Affairs, September 7, 1877 in Senate Committee on Indian Affairs, *Memorial on Behalf of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians*, 54th cong. 1st sess., S. Doc 131, 2.

[29] J. R. Roork to Commissioner of Indian Affairs, August 21, 1877 in *Letter from the Secretary of the Interior in Response to the Senate Resolution of May 31, 1894*, 53rd cong. 2nd sess., S. Doc 129, 6; J. R. Roork to Commissioner of Indian Affairs, February 12, 1878 in *Memorial on Behalf of the Klamath and Modoc Tribes,* S. Doc. 131, 4.

[30] C. Schurz to the Commissioner of Indian Affairs, September 12, 1878 in *Memorial on Behalf of the Klamath and Modoc Tribes*, S. Doc. 131, 8-9.

Natives outraged and unwilling to cooperate with any government employees. They had become distrustful of anyone sent by the federal government and charged him twice the rate approved by the bureau for working on his vocabulary. "I had considerable difficulty in getting Indians to give me words and assist me in learning their language," he later recalled.[31] Near Yainax, Curtin faired slightly better. He found the old Chief Schonchin a great storyteller and a large crowd gathered whenever the venerable headman spoke. The vociferous Oliver Applegate was, as always, willing to recall the loyalty of the Yainax Modoc during the war.[32] Yet, many Klamath Basin Indians were clearly harboring anger toward the government. And although many factors contributed to an overall sense of discontent on the Klamath Reservation, the vexing matter of the boundary was paramount for many. Indeed, as one observer noted: "To the Indians…their deprivation, without consent or compensation…presents itself as an ever-present outrage of the most inexcusable and flagrant character, and naturally creates bitter feelings among them."[33]

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Two separate and, at first seemingly unrelated, events in the summer of 1886, forced the government to act. On May 1st, President Grover Cleveland declared Fort Klamath "no longer needed for military purposes" and ordered the garrison closed. This was a significant blow to the region's economy since soldiers at the outpost bought beef, hay, wool, flour, and lumber, employing a large number of freighters to haul goods to and from the garrison while those stationed at the fort often purchased manufactured products

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[31] Jeremiah Curtin, *Memoirs of Jeremiah Curtin* (Madison: The State Historical Society of Wisconsin, 1940), 366-367.

[32] *Memoirs of Jeremiah Curtin*, 368-371.

[33] William M. Leeds to the Secretary of the Interior, July 15, 1878 in *Memorial on Behalf of the Klamath and Modoc Tribes*, S. Doc. 131, 7-8.

from both Natives and non-Natives throughout the Klamath Basin.[34] But the loss of an important commercial center probably would have gone unnoticed by the Office of Indian Affairs except two months later a group of ranchers fenced off a large tract of land owned by the Natives in the Sycan Valley, reigniting concerns over the reservation's eastern boundary. In response, Agent Joseph Emery ordered the cattlemen off the reservation and employed several Natives to help roundup the wayward stock. During or shortly after the roundup, a German settler named Fritz Munz shot and killed one of the Indians. And although the sheriff arrested Munz for murder, he jumped bail and was never heard from again.[35]

Non-Natives responded to news of the garrison's imminent closure and the Native man's murder by raising the specter of a second Modoc War. On September 28, 1886, settlers in the region convened a heated public assembly in the town of Linkville to discuss the events. Firing off petitions, letters, and telegrams to western Congressmen, the assembly struck a melodramatic tone. As Jonathan Baxter Harrison, an observer for the Indian Rights Association and a special correspondent for the *Boston Herald*, noted:

> [Although] the garrison furnished a market for supplies of various kinds, and was a benefit in pecuniary ways to all the adjacent country….the people of the region thought they made their case stronger by gruesome talk without end about the horrors of savage warfare, the midnight attack on the lonely cabin, the scalping-knife, the red flames curling through the crackling roof, and all the rest of it.[36]

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[34] Buena Stone, *Fort Klamath: Frontier Post in Oregon, 1863-1890* (Dallas Tex.: Royal Publishing Company, 1964), 53-61.

[35] *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the year 1886* (Washington, D.C.: Government Printing Office, 1886), 215; *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the year 1887* (Washington, D.C.: Government Printing Office, 1887), 188; Jonathan Baxter Harrison, *The Latest Studies on Indian Reservations* (Philadelphia: Indian Rights Association, 1887), 120-121; "Munz Biography," in *Klamath Echoes*, no. 12 (Klamath Falls, OR: Klamath County Historical Society, 1974), 22-24.

[36] Harrison, *The Latest Studies on Indian Reservations,*101-102.

No one claimed the Natives had actually done anything, and many even admitted that the settlers were in fact guilty of any transgressions; nevertheless, the assembly passed a resolution demanding the outpost be maintained for their protection. They noted that the Klamath Indian Reservation had "always required the presence of a strong military force…in order to maintain peace." And they reminded their elected officials that, "it was the inadequacy of the military force at said post that was the cause of the Modoc War." Finally, they argued that the garrison should be strengthened "to protect the Indians from trespass and injury by whites" as much as to protect the non-Native settlers from the Indians.[37] Waving the bloody shirt, non-Natives evoked the possibility of a second Modoc War but they secured only a stay. On August 9, 1889, the U.S. Army abandoned their post, designating a small detachment to oversee the transfer of the former garrison to civilian authority within the year.[38]

On the Klamath Reservation, the specter of a second Modoc War impressed upon the administration the need to resolve the boundary issues. On October 15, 1886, probably in response to the Linkville Resolutions, the Secretary of the Interior at last approved funds for a resurvey and, at the request of the commanding officer of Fort Klamath, ordered that the true boundary of the reservation be ascertained "by mutual concord."[39] The result was that in the summer of 1887, Agent Emery interviewed all person, Natives and non-Native, with knowledge of the true eastern boundary as

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[37] G. W. Smith et al., "Resolutions adopted by the Citizens of Linkville, September 28, 1886" in Shaver, et al., *An Illustrated History of Central Oregon*, 934.

[38] Stone, *Fort Klamath*, 68-70.

[39] G. S. Carpenter to Assistant Adjutant General, December 1, 1886 and J. D. C. Atkins to Joseph Emery, January 11, 1887 in *Letter from the Secretary of the Interior,* S. Doc. 129, 20-22.

understood when the treaty was negotiated. Few non-Natives recalled anything from the actual negotiations and the Klamath's opposition surprised them. "I do not remember that the Indians ever expressed to me or in my presence any dissatisfaction with the boundary line as located by George Mercer," Oliver Applegate testified, echoing the sentiments of many, "except that subsequently, when white men began to drive cattle into the Sycan Valley, many of them claimed that the valley properly belonged to the reservation." If the settlers found the Indian's opposition to the boundary of recent origins, Moghenkaskit succinctly summarized the testimony of the Natives. "Mr. Huntington told the Indians that *all of Sycan Valley* would be in the reservation, where the Indians could go and gather camas, and all of Sprague River Valley would be in the reservation, and that Indians could go there and gather roots without a pass."[40] Faced with "contradictory and unsatisfactory" oral evidence, Emery decided to expand the northern and southern boundaries by only two and three miles, while confirming Mercer's description of the eastern boundaries.[41] The Commissioner of Indian Affairs agreed, concluding that maintaining the inaccurate boundary would be "the easiest way out of the difficulty." Any claim for lost land they might have "can be hereafter considered and referred to Congress, if deemed just."[42]

The incomplete and unsatisfactory resolution of the Military Road's land grant and the reservation boundary issues revealed the tensions inherent within the Klamath

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[40] Testimony of O. C. Applegate, June 2, 1887 and of Mo-Ghen-Kas-Kit, June 10, 1887 in *Memorial on Behalf of the Klamath and Modoc Tribes,* S. Doc. 131, 14-15.

[41] Joseph Emery, Report on the Eastern Boundary, June 16, 1887 in *Memorial on Behalf of the Klamath and Modoc Tribes,* S. Doc. 131, 10-17.

[42] A. B. Upshaw to the Secretary of the Interior, August 3, 1887 in *Letter from the Secretary of the Interior,* S. Doc. 129, 26-28.

Basin in the decades following the Modoc War. Indeed, throughout the 1870s and 1880s, Klamath Basin Indians found their ownership of the land threatened by non-Native settlers who saw little reason to honor their legal rights. Good quality lands for farming and stock-raising were, after all, the keys to wealth in the regional economy. Faced with such material realities, both Natives and non-Natives returned again and again to remember the Modoc War, undermining the efforts of many to imagine the Klamath Basin as a post-frontier. The persistence of the Modoc War, moreover, thwarted attempts on the part of non-Native land promoters to sweep the violence of the past under a narrative of progress toward civilization. As the nineteenth gave way to the twentieth century, however, the federal policy of allotment dovetailed with developments in the national timber industry to remake the Klamath Basin's economy and, in turn, its history.

"Opening a New Empire": Railroads, the Timber Industry, and Allotment

A 1909 Klamath Development Company promotional pamphlet captures the multiple economic and political forces then transforming the Klamath Basin. Published in cooperation with the Southern Pacific Railroad and titled "Opening a New Empire," the pamphlet featured a centerfold map of the region with railroads connecting major towns to markets across the country and around the world (Figure 16). "The distribution point for a vast timber, live stock, and agricultural empire," it declared, "endless trains and cars laden with merchandise" will fuel the region's growth. Federal irrigation canals and reclamation projects were likewise transforming the region into a landscape of progress and modernity. But the vast and productive forests of the Klamath Basin were the keys to it economic future. "In these forests are twenty billion feet of timber," one caption

proclaimed. "Cutting at the rate of one-half million feet per day. It would take approximately two hundred years to exhaust the supply of standing timber." Perhaps most insidious, the map announced in bold print where precisely that timber would come from: "Klamath Indian Reservation 1500000 acres soon to be opened."[43] The Klamath Basin's future economic prosperity, then, would be dependent upon the exploitation of Native lands and resources.

The vision of the future projected by the Klamath Development Company little resembled the economy of a generation earlier. Isolated from major markets and situated at an average elevation above 4,000 feet within the moderate rain shadow east of the southern Cascades, the Klamath Basin's economy was dominated by non-Native sheepherders, livestock growers, and small-scale agriculturalists for most of the nineteenth century.[44] After 1881, a handful of farmers tried hardier crops such as rye and alfalfa for local consumption but the region's sole export remained livestock and a modest amount of wool.[45] Economic conditions on the Klamath Indian Reservation were little different. Successive years of drought and damaging mid-summer frosts had convinced even the most obstinate Indian Office bureaucratic that agriculture was impractical on the reservation but that it was perfectly suited for livestock.[46] If agriculture was by and large a failure, the Klamath Reservation seemed perfectly suited for livestock.

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[43] Klamath Development Company, *Klamath Falls, Oregon: The Distributing Point for a Vast Timber, Live Stock and Agricultural Empire* (San Francisco: Sunset Publishing House, 1909), 4, 6-7;Klamath Chamber of Commerce, *Klamath County, Oregon* (San Francisco: Janssen Press, 1911).

[44] For instance, the first attempt at large-scale agriculture did not occur until 1881. F.A. Shaver, et al., *An Illustrated History of Central Oregon*, 967. Economic conditions on the Klamath Indian Reservation were little different, Stern, *The Klamath Tribe*, 57-73.

[45] F.A. Shaver, et al., *An Illustrated History of Central Oregon*, 967.

[46] *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the year 1870*, 69; *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the year 1874* (Washington, D.C.: Government Printing Office, 1874), 319.

After the Modoc War, the government distributed among the Natives some two hundred head of cattle. By 1883 Native ranchers were raising beef to purchase flour, sugar, coffee, and other commodities and were fulfilling regular contacts with the agency as well as nearby Fort Klamath.[47]

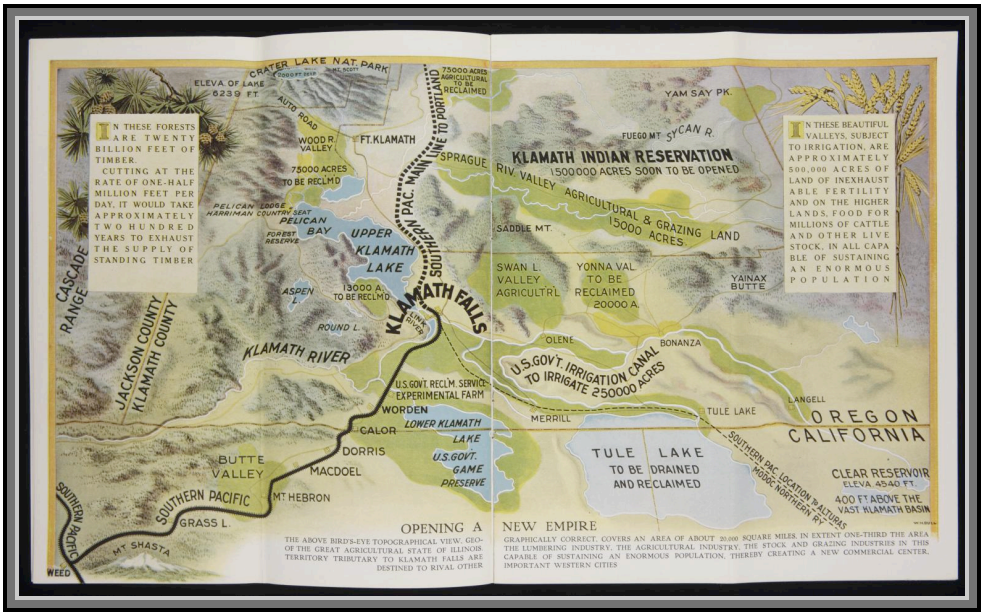

Figure 16. "Opening a New Empire," in *Klamath Falls, Oregon: The Distributing Point for a Vast Timber, Live Stock and Agricultural Empire* (San Francisco: Sunset Publishing House, 1909), 6-7. Courtesy of Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

The region's lumber industry was similarly limited to local consumption. In 1870, the Klamath Indians completed the area's first commercial mill and they commenced a brisk and lucrative trade with Fort Klamath and surrounding communities in need of rough or finished lumber.[48] Government regulations and prohibitions against commercial

[47] *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the year 1879* (Washington, D.C.: Government Printing Office, 1879), 125-127; Stern, *The Klamath Tribe*, 60-61.

[48] The U.S. Army built a temporary mill at the future cite of Fort Klamath in 1864. Naylor & Hockenouse built the Klamath Basin's first privately own mill in 1869 but there is no evidence they sold lumber. The Natives began selling lumber to the Agency immediately. "Appendix: Table 3 – Lumber Mills of Klamath County 1864-1950" in *The Timber Industry in the Klamath Basin*, The Journal of the Shaw Historical Library 16 (2002): 124-128.

cutting, however, hindered growth in the market for reservation timber. But by 1896 a considerable black market had emerged with the demand for reservation timber estimated at 250,000 board feet per year.[49] Beyond the reservation, a handful of settlers ran commercial mills as well. Throughout the 1870s, Daniel Gordon, a settler from New York via Missouri, operated a small mill near Bonanza and another one mile west of the present-day town of Keno. One of the first mills in that part of the basin, Gordon's mills changed hands several times increasing in capacity to 10 thousand feet (10 mbf) of lumber per shift by 1888.[50] William Moore, a settler from Illinois, established a mill on the west side of Link River in 1877. Located near the business area of Linkville, Moore supplied lumber on-demand to farmers and ranchers who arranged for delivery.[51] Yet, despite these modest operations, the Klamath Basin's lumber industry remained relatively small scale. Indeed, as Charles H. Pierce, a retired lumberman observed, the Klamath Basin was blessed with "rich valleys" of "hay, grain, and other products" but the vast wealth contained within "her timber land" remained unrealized until "a railroad rendered the facilities for cheap transportation."[52]

Two events altered the region's economy and launched the Klamath Basin into a new era of development. In early December 1889, snow began falling in the Klamath

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[49] Stern, The Klamath Tribe, 61-63.

[50] "Appendix: Table 3 – Lumber Mills of Klamath County 1864-1950," 125; Joseph Gaston and George H. Himes, *The Centennial History of Oregon, 1811-1912* (Chicago: The S.J. Clarke Publishing Company, 1912), 110.

[51] Jack Bowden, "Land, Lumber Companies and Mills in the Klamath Basin, 1864-1950," in *The Timber Industry in the Klamath Basin*, vol. 16, The Journal of the Shaw Historical Library (2002): 5-41, esp. 10-12.

[52] Charles H. Pierce, "A Prophesy" in Steven R. Mark, ed., "What Might the Future Bring," in *The Timber Industry in the Klamath Basin*, The Journal of the Shaw Historical Library 16 (2002): 99-101.

Basin and, by February, some areas reported over twenty feet of accumulation.[53] The unusual winter wreaked havoc across the Pacific Northwest, destroying railroad and telegraph lines, burying houses, collapsing barns, and devastating livestock. In the Klamath Basin, the cattle industry was crippled for over a decade, with a single operation, Jesse D. Carr, suffering an estimated loss of over 3,500 head of cattle and untold numbers of sheep.[54] If the hard winter was not enough, successive fires destroyed the town of Linkville in the fall of 1889 and again in summer of 1892, damaging a fledgling commercial district that had included four salons, three hotels, seven dry-good stores, three blacksmith shops, a butcher shop, several doctors and lawyers, a telegraph office, and a mill.[55]

The destruction of the region's cattle industry and its major business center were severe blows that forced settlers in the area to reconsider their economic future. As the town rebuilt, some residents felt they should replace the diminutive name of Linkville with the more development-oriented appellation "Klamath City." The new name, it was argued, would stow ideas of smallness and evince a notion of growth and opportunity. But an engineer named Isa Leskard, who came to the area to help rebuild, suggested a slight alteration. The name "Klamath Falls," he argued, "advertises the fact that there are falls here, thus giving the town an advantage fully recognized as such by other towns similarly situated. There is a great deal in the name of a town situated by a heavy

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[53] May H. Southern, "The Hard Winter of 1889-1890" in *The Covered Wagon* (Redding, CA: Shasta Historical Society, 1966), 9-11.

[54] There are no estimates of overall loses but if Jesse D. Carr's operation is representative, they would have been upwards of 90%. "First Settlers…" *Klamath Echoes*, no. 8 (Klamath Falls, OR: Klamath County Historical Society, 1970), 10-13.

[55] Charles I. Roberts, "Notes on the Fire of 1889," *Klamath News*, February 20, 1931 in *Klamath Echoes*, no. 13 (Klamath Falls, OR: Klamath County Historical Society, 1975), 66.

cataract," Leskard explained through the *Klamath County Star*.[56] For Leskard and his supporters, the new name signaled a new future: the seat of Klamath County would be no longer a mere "ville" but would become the wellspring and anchor of an ambitious industrial region. On February 6, 1893 the town of Linkeville ceased to exist and the city of Klamath Falls was born. From then on, its name would announce to the world the Klamath Basin's pretentions to the modernity of waterpower, electricity, and above all, mills for processing timber from the region's vast stands of Ponderosa Pine.

To realize their aspirations, Klamath Basin promoters had to attract considerable outside investment to expand the railroads to transport their timber. In the summer of 1892, Oliver Applegate traveled to Minneapolis to attend the Republican National Convention and to meet with Frederick Weyerhaeuser, a German immigrant whose vast syndicate of lumber interests controlled production on the Mississippi and Minnesota Rivers. Applegate's timing could not have been better. With newspaper reports and industry experts predicting an eminent decline in the timber supply coming out of the Great Lakes region, the 1890s were a period of transition as Midwestern lumber capitalists and railroad tycoons scoured the country for cheap and accessible forests to exploit. Many looked to the vast stands of Southern Yellow Pine around Nashville, Chattanooga and St. Louis but others, including Weyerhaeuser, believed the Pacific Northwest held greater promise. A few years after meeting with Applegate,

[56] *Klamath County Star*, April 10, 1891 in Shaver, et al., *An Illustrated History of Central Oregon*, 979; "Reflections and Recollections of Circuit Judge A.L. Leavitt," 51-55.

Weyerhaeuser began buying timber in the Klamath Basin and by 1908 he controlled 158,000 acres of forestlands.[57]

Meanwhile, railroad interests were pursuing projects in the region as well. On December 17, 1887, the Southern Pacific Railroad completed their line connecting Portland to Redding, CA with a Golden Spike ceremony in Ashland. Over the next several years, the lumber towns of Klamathon, Thrall, and Ager sprang up in the southwestern corner of the Klamath Basin near the Southern Pacific line.[58] In 1899, a syndicate of local investors formed the Oregon Midland Railroad with the intention of constructing a line connecting Klamath Falls to the Southern Pacific's mainline at Thrall. Four years later the Oregon Midland Railroad – renamed the Klamath Lake Railroad (KLRR) – had laid almost twenty-five miles of track but were still less than half-way to their goal.[59] But the KLRR was not alone. In 1906, E.H. Harriman – the president of the Union Pacific and Southern Pacific Railroads as well as half a dozen other interests – secretly began building a railroad that would connect Klamath Falls to the Southern Pacific via Weed, California. Operating as the California Northeastern Railway, the group purchased the Weed Lumber Company and their 22 miles of track between Weed and Grass Lake in 1905 before building the remaining 64 miles of track between 1907-

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[57] Ralph W. Hidy, Frank Ernest Hill, and Allen Nevins, *Timber and Men: The Weyerhaeuser Story* (New York: Macmillan, 1963), 207-225; Stephen George, *Enterprising Minnesotans: 150 Years of Business Pioneers* (Minneapolis: University of Minnesota Press, 2005), 19-22; Rachel Applegate Good, *History of Klamath County, Oregon* (Klamath Falls, 1941), 119.

[58] "O. C. & E. Railroad," *Klamath Echoes* #12 (Klamath Falls: Klamath County Historical Society, 1974), 83-92; John Tilson Ganoe, "The History of the Oregon and California Railroad" *Oregon Historical Quarterly* 25 (1924): 236-83, 330-52.

[59] The Weyerhaeuser Company purchased KLRR in 1905 as part of their initial investiment in the region. Hidy et al., *Timber and Men*, 239-240; Bowden, "Land, Lumber Companies and Mills in the Klamath Basin," 13-16.

1909. On May 20, 1909, the Southern Pacific's first train steamed into Klamath Falls, heralding a period almost twenty years of unprecedented growth.[60]

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While timber capitalists and railroad interests raced to connect the Klamath Basin with outside markets, federal agents on the Klamath Reservation proceeded with their plans for allotment. Sometimes described by its proponents as an Indian counterpart to the Homestead Act, the General Allotment Act of 1887 and its subsequent amendments were supposed to promulgate equality by dissolving allegedly abusive tribal governments and investing Natives with the freedom of individual property rights. Under the provisions of the original act, each individual was to receive between 40 and 160 acres, depending on their age and marital status, to be held in trust by the U.S. Government for 25 years after which a patent in fee simple and U.S. citizenship would be conferred upon those who renounced their tribal citizenship and adopted "the habits of civilized life." Transforming tribal citizens into liberal economic and political individuals, allotment was supposed to accelerate the assimilation of Natives into American society as equals. But instead, as historian David Chang and others have observed, allotment led to devastating land loss and sowed the seeds of inequality by reproducing hierarchical categories such as race, class, and gender.[61]

Tribes such as the Cherokee, Choctaw, Creek, Osage and others at first objected to the idea of allotment with vehemence. But on the Klamath Reservation many embraced the policy as a means of securing greater autonomy. Pressured by threats to

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[60] Bowden, "Land, Lumber Companies and Mills in the Klamath Basin," 38n48.

[61] David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill, N.C.: The University of North Carolina Press, 2010), 76-81.

their tribal land base by the encroachment of non-Native ranchers, the majority of Klamath Basin Indians had come by the mid-1880s to believe private land ownership might prove to be a preferable alternative. Indeed, in 1885 several tribal members, on the advice of their attorney, renounced their tribal citizenship to claim tracts of land under the Homestead Act near Tule Lake.[62] Others embraced land ownership because they saw the potential to earn money if leasing was allowed, an informal practice that had been tacitly permitted for years.[63] Not all, however, agreed. From the beginning, older members of the tribe as well as those without business connections beyond the reservation opposed allotment. They pointed out that leftover reservation lands would be declared surplus, inviting still more encroachment and thereby undoing the protections proponents sought. Despite some misgivings, Klamath Basin Indians supported the allotment of the Klamath Reservation with over 800 out of a total of 933 individuals enrolling for allotments in the first year.[64]

Once embarked upon, however, the actual process of allotting the Klamath Reservation faced numerous setbacks stemming from disagreements over the still-unresolved Military Road's land grant. Shortly after the council meetings in which the Natives embraced allotment, David Hill, Jesse Kirk, Henry Jackson, and Dan Schonchin wrote to the Commissioner of Indian Affairs requesting funds to support a tribal delegation to Washington, D.C. to discuss the Allotment Act and to resolve any outstanding claims on reservation lands.[65] They were denied funding. But the following

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[62] Stern, *The Klamath Tribe*, 126-127.
[63] Stern, *The Klamath Tribe*, 141-143.
[64] Stern, *The Klamath Tribe*, 132.
[65] Stern, *The Klamath Tribe*, 167.

year the federal government filed a forfeiture suit against the California and Oregon Land Company claiming that their grant lands were invalid because the Oregon Central Military Road and two other roads had never been completed. The Supreme Court, however, confirmed the land holding company's land grant in March 1893 because they had been "purchasers in good faith." The court reasoned that since the California and Oregon Land Company had supposedly purchased the land grant from the Oregon Central Military Road Company without knowledge of the fraud they could not be penalized after the fact.[66]

Having lost its suit to regain the land grant in full, the federal government in their capacity as guardians of the Klamath Basin Indians' trust status next attempted to void the company's land claim within the reservation. On June 30, 1900, Judge Charles B. Bellinger – a federal district court judge in Portland and a veteran of the Modoc War – ruled against the California and Oregon Land Company stating that although the treaty was not ratified and proclaimed until 1870 the fact that Congress had appropriated funds in fulfillment of the treaty in 1867, 1868, and 1869 suggested the treaty was in fact in effect prior to the issuing of the land grant. Justice Oliver W. Holmes and the Supreme Court, however, reversed the lower court ruling in 1904 declaring that although the Indian's claims had merit they should have been included in the general forfeiture suit. Failure to do so tied the courts hands, Holmes insisted, and precluded any other legal recourse.[67] Vacillating legal opinions, however, had not forestalled the process of

[66] United States v. California Oregon Land Company 148 U.S. 31 13 S.Ct. 458 37 L.Ed. 354.
[67] United States v. California & Oregon Land Co. 192 U.S. 355 24 S.Ct. 266 48 L.Ed. 476.

assigning individual allotments and by 1897, more than three-quarters of Natives on the Klamath Reservation had claimed their allotments.[68]

The Supreme Court's decision threw into doubt the allotments that had been granted almost a decade earlier but provided the California and Oregon Land Company – now controlled by the Booth-Kelly Lumber Company – the opportunity to trade their alternate sections of agricultural land for a consolidated tract of timberland. When the Central Military Road was originally designed it had avoided the region's vast timber stands, because the developers had considered them of little value. The transformation in the region's economy, however, had altered that calculation. To resolve the situation, Congress authorized a trade wherein the Klamath would receive $108,750 and retain their allotments – approximately 110,000 acres – in exchange for 87,000 acres of some of the finest for ponderosa pine in the world. The Klamath rejected the offer viewing it as a scandalous undervaluing of their resources. But the untimely death of the most vocal leader of the opposition – Jesse Kirk – left the movement disorganized. And in the winter of 1906-07, the tribe reluctantly accepted the deal.[69]

The agreement was an exceedingly bad one for the Klamath Basin Indians. In arriving at the deal, the Secretary of the Interior had valued the timberland at $1.25 per acre. One contemporary observer believed the government had undervalued the land by as much as two or three million dollars, an opinion confirmed a decade later when the Long Bell Lumber Company purchased the tract of land for $3,700,000. Although the

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[68] Stern, *The Klamath Tribe*, 132-133.

[69] Hiroto Zakoji, *Termination and the Klamath Indian education program, 1955-1961* (Salem: Oregon State Department of Education, 1961); "Booth--Kelley Deal," *Klamath Falls Express*, January 31, 1907; "Indian Affairs: Many Improvements for the Klamath Reservation This Year," *Klamath Falls Express*, March 7, 1907; O'Callaghan, "Klamath Indians and the Wagon Road Grant," 25.

Klamath Tribes ultimately received $5,313,347.32 in additional compensation from the Indian Court of Claims in 1938 – the market value of the timber plus interest – the affair had soured their experience of allotment and sowed the seeds of resentment and anger between Klamath Basin Indians and non-Native business interests.[70]

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Federal policy influenced development in the Klamath Basin in other ways too. On June 17, 1902, President Theodore Roosevelt signed the Newlands Reclamation Act, which authorized the Department of the Interior to fund large-scale federal irrigation projects with the proceeds from government land sales. In the Klamath Basin, a land of abundant water but little rainfall, the Newlands Act contributed to significant alterations in the landscape. Several irrigation projects had been undertaken previously. In 1878 a group of citizens formed the Linkville Water Ditch Company to provide water to town lots. Four years later, Dan and Clint Van Brimmer undertook a far more ambitious project when they cut a small channel from White Lake to irrigate 4,000 acres in the Lost River valley.[71] The Reclamation Service expanded these private interests by connect existing canals to irrigate around 210,000 acres, and by draining several sections of swamp and marshland as well as almost all of Lower Klamath and Tule Lakes. "Battle Ground to be Garden," the *San Francisco Call* declared when news of the Klamath Project was announced. "Scene of Modoc Outbreak in the North to be Made a Rich Region by

[70] O'Callaghan, "Klamath Indians and the Wagon Road Grant," 26-28.
[71] Good, *History of Klamath County, Oregon*, 103-109; "Before Merrill," *Klamath Echoes*, no. 7 (Klamath Falls: Klamath County Historical Society, 1969), 1-12.

Irrigation."[72] In 1917 the Reclamation Service began accepting applications from to non-Native settlers who wanted to homesteads on reclaimed land, a practice that would continue until 1949.[73]

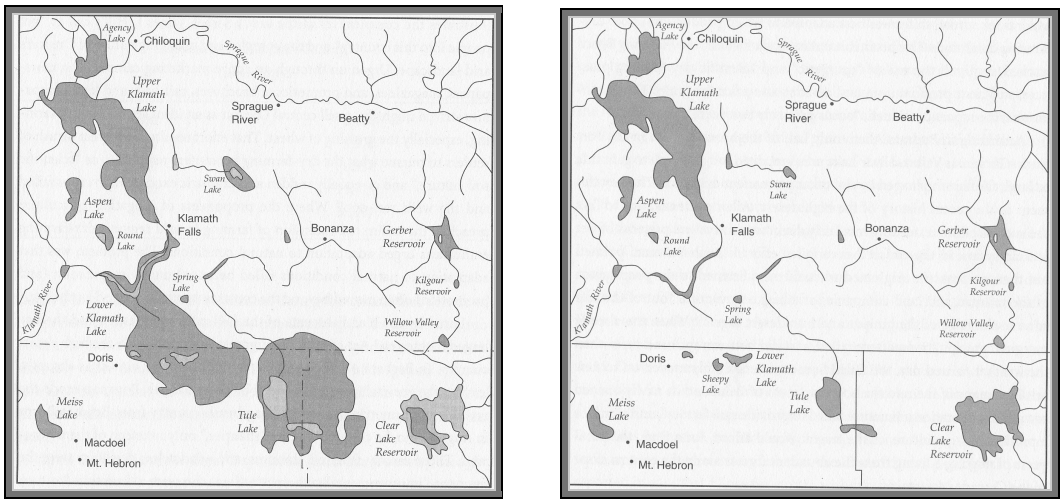

Figure 17. Klamath Basin Project, 1904-1970. The Reclamation Service initiated the Klamath Project in 1906 to drain lakes and wetlands for cultivation and to construct a series of canals, ditches, and dams. From William Robbins, *Landscapes of Promise: The Oregon Story, 1800-1940* (Seattle: University of Washington Press, 1997), 256-257.

The Klamath Basin's abundant water provided local entrepreneurs – all non-Natives – with the opportunity to pursue less capital-intensive means of developing the region's internal transportation system. For agricultural products and dried goods, pack trains, and horse- or mule-drawn fright teams – many of which were owned by Native entrepreneurs – would suffice. But as local demand for timber, rock, and sand increased, more efficient means of transportation were necessary to bring these goods to market. The first steamboat in the Klamath Basin was the *Mary Moody*. Built around 1872 and named after the owner's Indian wife, this small boat hauled black-market lumber from

[72] "Battle Ground to be Garden: Scene of Modoc Outbreak in the North to be Made a Rich Region by Irrigation," *San Francisco Call* (San Francisco, June 1, 1905), 6.

[73] Stan Turner, *The Years of Harvest: A History of the Tule Lake Basin* (Eugene, OR: Spencer Creek Press, 2002), 149-164; Robbin, *Landscapes of Promise*, 250-254; "Tule Lake Land Opened Next Spring," *Evening Herald*, January 5, 1917, 1.

the Klamath Indian Reservation as well as trade goods and, occasionally, military supplies to the town of Linkville.[74] For the next two decades, several other small vessels plied the lakes and rivers of the Klamath Basin with at least three boats, the *Mayflower*, *Oregon*, and *Hobson,* making regular trips to destinations across Upper Klamath Lake.

These modest vessels facilitated development by moving goods throughout the Klamath Basin but the Golden Age of steamboat transportation in the area was the 1900s. In 1901, the double-decker *Alma* was brought into service to carry barge loads of lumber and wool from Pelican Bay to Klamath Falls, returning with logging equipment, sawmill machinery, and supplies.[75] The *Tule, Ewauna,* and *Jessie* joined *the Alma*, two years later. And by 1909, approximately fifteen commercial vessels of various sizes and virtually all owned by non-Natives were in service throughout the Klamath Basin, sustaining a network of transportation and trade that fueled uneven growth in the region.[76]

With improved networks of transportation, attractive reclaimed land for white settlement, and a diversifying economy, the Klamath Basin experienced unprecedented growth in the first quarter of the twentieth century. Klamath Falls underwent its first great construction boom. In 1905 alone, non-Native developers started ninety new buildings at an estimated cost of nearly a quarter of a million dollars.[77] Three years later, the

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[74] Good, *History of Klamath County*, 73-75.

[75] Devere Helfrich, "Klamath Boating," *Klamath Echoes*, 1:2 (Klamath Falls: Klamath County Historical Society, 1965), 27-33.

[76] My estimation is based on the various ship-profiles prepared by Devere Helfrich and Darle Runnels, including the following: "Tule and Ewauna," "Jessie," "Canby" "Winema," "Curlew," "Buena Vista," "Barbara," "Mazama," "Eagle," "Hooligan," "Wasp," "North Star," "Modoc," "Buffalo," "Oakland," "Spray," "Captain Jack," all in *Klamath Echoes*, 1:2 (Klamath Falls: Klamath County Historical Society, 1965), 33-63.

[77] "Greatest Building Boom in History of the Town," *Klamath Republican*, October 19, 1905.

California Fruit Canners established the first box factory in Klamath Falls, introducing a lucrative new industry to the region that would employ hundreds of non-Native residents. Indeed, benefiting from southern California's expanding fruit industry, the Ewauna Box Company, which began operation in 1912, was the second largest box factory in the United States by the end of the decade.[78]

Beyond Klamath Falls, the turn of the century saw the establishment of several new non-Native communities. In 1903, the town of Merrill was incorporated and within a few years, "the Flour City" had become the agricultural business center of the southern Basin.[79] In 1909, a group of Czechoslovakian migrants from Omaha, Nebraska and members of the Bohemian Colonization Club founded the Colony of Malin along the northern shore of Tule Lake. Settling on land owned by J. Frank Adams and his associates, the colony prospered, especially as new migrants settled on reclaimed land in the area.[80] But not all towns were successful. The Oklahoma and Oregon Townsite Company lured non-Native settlers to the region with the promise of free Indian land similar to the 1889 so-called run on the Cherokee Strip. Once in the Klamath Basin, however, the company's investors found themselves misinformed about the opening of the Klamath Reservation. Unperturbed, the company established the town of White Lake City near the California border in 1905, and within a few years it boasted 200 residents probably mostly non-Native and a variety of non-Native owned businesses. But the town

[78] Bowden, "Land, Lumber Companies and Mills in the Klamath Basin," 11-12, 16.
[79] "Merrill The Flour City," *Morning Express*, December, 1909 in Turner, *The Years of Harvest*, 118.
[80] "Lakeside Land Company," *Klamath Echoes*, no. 8 (Klamath Falls: Klamath County Historical Society, 1970), 20-24; Good, *History of Klamath County, Oregon* (Klamath Falls, 1941), 137-139.

soon failed. In 1910, the *Klamath Republic* referred to it as the "Lemon City" and by 1919, the townsite had been disserted.[81]

The allotment of the Klamath Reservation, the advent of the railroads, and the maturation of the region's manufacturing, timber, and irrigated agriculture industries brought dramatic change to the area. Indeed, for almost four decades, the population of the Klamath Basin doubled every ten years, rising from 2,444 resident in 1890 to 32,407 by 1930.[82] But the transformation of the Klamath Basin's economy from one dominated by small-scale agriculture and ranching to one focused on timber production was anything but smooth. The influx of new migrants and the formation of new communities left the newcomers grasping for a shared identity and history. Moreover, the impingement of Native sovereignty as a result of allotment and the unsatisfactory resolution of the Military Road's land grant further strained relations. In the face of such uncertainty and change, both Klamath Basin Indians and non-Natives remembered the Modoc War in an effort to articulate their place in the rapidly modernizing Klamath Basin.

History, Modernity and the Modoc War

Long a symbol of the region's frontier character, around the turn of the century the Modoc War came to symbolize, in many retellings, the genesis of the modern Klamath Basin. Several factors contributed to this reinterpretation: railroad and steamboat technology provided Euro-Americans with an opportunity to proclaim their inclusion within the modern economy; new migrants and new communities looked to the region's past to construct collective identities; and the newfound importance of timber,

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[81] Devere Helfrich, "White Lake City," *Klamath Echoes*, no. 15 (Klamath Falls: Klamath County Historical Society, 1977), 25-34.

[82] Robbins, *Landscapes of Promise,* 254.

the vast majority of which remained within the Klamath Reservation, led non-Native promoters of the Klamath Basin to emphasize the civilized and benign nature of the region's Native population. This neat story of modern transportation development and abundant resources exploitation ultimately gave rise to an appropriation of Native land, resources, and above all, history that celebrated the romance of the Modoc War.

The spirit of technological and economic progress that infused the Klamath Basin around the turn of the century manifested itself in historical narratives of the Modoc War, many of which drew a direct connection between the conflict and the non-Indian's aspirations to modernity. The 1895 Souvenir Edition of the *Klamath Falls Express*, for instance, blended boosterism with historical revisionism when it touted the region's many advantages to prospective migrants. The Klamath Basin was ideal for growing alfalfa or raising cattle; its towns were thriving centers of business; and the numerous lakes, rivers, and springs provided ample opportunities for irrigation, transportation, and leisure. The present lack of a railroad and want for capital to finance investments was a hindrance to development but in the natural course of civilization, these privations would no doubt give rise to innovation, prosperity, and industry for all.

Central to this non-Native vision of the Klamath Basin was a replacement narrative of historical progress, in which the violence of the Modoc War gave birth to the modern Klamath Basin. The "short, terrible, [and] dramatic" history of the Modoc War "abounded in thrilling incidents and startling adventures," the *Express* acknowledged.

> But the times are changed. The angel of peace has spread her bright wings over our fair land. We trust we shall hear no more the call to arms or the dreadful war-cry, but as an enterprising, grateful and appreciative people,

> surrounded by plenty, enjoy the blessings of an all-wise giver, as we unite to develop the great resources of our own Klamath land."[83]

For non-Native boosters of the Klamath Basin, eager to portray the region as a land of opportunity, the Modoc War proved a convenient marker of the region's progression towards modernity.

While the promotional campaigns of the 1880s sought to marginalize Klamath Basin Indians as savage relics of the past, the booster literature of the turn of the century depicted the Natives as a source of opportunity rather than malice. A promotional pamphlet from 1900 described the Klamath Basin as an area "rich in historical associations," but passed over the "stubbornly contested" Modoc War in a single sentence. Rather, the panegyrist was more interested in advertising the recent allotment of the Klamath Reservation, the residue of which, "some million and a quarter acres will probably be opened for settlement this fall or next spring." Indeed, the writer assured prospective migrants that the Klamath Basin Indians had "been at peace with the nation" since the Modoc War and that they now "conducted their affairs in a business-like and profitable manner, thus illustrating the advantages of industrial, business, and social education as a civilizer of a wild or barbarous people."[84]

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[83] See "Klamath County: A Rich Domain that Awaits Settlement," "Our Farm Lands: Cereals, Vegetables, and Fruits, Grow Abundantly," "Growing Alfalfa: A Plant That is Naturally Adapted to this County," "Capital is Needed: Splendid Chances for Investment in Irrigation Enterprises" and "The Initial Shot: Description of the First Battle of the Modoc War" in *Klamath Falls Express*, January 10, 1895, Souvenir Edition.

[84] Klamath Falls Express, *Klamath County: Its Resources and Advantages, Its Present and Future: The Land of Great Pines, Hardy Cattle, Wonderful Lakes and Temperate Climate* (Klamath Falls, Or.: Klamath Falls Express, 1900), 2, 10-11.

Figure 18 ***The Old and the New Way*** **(c. 1906). Maud Baldwin Photograph Collection. Courtesy of the Klamath County Museum.**

Historical memories of the Modoc War and the continuing presence of Klamath Basin Indians in the region often became symbolically entangled with the physical technologies of their new economy. Steamboats, for instance, served as potent symbols of the region's transition from a frontier characterized by U.S.-Indian violence to a modern, industrialized society. Graced with names like the *Modoc, Klamath*, *Captain Jack*, *General Canby*, and the *Winema*, steamboats allowed non-Natives to appropriate historical memories of the Modoc War and recast them as icons of progress and modernity. This figurative transcription is rendered visible in a postcard-sized photograph of the *Winema* that juxtaposed the massive steamer with an elderly Native couple's fishing boat (Figure 18). Titled *The Old Way and the New*, the image capture visually the Klamath Basin's turn of the century zeitgeist: as the "old" gives way to the "new" so too must Euro-American progress and mobility supplant the region's Native, primitive, and violent past. The historical re-narration implicit in this double appropriation of Klamath Basin Indian identity, then, served to exclude Natives from the region's story of social-

technological advancement while also declaring that transformation complete. In other words, the commemoration of Klamath Basin Indian history and identity through their persistent association with steamboat technology was central to the production of non-Native modernity in the region.

No one appropriated Native history and embraced the romantic glorification of the Modoc War more than William Drannan. The son of French emigrants who settled in Tennessee, Drannan's early life is the subject of considerable controversy and little is known for certain. According to his biographer Walter Bate, Drannan probably made his way west as a young man, trapping in New Mexico and Montana or farming and ranching along the Sacramento River before moving to the Klamath Basin around 1870. Settling in the Lost River Valley or perhaps west of Goose Lake, Drannan served as a civilian contractor during the Modoc War, delivering supplies to the army in the field. After the war, Drannan may have remained in the Klamath Basin or he might have moved to Santa Rosa, CA in 1878. Regardless, by 1887 he had relocated to Seattle, Washington Territory where records indicate he was the part owner of the River Side Restaurant in the basement of the Minnesota House on South Second and Washington. Drannan's career as a restaurateur, however, was short lived since the Great Seattle Fire destroyed the entire business district, including the Minnesota House, on June 6, 1889. After that, Drannan again disappears from the record though Bates surmises he probably remained in Seattle. For the next nine years, nothing is known of Drannan's life. But in 1899 he showed up in Chicago, this time as "William Drannan, Chief of Scouts" claiming that he was the adopted son of the famous scout Kit Carson and that he had captured Captain Jack. The

following year, he published *Thirty-One Years on the Plains and in the Mountains* (1900).[85]

The reinvented William Drannan of *Thirty-one Years on the Plains* was equal parts Horatio Alger and Buffalo Bill. Calculated to capitalize on themes of uplift and individual success, the sensationalized account of his life tells featured the story of Drannan's alleged adoption by the legendary frontiersman Kit Carson. Accompanying Carson on his various escapades, the fictional memoir recounted Drannan's education in the ways of the frontier. But central to Drannan's was his alleged role in the Modoc War. Having learned all he could from Kit Carson, Drannan heads out on his own, settling in the Klamath Basin where he becomes friends with Captain Jack. But Drannan's depiction of the Modoc is decidedly racist if occasionally sympathetic. Native men are referred to as "young bucks" who are "as a general rule treacherous and barbarous."[86] Jack is described as "a very intelligent Indian" but also in possession of "an usually long foot."[87] Moreover, his speech is rendered as a kind of pigeon: "My people heap hungry and Applegate no give us anything to eat, no let us leave reservation to hunt; I don't know what to do."[88]

Throughout his account, Drannan borrowed liberally from the history of the Modoc War as it had begun to emerge by the end of the nineteenth century, substituting himself for all the lead roles. When the Modoc War begins, General Wheaton recruits

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[85] Walter Nathaniel Bate, *Frontier Legend: Texas Finale of Capt. William F. Drannan, Pseudo Frontier Comrade of Kit Carson* (New Bern: O. G. Dunn Co., 1954), 27-30, 32-34, 47-54.

[86] William F. Drannan, *Thirty-One Years on the Plains and in the Mountains; or, The Last Voice from the Plains. An Authentic Record of a Life Time of Hunting, Trapping, Scouting and Indian Fighting in the Far West* (Chicago: Rhodes & McClure Pub. Co., 1900), 232, 545.

[87] Drannan, *Thirty-One Years on the Plains and in the Mountains*, 543, 578.

[88] Drannan, *Thirty-One Years on the Plains and in the Mountains*, 544.

Drannan to serve as the government's principal scout in which capacity he personally captured all the Modoc "ringleaders."[89] Indeed, although his language is vague at times, Drannan claims to have captured at least thirty-one Modoc including seventeen warriors at a rate of "one or two Modoc everyday" for a period.[90] Elsewhere, Drannan replaces Frank and Toby Riddle with "George Meeks and his squaw" as the Army's interpreters. Later, he claims credit for having warned the peace commissioners of the Modoc's plans.[91] And in a particularly poignant moment of appropriating Native history, he steals a moment from Meacham's Lecture Company's performance, casting himself in the role of the young Jeff Riddle who with "his father's revolver and field-glass" climbed a bluff and witness the death of General Canby.[92]

Sold by newsboys on trains and by Drannan himself on street corners and at public readings and performances, the book was extremely successful and may have resulted in over 100 editions being published. Its success was due to its subject matter – Kit Carson was a perennial favorite – but it my also have been due to the emerging genre of the pioneer reminiscence. Modestly published but veraciously consumed by both American readers and the numerous historical societies proliferating across the United States, these texts became a veritable cottage industry after 1900. In the specific case of the Klamath basin, these works, almost without exception, located the Modoc War at the center of the region's early history. Popular titles such as Cyrus Townsend Brady's *Northwestern Fights and Fighters* (1907) and William Thompson's *Reminiscences of a*

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[89] Drannan, *Thirty-One Years on the Plains and in the Mountains*, 549-550.
[90] Drannan, *Thirty-One Years on the Plains and in the Mountains*, 585.
[91] Drannan, *Thirty-One Years on the Plains and in the Mountains*, 555.
[92] Drannan, *Thirty-One Years on the Plains and in the Mountains*, 559-561.

Pioneer (1912), combined a simplistic and populous style with a power western mythology stretching back to Francis Parkman and borrowing from Fredrick Jackson Turner and Theodore Roosevelt that represented the pioneer as a citizen-soldier bridging the chasm between civilization and savagery.[93] As a perfect example of the pioneer reminiscence-cum-frontier adventure fantasy, Drannan's *Thirty-One Years on the Plains and in the Mountains* (1900) may have been the most widely read and popular version of the Modoc War of the decade. The popularity of Drannan's account, moreover, provoked a forceful response from at least one member of the Klamath Basin's Native community.

* * *

While some Klamath Basin Indians may have originally embraced the progressive vision of a modern Klamath Basin freed from its legacy of U.S.-Indian violence, persistent and intractable disputes over the reservation's boundaries and the loss of tribal land from the Military Road's land grant and other scandals soon dampened their enthusiasm. Indeed, according to anthropologist Theodore Stern, who worked with Klamath Tribes for over forty years and trained generations of graduate students who specialized in Oregon Native cultures, their anger and frustration found expression in an interpretation of history that placed the blame for their current disempowerment squarely on the shoulders of the federal government and local Euro-American migrants. Around the turn of the century, many Klamath Basin Indians began insisting that before the Modoc War they had lived in a "golden age," unfettered by outside forces. "The Klamaths were a great nation," declared the former headman Chiloquin in a

[93] Brady, *Northwestern Fights and Fighters*; William Thompson, *Reminiscences of a Pioneer* (San Francisco, 1912).

representative formulation of this halcyon past. "[We] never lost prisoners and [we] were always able to avenge all wrongs committed against them by other tribes, and they were all afraid of us." Summoning up the image of a halcyon past shattered by the Modoc War, Klamath Basin Indians articulated their own version of history that differed in important ways from that presented by Euro-American migrants.[94]

Opposition to Euro-American-produced representations of the Modoc War assumed many forms. As with Native peoples throughout North American and beyond the impact of American assimilationist policy was often born by the youngest members of the tribe. But around the turn of the century, school-aged children on the Klamath Reservation subjected to the boarding school experience began resisting the historical explanations offered by their teachers. "We studied in history at school about the Indians and about how they warred. I didn't know what to think about it. I felt that it was not all true." A Native man identified as T.L. told anthropologist Hiroto Zakoji. "Sometimes they used to say, 'Now you have to go by way of books and teaching'" but T.L. responded that the "White man was at fault. He drove the Indians from his home into the hills." Another informant recalled being told that the Indians were "guilty" of the violence that led to the Modoc War. Through discussion with Klamath Basin Indians who were children around the turn of the century, Zakoji concluded that the situation began to appear as one of whites versus Indians as distinctions between Native groups dissolved.

[94] Stern, *The Klamath Tribe*, 160-181; Theodore Stern, "The Klamath Indians and the Treaty of 1864," *Oregon Historical Quarterly* 57 (December 1956): 229-273, 271.

"The Indians, in their reaction against the injustices by the Whites were uniting, leveling their differences, and emphasizing one common factor – their Indianness."[95]

Native resistance to the appropriation of their land, resources, and history by Euro-American extended beyond the classroom. At some point between 1898 and 1905, Superintendent Oliver Applegate came up with the idea of celebrating the first "battle" between Klamath Basin Indians and Euro-American when John C. Fremont attacked and destroyed the Klamath village of Dokdokwas in the early morning hours of May 10, 1846. Informed of the superintendent's plan, Leon Lelu, who had been a young boy at the time of the attack, publically denounced the commemoration. "There was no Fremont Battle," he declared. "I watched it and saw the Fremont men shoot the Indians. I just saw the people killed and my mother killed. I won't go to celebrate the Fremont battle."[96] In various ways, then, Klamath Basin Indians began deconstructing and challenging Euro-American representations of the region's past.

Resentment over governmental heavy-handedness and the belief that non-Natives had abused and distorted Klamath Basin Indian history found expression in Jeff Riddle's *The Indian History of the Modoc War*. Written between 1908 and 1911 and published in 1914 by David L. Moses, Riddle's history of the Modoc War offered a complex and subtle rebuttal to over three decades of non-Native produced histories of U.S.-Indian violence in the Klamath Basin, though it begins with a not-so-subtle proclamation:

> To the Public: In writing this little book I want to say, I did what I thought was my duty. I have read so many different works on or about the Modoc

[95] Hiroto Zakoji, "Klamath Culture Change," M.A. thesis, (Eugene, Ore.: University of Oregon, 1953), 250, 96-97, 99, 170-171.
[96] Zakoji, "Klamath Culture Change," 197.

> war of 1872 and ’73. The books I read were so disgusting, I must say that the authors of some of the books…must have dreamt of the Modoc war.

He took umbrage at one work in particular. “I have read Capt. William T. Drannan’s book, ‘Thirty Years on the Plains,’ where he wrote about the Modoc warriors. According to what he says, he captured and killed more Modoc warriors than Capt. Jack really had when he commenced fighting.” It was writers like Drannan who have “mislead the public in regards to [the] Indian wars. Mr. Drannan certainly was not anywhere near the lava Beds at the time of the Modoc war of 1872 and ’73 as I do not remember meeting him at that time.” Finally, Riddle concludes his preface wth a declaration: “In my work, I aim to give both sides of the troubles of the Modoc Indians and whites. The Indian side has never been given to the public yet.”[97]

Representing his historical narrative of the Modoc War as an unbiased and unembellished account, Riddle intended to present the Modoc War as an allegory for the usurpation of Modoc sovereignty that revealed the injustice and cruelty inherent within American settler colonialism. In order to accomplish this interpretative reframing Riddle adopted a personal historical approach that employed the historical literary conventions of the day without reproducing its racist or romantic trappings. This approach allowed Riddle to confound neatly delineated categories of civilization and savagery and obliquely reject romantic representations of Indians as timeless, ill-rational, nature-bound, children of the forest while still appealing to and persuading a non-Indian audience. Riddle argued, for instance, that U.S.-Indian violence in the Klamath Basin started when Captain Crosby, a quasi-official vigilante from Yreka, attacked and killed

[97] Riddle, *The Indian History of the Modoc War*, 3.

several Modoc women and children. "They came along and killed my people for nothing," Captain Jack's father explains during a Council following the massacre. "Not only my men, but they kill our wives and children. I did not give the white men any cause to commit these murders."[98] Later, Riddle again portrays non-Indian violence as illegitimate and savage when directly towards women. After describing the Battle of Lost River, Riddle invites his non-Native reader to evaluate the situation:

> Kind reader, would these settlers have been killed if they had stayed at their homes as they were requested to do by the Indians? No, sir. The settlers would never have been bothered, not a bit more than their wives were. The Modocs never harmed one child or woman since Capt. Jack became a chief. Major Jackson's soldiers shot down women and children in Jack's village. Mind, kind reader, these men that shot the squaws and children were white men, government soldiers, supposed to be civilized. Jack, a born savage, would not allow his men to do such a coward's work, as he called it.[99]

Elsewhere, he described the soldiers as debating the best way to cook and eat "Modoc sirloin."[100] Inverting the classic accusation of cannibalism so often leveled at Native peoples, Riddle's descriptions of the white soldier's behavior are starkly contrasted with those of the Modoc, confounding expected categories of civilization and savagery.

Rationality also plays an important part in his history as the book moves through a series of exchanges amongst the Natives and between the Indians and the whites. It is in these debates that Riddle most thoroughly confounds the civilization-savagery motif prevalent in previous narratives of the Modoc War. Consider, for example, the following exchange from the first meeting between Captain Jack and General Canby:

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[98] Riddle, *The Indian History of the Modoc War*, 19.
[99] Riddle, *The Indian History of the Modoc War*, 47.
[100] Riddle, *The Indian History of the Modoc War*, 54-56.

> Capt. Jack: "General…You say we are not to have a home in our country because we killed some settlers."
> Canby: "Yes, you see, Jack, the settlers would never treat you right, but if you will give up your men that murdered the settlers we might make arrangements so you could live in this country."
> Jack: "General, will you give up your men to me that shot our women and children?
> Canby (laughing): "Why, Jack, you have no law. Only one law can live at a time."
> Capt. Jack: "I will tell you what I will do. Canby, if I give you my men that killed the settlers, let them be tired with you law, will you give up your men that shot our women and children and let them be tried by your law?"
> Canby: "No; our men that killed your squaws and children did it in war."
> Jack: So did my men when the settlers were killed; it was in time of war."[101]

Riddle returns to this theme of pragmatism when Jack speaks with the others about the tactics he will use during the negotiations.

> The way I intend to do is this…I will hold out for a reservation at Hot Creek, or right here in the Lava Beds as I have been doing. When they see I insist on either one of these places, they will offer us Yainax. Then I accept with the understanding I take all my people, none to be tried for murder.[102]

It is through exchanges such as these, in which the words of Captain Jack and the other Klamath and Modoc headman are rendered conspicuous for their utter lack of romanticism and their nuanced understanding of empathy and the necessary duplicity of military diplomacy, that Riddle inverts colonial expectations of Indians as ill-rational and unsophisticated. Indeed, Riddle's Captain Jack is neither a bloodthirsty savage nor a silver tongued sylvan prince possessing a nuanced understanding of politics, empathy and justice.

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[101] Riddle, *The Indian History of the Modoc War*, 67.
[102] Riddle, *The Indian History of the Modoc War*, 71.

While Riddle's history inverted simple binaries and romantic troupes, it also challenges the preclusion of Natives from the modern Klamath Basin by representing his people as existing in the present and in possession of a future. He accomplishes this by presenting his history as one deeply rooted in the experiences of his own family. For instance, the book includes photographs of his grown children as well as a frontispiece depicting Riddle and his wife, Amanda, well if simply dressed in a modest photo studio. Perhaps most importantly, Riddle's history argued for the continuing suffering of Klamath Basin Indians as a result of the Modoc War on the condition of Native peoples into the present. In a particularly revealing juxtaposition, Riddle discusses the Klamath Basin Indian's opposition to H.R. 16743 – the 1909 bill which allowed those Modoc Indians exiled to Oklahoma following the Modoc War, to return to Oregon and receive their allotments from the Klamath Tribal land base – with an image of "One-Eyed Dixie. Present Day." The placement of this image of a human face ravaged by war beside his explanation of contemporary political struggles over allotment and the imposition of Washington policies reinforced the relationship between the violence of the past and the Klamath Indian's present day political battles. Indeed, as Riddle concludes his book "Quite a number of Klamath Indians are protesting against this move the government did for the Modoc, but of course they are powerless to do or undo what Uncle Sam has already did, so this closes the chapters of the struggles of the Modoc Indians."[103] By emphasizing her continued presence, as well as their embracing of contemporary dress, Riddle rejected representations of Klamath Basin Indians as perpetually on the cusp of vanishing.

[103] Riddle, *The Indian History of the Modoc*, 200.

Native Nonfiction, Settler Colonialism, and the Marketplace of Remembering

Riddle's *The Indian History of the Modoc War* received favorable reviews in the *Oregonian*, *San Francisco Chronicle*, *Los Angeles Times*, *Boston Transcript, The Nation*, and *The Indian's Friend*. "Klamath county's latest claim to literary fame is through an Indian, Jeff Riddle" proclaimed the *Minneapolis Morning Tribune*. "It will be the only Indian history ever written giving the Indian side of the struggle and its real cause."[104] Popularity among the reading public at large was important but Riddle's history also garnered a level of acceptance among the wider historical profession. In the *Mississippi Valley Historical Review*, the predecessor to today's *Journal of America History* historian O.G. Libby declared, "The Indian story of Captain Jack and the Modoc war is a singularly convincing piece of testimony."[105] By addressing a non-Native audience while claiming to tell the "Indian side" of the story, Riddle managed to present a critical view while still carving out a place for his own history within the marketplace of remembering the Modoc War.

But to properly understand Jeff Riddle's *Indian History of the Modoc War,* it must be viewed within the longer history of American Indian engagement with American settler colonialism. As Robert Warrior, Maureen Konkle and others have observed, nonfictional prose – including histories, memorials, autobiographical writings, and critical essays – have been the primary form used by Native authors in both developing

[104] "Indian Writes History," *Minneapolis Morning Tribune*, May 17, 1914.

[105] O.G. Libby, "Review of The Indian History of the Modoc War and the Causes that led to it by Jeff C. Riddle, the son of Winema," *The Mississippi Valley Historical Review* 2, no. 1 (June 1915): 136.

their own literary cultures as well as communicating with the colonial state.[106] Including Jeff Riddle along side the likes of Charles Eastman, Ella Deloria, Zitkala-Sa, and Arthur Parker, would open a space for exploring how Natives remained engaged and involved as historical memories of the Modoc War were transformed by the Klamath Basin's changing economy.

By locating Riddle's history within the intellectual tradition of Natives nonfiction we glimpse also the materiality of remembering the Modoc War. The decade before he wrote his book had not been financially kind to Jeff Riddle. In the 1890s, he had been relatively prosperous, raising cattle, hogs, chickens, and leasing some of his land to non-Indian ranchers.[107] His modest financial comfort allowed Riddle to become a man of relative political influence on the Reservation. Beginning around 1896, he was appointed a tribal judge at Yainax, where he made vocal his opposition to the quality of reservation schools and he publically criticized the administration's choices for the Reservation police force.[108] Four years later, in 1900, Riddle was elected to serve on the three member delegation sent to Washington D.C. to negotiate a settlement with the U.S. government over reservation boundary changes and reservation land claims.[109] But, despite or perhaps because of his popularity, Riddle's finances first faltered and then failed him altogether. In 1910, agent Edson Walkins reported Riddle to be a complete "failure" at stock-

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[106] Robert Warrior, *The People and the Word: Reading Native Nonfiction* (Minneapolis: University of Minnesota Press, 2005); Konkle, *Writing Indian Nations*.

[107] Patrick H. O'Brien interview with Claudia Lorenz, September 22, 1971, Klamath County Museum, Dr. 14, Folder 281.

[108] M. Petet to A. D. Harpold, February 6, 1896, OCA, Box 6, Folder 8; O.C. Applegate to Knott C. Egbert, September 30, 1898, OCA, Box 7, Folder 1.

[109] O.C. Applegate to T.H. Goodman, November 23, 1900; O.C. Applegate to Alex Martin, November 24, 1900, OCA, Box 7, Folder 2.

raising.[110] In the midst of bankruptcy, Riddle turned to writing but the precise form his history took was dictated by his circumstances. He was, after all, a poorly educated rural man living in a world in which an increasingly professionalized class of decidedly non-Native historians had declared his people bloodthirsty criminals. Moreover, he was working within a nonfiction literary convention that favored written history over orality and eyewitness accounts over hearsay evidence. In the end, Riddle struggled to present a history that conformed to these expectations while also undermining their operative assumptions.

Despite its popularity and prevalence, Riddle's *Indian History of the Modoc War* contributed to the marketplace of remembering without disrupting its dominant narrative. The turn of the twentieth century had witnessed a radical transformation of the Klamath Basin's economy from one dominated by small-scale agriculture and ranching to one dedicated to industrialized timber production. But as non-Native booster and land promoters re-envisioned their future, they persistently looked to their history of U.S.-Indian violence to argue that civilization had persevered over Native savagery. Inscribing the conquest and colonization of the Klamath Basin with a narrative of inevitability and innocence, they insisted that manifest destiny was benign, benevolent, and beneficial despite the protestations of tribal historians like Jeff Riddle. Not all Klamath Basin Indians, however, rejected this imagine of manifest destiny. Indeed, for Natives seeking veteran benefits for their service in the Modoc War as scouts for the U.S. Army such stories were essential to navigate the racialized bureaucratic requirements of the veteran benefits system.

[110] O.C. Applegate to W.F. Arrant, March 14, 1901, OCA, Box 7, Folder 2.

Chapter 4

Faithful Americans:
Indian War Veterans, Citizenship, and Networks of Cooperation

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"To keep the flame of patriotism alive we must keep the memory of the past vividly in mind…that here was this class of heroic men and women who fought a veritable battle…a battle that wrested half a continent from a native race and from a mighty nation contending for mastery in the unknown regions of the West."

Ezra Meeker, *The Busy Life of Eight Five Years of Ezra Meeker* (1916)

"I stand before you an aborigine of this country, a ward of a nation, but not a free man."

Sheldon Kirk, "Speech on the Fourth of July, 1916"

On the morning of April 3, 1914, a Paiute Indian calling himself Louie walked into the Burns, Oregon office of attorney A.W. McGowan. Sometimes called Blind Louie or Captain Wama Louie, he appeared before McGowan as a man broken by hard service. Louie's shoulders were narrow, sapped of their strength by a bullet logged in his back. He walked with an uneasy gait due to a wound he received in his left groin while a furrowed scar running the full length of his neck starting just below his left ear and ending somewhere beneath his collar. These wounds told of Louie's intimate familiarity with the cost of war. Practicing law on the border of the former Malheur River Indian Reservation in east-central Oregon, McGowan had represented several Indians and pursued their issues as an elected representative but Louie's request left McGowan uncertain. The Paiute wanted help securing a federal pension for his service as a scout for the United States Army in the Modoc War.[1]

Louie's first attempt to receive a pension came later that year when McGowen wrote Oliver Applegate asking the former Oregon militia captain to elicit the aid of

[1] A.W. Gowan to O.C. Applegate, April 22, 1917, OCA, Box 21, Folder 14.

Representative Nicolas Sinnott on Louie's behalf. Louie's petition, however, was rejected automatically since in 1914 there was no legislation extending veteran benefits to individuals who served in an Indian War after 1860.[2] With the March 4, 1917 passage of the Keating Measure – named for Representative Edward Keating of Colorado – Louie had another chance to press his claim.[3] Obtaining letters of support and affidavits attesting to his identity and record of service from Walter West and O.L. Babcock, agents at the Klamath and Warm Springs Indian Reservations, he applied for a pension as a scout in the Modoc War as part of Donald McKay's command of Warm Springs Indians. But Louie was again denied a pension; this time because although the Keating measure covered the Modoc War, no derivation of Louie's name appeared on any of the official muster rolls. "Apparently, his name never was put on the roll by McKay" Special Examiner C.M. Lane reported years later. "I examined this list today very carefully and do not find Louie, Louis, Quama, Wama, Sap po or Pa to si or any name having any similarity with the names just written thereon."[4]

Undeterred, Louie continued to battle Washington bureaucracy but with little success. In 1928, the Bureau of Pensions opened a special investigation to explore Louie's claim. On December 4th and 6th, Louie gave lengthy depositions recounting his experiences during the war and the many wounds he received as well as attesting to his loyalty and desire for citizenship. "It is evident that he was a servant about the camps of the regular army for several years," Lane reported, and that "he saw considerable service

[2] A.W. Gowan to O.C. Applegate, April 3rd, 1914, OCA, Box 21, Folder 14.
[3] Public Law 400, *Statues at Large*, 39, Part 1, 1199-1201.
[4] C.M. Lane noted, C.M. Lane to Commissioner of Pensions, December 10, 1928, *Wama-Louie Pension File*, 18373, NARA.

during the Modoc War and it is certain that he served with the company of scouts from the Warmspring [sic] Reservation" but whether he had served for 30 days – the duration required to receive a pension – remained "questionable." Notwithstanding this favorable report, Louie's claim was rejected on January 14, 1929.[5] On two subsequent occasions, Louie petitioned Representative Robert Butler to introduce a special bill on his behalf to the House of Representatives. But in both cases the measures failed in committee. Despite the sworn testimony of numerous officers to Louie's "forceful and loyal" character and his "inestimable value as [an] Interpreter" during the war as well as his commendable service in preventing other "warlike Indians from joining the hostile Modocs," he died in 1935 having never received a dime in veteran's benefits.[6]

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The story of Louie and his efforts to receive veteran benefits provides a glimpse into the byzantine and complex corner of the Bureau of Pensions reserved for the veterans of the Indian Wars. An arbitrary and at time capricious system, it emerged over the course of the nineteenth century from a patchwork of legislation reimbursing states and individuals for damages resulting for U.S.-Indian violence. The formation of several fraternal veterans associations in the early twentieth century strengthened the movement as Indian war veterans created for the first time a united voice in Washington, D.C. and an impressive infrastructure for accumulating, circulating, and exchanging memories of nineteenth century U.S.-Indian violence. Bolstered by their lobbying efforts and their

[5] C.M. Lane to Commissioner of Pensions, December 10, 1928 and Winfield Scott to Joseph Hunter, January 14, 1929, *Wama-Louie Pension File*, 18373, NARA.
[6] Oliver C. Applegate, Affidavit, January 5, 1933, OCA, Box 21, Folder 14.

newfound identity as "winners of the west," veterans and widows of the Indian wars pushed through legislation that expanded benefits to them beginning in March 1917.

Although its advocates intended the expansion of veteran benefits to support a class of white male warriors who suffered and sacrificed in their "service to civilization," the system they created unintentionally provided Native veterans the opportunity to receive benefits for their service in the Indian wars of the nineteenth century – and hundreds did apply. Indeed, in the specific example of the Modoc War alone, the National Archive and Records Administration contains at least fifty separate applications for veteran benefits from Klamath Basin Indians claiming service during the Modoc War of which, thirty-six were granted some benefits. Moreover, these were not inconsiderable benefits. A veteran whose claim had been approved on September 4, 1922, for instance, was entitled to a lump sum of $1380 retroactive to the passage of the Keating Measure on March 4, 1917 plus $240 a year increasing to $600 in 1927. A widow under similar circumstances would receive $792 if her husband had died before March 4, 1917 in addition to an annual pension of $144 to $360.[7] These payments, moreover, represented a significant source of income and placed Native veterans among the highest per capita income earners in Indian country. According to the Meriam Report (1928), 96.4% of Natives nation-wide had an annual earned income of less than $200. On the Klamath Indian Reservation, where per capita incomes were higher than the national average due to periodic timber distributions, a Native veteran's pension would nearly double an individual's average annual income. For Warm Springs Indian veterans the significance

[7] "Indian Pension Cases Carried to Completion or yet in the Hands of Captain O.C. Applegate," September 4, 1922, OCA, Box 19, Folder 2.

of pension income was even greater since per capita income on their reservation was a scant $46 per year. In other words, the pensions these Native veterans and widows of the Modoc War received increased their income significantly and would have ranked them among the 2% wealthiest American Indians in the country.[8]

But this system of benefits was not one that willingly admitted Native veterans. As is evident in the experiences of Louie, they had to confront a profound set of challenges and contradictions. A claim to veteran benefits began with a simple application setting out the claimant's name, date of birth, date of service, regiment, rank, commanding officer, and physical appearance. Once the department processed the application and assigned an application number they issued a call for additional evidence. The claimant then provided certified evidence, including affidavits, birth, marriage, and death certificates, discharge papers, and anything else he or she thought would support the claim. If evidence was lacking and documentation could not be obtained from the War Department or Office of Indian Affairs, the bureau would reject the claim. For complicated cases, a special examiner interviewed claimants and gathered additional material from local sources. Throughout the process, the Bureau of Pensions offered no exceptions stemming from exigent circumstances, and if each category of evidence were not accounted for, the claim would be rejected. The Indian war veterans benefit system, then, transformed poignant memories of service into boxes to be checked and the government's stringent and racialist requirements forced them into recounting narratives

[8] Lewis Meriam et al, *The Problem of Indian Administration: Report of a Survey Made at the Request of Honorable Hubert Work, Secretary of the Interior, and Submitted to Him, February 21, 1928* (Baltimore: Johns Hopkins Press, 1928), 451, 452-453, 454, 463.

of their service that reduced complex historical moments into tidy chronological accounts of durations of service, position held, and date of discharge.

While the system dictated the forms in which these memories were transmitted, it also structured the narratives they deployed. Natives and non-Natives alike fondly recalled moments of individual valor and often presented their experiences within the context of manifest destiny. Although presenting their service as part of the advancement of American civilization proved unproblematic for the non-Native inheritors of conquered tribal lands, the same could not be said for Native veterans. They claimed their service in the Indian wars as evidence of the obligation of the state to care for them in old age as well as to compensate them for their supposedly inevitable disappearance from the American landscape. At precisely the same time that Charles Eastman, Carlos Montezuma, Standing Bear, Arthur Parker, Gertrude Bonnin and other Native intellectuals were arguing for the expansion of citizenship to American Indians and that thousands of Natives were volunteering to fight for the United States during World War I, the Native veterans of the Indian wars were also arguing for their inclusion within the American body politic. The political importance of this rhetoric of American patriotism has long been overlooked, suggesting a more complicated narrative of the history of American Indian patriotism and citizenship than previously thought.[9]

This chapter, then, examines the marketplace of remembering U.S.-Indian violence that surrounded the Indian war veteran benefits system and the strategies and

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[9] Paul Rosier, *Serving Their Country: American Indian Politics and Patriotism in the Twentieth Century* (Cambridge Mass.: Harvard University Press, 2009), 42-66; Michael Tate, "From Scout to Doughboy: The National Debate over Integrating American Indians into the Military, 1891-1918," *The Western Historical Quarterly* 17, no. 4 (October 1986), 427-428. Lucy Maddox, *Citizen Indians: Native American Intellectuals, Race, and Reform* (Ithaca, N.Y.: Cornell University Press, 2006), 59-60.

networks applicants developed to navigate its arbitrary requirements. My goal is to explore the larger social, cultural, and material context within which veterans produced these particular forms of remembering U.S.-Indian violence and to suggest that the legalistic requirements of the Bureau of Pensions compelled veterans of the Modoc War to re-imagine the meaning of their service as part of a strategy for negotiating the system. By remembering incidents of U.S.-Indian violence like the Modoc War in exchange for a pension, I argue that veterans swapped memories with each other, their families, and ultimately the state as part of the process of defining the Indian wars. To understand how Native veterans and widows of the Modoc War remembered their service as part of the production of American innocence, however, we must first consider the emergence of a social welfare system that would forever change the lives of those Americans who called themselves "winners of the west."

Organizing the Indian War Veterans

Writing from his desk in Klamath Falls, Oregon, Oliver C. Applegate was on the frontline of the veteran benefits movement. As an active member of the Indian War Veterans of the North Pacific Coast and the Oregon State Commander of the National Indian War Veterans, Applegate was a prodigious letter-writer who pestered every Republican congressman from Oregon and many from California, Washington, Idaho, and Nevada to support pension legislation. "[R]isking their lives and enduring untold hardships, in the interest of American civilization and settlement, [Indian war veterans] believe that they should, in equity, share in such measures of relief as may be accorded the Civil War Veterans," he wrote to Senator Charles L. McNary, deploying the language

of hardship, patriotism, and service.[10] By the turn of the century, with aging veterans of the Civil War and the Spanish-American War already receiving benefits, Applegate and hundreds of other veterans of the Indian wars would begin to form a succession of groups, first as elite organizations and later as populist interest groups whose function was to lobby for pensions in recognition of their service.[11]

Histories of veteran benefits and social welfare policy in the late-nineteenth and early-twentieth century have tended to focus on the experiences of the Civil War veterans to the virtual exclusion of other interest groups.[12] There are good reasons for this. The Grand Army of the Republic (GAR), a fraternal organization-turned-Washington lobbying group, far outnumbered any other veteran cohort at the time, peaking at 400,000 members in 1890.[13] Their lobbying, moreover, influenced politics on a national level and helped to transform the United States into what sociologist Theda Skocpol calls a "precocious social spending state."[14] While a massive expansion of federal spending on social services is generally associated with the New Deal, Skocpol has convincingly argued that far from being dilatory in the arena of Progressive social welfare policy, the United States federal government was an early-adopter of veteran benefits as a viable alternative to a national system of public old-age and disability services. By portraying

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[10] O.C. Applegate to Charles L. McNary, May 28, 1918, OCA, Box 19, Folder 1.

[11] William H. Glasson, "The National Pension System as Applied to the Civil War and the War with Spain," *Annals of the American Academy of Political and Social Science* 19 (March 1902): 40-62.

[12] Stuart MacConnell, *Glorious Contentment: the Grand Army of the Republic, 1865-1900* (Chapel Hill: London: The University of North Carolina Press, 1992); Mary Dearing, *Veterans in Politics: The Story of the G.A.R.* (Baton Rouge: Louisiana State University Press, 1952).

[13] Albert E. Smith, "Introduction," *The Grand Army of the Republic and Kindred Societies: A Guide to Resources in the General Collections of the Library of Congress*, http://www.loc.gov/rr/main/gar/ (accessed March 31, 2010).

[14] Theda Skocpol, "America's First Social Security System: The Expansion of Benefits for Civil War Veterans," *Political Science Quarterly* 108, no. 1 (Spring 1993): 85-116, 86.

pensions as an honorable benefit system, veterans and politicians were able to recast social welfare as a contractual obligation between the nation state and its male, native-born, and predominantly white veterans. As a result, more than one out of every four dollars spent by the federal government between 1880 and 1910 went towards veteran benefits.[15]

Civil War veterans may have overshadowed veterans of the Indian wars in the arena of national politics but their lobbying efforts and numerous associations contributed significantly to how Americans remembered nineteenth century Indian violence in the Progressive Era. Like earlier fraternal and militaristic organizations such as the Society of Cincinnati, the Aztec Club, and the Military Order of the Loyal Legion of the United States, the first national associations of Indian war veterans were less involved in advocating for specific government policies than they were in creating and maintaining fraternal connections among an elite class of American soldier-pioneers. Organizations like the Society of Veterans of Indian Wars of the United States (SVIWUS) and its subsequent manifestation, the Order of Indian Wars of the United States (OIWUS), were designed explicitly to cater to only elite males and their male descendants.[16] The SVIWUS, for instance, consisted of three member classes: commissioned officers who served during an Indian war, their lineal male descendants, and any non-commissioned

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[15] Skocpol, "America's First Social Security System," 85; Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge Mass.: Belknap Press of Harvard University Press, 1992), 102-59.

[16] Little has been published about these veteran associations, see Jerome Greene, *Indian War Veterans: Memories of Army Life and Campaigns in the West, 1864-1898* (New York: Savas Beatie, 2007), xv-xlii. Additional information is contained in John M. Carroll and George S. Pappas, *The Papers of the Order of Indian Wars* (Ft. Collins Colo.: The Old Army Press, 1975); Lora Taylor Gray, "'Winners of the West': A Personal Reminiscence of Lauren Winfield Aldrich" *Journal of the West* 33, no. 1 (January 1994): 96-100.

officer or soldier who received a Medal of Honor or Certificate of Merit.[17] These organizations, moreover, required substantial membership dues with each member receiving a lavish 14-karat gold membership badge featuring an Indian chief with musket and wigwam, enclosed by a wreath of laurel leaves on a seven-pointed star.[18] These categorical and financial obstacles defined the legitimate Indian war veteran by limiting membership to officers and men of honor, elevating the everyday violence of the American west into valorous warfare.

Beyond defining the Indian war veteran, these organizations also constructed a particular historic narrative of their service that came to dominant the historical record. Publishing accounts of their "heroic service and personal devotion" and hosting lavish annual dinners at the Army and Navy Club in Washington, D.C., members exchanged stories of their wartime experiences that emphasized the thrill of killing Indians.[19] For example, during one dinner General Albert L. Mills told how he and another officer chased down and killed the Cheyenne warrior Thorn-in-the-Head. "The incident has always seemed to me to be one of the most thrilling, and I hope the Historian of the Order will go into the records and pick it out."[20] Reaching back to the Pilgrims landing at Plymouth Rock, General Nelson A. Miles found catharsis and valediction in the accomplishments of the Indian war veterans. "If there are any wars that the nation has engaged in that have been as little appreciated, and for which there has been as little

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[17] "Introduction: The Indian War Veterans, 1880s-1960s" in Jerome Greene, *Indian War Veterans*, xvii-xviii.

[18] Order of Indian Wars, "Constitution and by-laws of the Order of Indian Wars of the United States" (Chicago, Il, June 10, 1896), 16-17.

[19] Order of Indian Wars, "Constitution and by-laws of the Order of Indian Wars of the United States," 3; Greene, *Indian War Veterans*, xviii.

[20] John Carroll, "Unpublished Papers of the Order of Indian Wars" (New Brunswick NJ: Privately published, 1977), 2-3.

gratitude felt, it is our Indian Wars." Indeed, he concluded his long reminiscences of his service by legitimating their collective service, "It was your bravery, and courage, and skill that made the pathway for civilization and prosperity in this country, and made it safe for the growth of civilization here."[21] Drawing on an American historical tradition reaching back to Washington Irving, George Bancroft, Francis Parkman and others, aging veterans like Generals Mills, Miles, and Roe imagined the American west as a frontier almost exclusively populated by a courtly warrior-class of elite men engaging in a kind of highly stylized masquerade from which civilization emerged.[22]

The production and circulation of these reminiscences to a larger audience was essential to the construction of an imagined community of Indian war veterans to whom the nation was indebted. Following the annual dinner meetings, these reminiscences were published and further circulated among affiliated groups and libraries throughout the United States, simultaneously creating a larger network of veterans of all classes, a forum for them to present their memories, and formal publications to record their experiences.[23] In fact, this essential function of promoting general consumption of their elite veteran stories was later assumed and advanced by the more broadly based National Indian War Veterans Association, organized in 1909. Their newspaper, *Winners of the West*, linked together Indian war veterans of all classes. Edited and published by George W. Webb with significant help from his wife, Lorena Jane Webb, the newspaper consisted almost exclusively of letters to the editor. While these letters mostly related to issues

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[21] Carroll, "Unpublished Papers of the Order of Indian Wars," 7, 10.

[22] Peter Novick, *That Noble Dream: The "Objectivity Question" and the American Historical Profession* (Cambridge: Cambridge University Press, 1988), 40-46; Klein, *Frontiers of Historical Imagination*, 129-212.

[23] See for example, Carroll and Pappas, *The Papers of the Order of Indian Wars*.

surrounding pension legislation, a significant number also included reminiscences of their service, sometimes running two or three columns in length.[24] By swapping stories and documenting their valorous accomplishments, these associations constructed narratives as they developed a sense of shared identity.

Beginning in the 1880s and 1890s, veterans began establishing local associations independent of the more elite national veteran organizations. The first challenge many groups faced was to identify their membership. But who was a veteran of the Indian wars? Unlike the Civil War, the Spanish-American War or other brief periods of formal military warfare, the conquest of the west relied on a heterogeneous conglomeration of Regular Army, local militia, Native scouts, and quasi-recognized vigilante groups who participated in thousands of violent encounters in virtually every corner of the United States. As a result, many organizations focused at first on recruitment. The Indian War Veterans of the Pacific North Coast (IWVPNC), for instance, began in 1885 with only sixteen members and for several years their primary objective was to identify prospective members.[25] In Utah, the Springville Comrades of the Black Hawk War (SCBHW) similarly began in 1893 with only nine members. But within a year the leaders had identified veterans from virtually every county in Utah and on January 25, 1894, 111 veterans attended their first reunion. Within the decade, the SCBHW – reorganized as the

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[24] The best source of information on *Winners of the West* is the newspaper itself published between 1923-1944. Excellent examples of these letters can be found throughout the paper's publication history, however, exceptional accounts are included in *Winners of the West*, May 1924; *Winners of the West*, October, 1924; *Winners of the West*, December, 1924; *Winners of the West*, June, 1925; *Winners of the West*, July 31, 1916. To my knowledge, there are no academic treatments of *Winners of the West* and its significance.

[25] Otto Kleeman, "History of the Indian War Veterans of North Pacific Coast," Indian War Veterans of the North Pacific Coast Records (hereafter IWVNPCR), Mss 364, Box 1, Folder 1, Oregon Historical Society Research Library (hereafter OHSRL), 1.

Utah Indian War Veterans Association (UIWVA) – had successfully established a state pension system and had begun lobbying the federal government to extend veteran benefits to their constituents.[26]

The Indian Depredation Claims System

Prior to the expansion of benefits to include most Indian war veterans, nearly ten thousand non-Native and a few Natives sought financial compensation through a patchwork of legislation that historian Larry C. Skogen calls the Indian depredation claims system. Intended to preserve peace by compensating individuals for property destroyed by Indians in a "relationship of amity" with the United States, the system only provided restitution for damages resulting from a period of open or declared warfare. As a result, the Indian depredation claims system elevated the habitual and everyday violence of colonialism to the level of international warfare, defining western lands as spaces of legitimate warfare and "zones of Indian conflict."

Habitually understaffed and beguiled by pork-barrel politics, the Indian depredation claims system provided bogus claimants with endless opportunities for fraud to the point that for some "indemnity payments were supplemental income."[27] Between 1866 and 1871, for instance, over a dozen residents of Peketon and Saline County, Kansas applied for and received Indian depredation claims for damages never sustained on property never owned. In the sparsely populated country around Cow Creek, rancher and trader John Prater received $16,000 for property valued at no more than $2,000

[26] These applications for medals are contained within *Secretary of State Indian War Veteran Medal Records*, Utah State Archives and Records Service, Microfilm Series 2220, reel 1-16.

[27] Larry Skogen, *Indian Depredation Claims, 1796-1920* (Norman: University of Oklahoma Press, 1996), xv-xvi.

damaged during a fictitious Cheyenne raid.[28] Oliver Hamilton, Peter Gerishe, Lenox Baxter, and Elihu Fisher similarly claimed $4,305 in damages despite the fact that no Indian had ever attacked them.[29] While the Indian depredation claims system did provide some non-Native settlers with an avenue for securing legitimate financial compensation, it was nonetheless riddled with fraud to the tune of nearly $1 million a year.[30]

The Office of Indian Affairs offered one avenue for redress; direct appeal to the War Department offered another. In 1874, California and Oregon jointly applied for and pressured their representatives to support a special appropriation covering the expense of "arms, ammunition, supplies, transportation, and services of volunteers" relating to the Modoc War. This appropriation amounted to $76,758.41 and was paid out to over 398 separate claimants in Oregon and fifty-one in California.[31] On June 27, 1882, Congress again reimbursed the states of Colorado, Oregon, Nebraska, California, Kansas, and Nevada and the territories of Washington and Idaho for expenses incurred "between April 15, 1861 and June 27, 1882, to repel invasion and Indian hostilities in those States and territories and upon their borders."[32] For non-Native settlers and their local governments, the Indian depredation claims system offered ample opportunity to secure federal compensation.

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[28] Skogen, *Indian Depredation Claims*, 159-66.

[29] Skogen, *Indian Depredation Claims*, 167-68.

[30] Skogen, *Indian Depredation Claims*, 93-94, 96-97 esp. table 1. In 1875, alone, Congress approved $5 million for claims relating to damages occurred between 1871 and 1874.

[31] U.S. House of Representatives, *Modoc War Claims,* 43 Cong., 2 Sess., 1875, Ex. Doc. 45, Serial 1645: 1-15. The number of claimants is reported as 452 and 55 respectively however some of these are duplicates and I have adjusted the number of claimants accordingly, Ibid., 16-117. Also see *Records Relating to the Montana, Dakota, and Modoc War Claims, 1875-1876*, NARA, RG 159, Entry 30, Box 2, Folder "Papers Pertaining to Claims."

[32] *Records Supporting Claims for Service During the Indian Wars, 1892-1931*, NARA, RG 15, Entry A1(61), Box 9, Folder "Oregon."

The Indian depredation claims system did provide over 550 Natives from Kansas, Nebraska, Oregon, Wyoming, and the Indian Territory the opportunity to file their own claims for depredations they experienced at the hands of white settlers. On January 23, 1867, for example, Graham Rogers and 152 other Shawnee applied for $109,746.25 resulting from damages caused by white during the Civil War, which Congress later approved. Congress likewise approved the claims of W.H. Shaler and 201 other Delaware and 182 Shawnee for $463,732.49 and $26,284.00 respectively on January 5, 1875 and January 27, 1870. In contrast to the high number of claims processed by Congress for depredations committed by Confederate soldiers during the Civil War, those processed after 1865 show a precipitous decline. Between 1866 and 1874, American Indians filed twenty-five claims for depredations from white settlers of which sixteen were forwarded to Congress for a total of $8,945.[33] Despite these few occasions, the Indian depredation claims system was not intended to put money into the hands of Natives. In fact, prior to 1870, legislation intended rewards for damages to come directly out of the accused tribe's annuity funds, though Office of Indian Affairs personnel and sympathetic lawmakers often prevented the most egregious abuses.[34]

The passage of the Indian Depredation Act of 1891 (also known as the Jurisdiction Act) changed the system by giving the U.S. Court of Claims jurisdiction over Indian depredation suits and by restricting claims to U.S. citizens whose property had been destroyed by Indians tribes "in amity with the United States." If, however, the Court

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[33] *Indian Depredation Claims*, 43 Cong., 2 Sess., 1875, Ex. Doc. 65, Serial 1645, 59. Larry Skogen also analyze the data contained within this report but fails to extricate specifically data relating to Indian claims as he generally does throughout his book. Skogen, *Indian Depredation Claims*, 234n11.

[34] Skogen, *Indian Depredation Claims*, 98; 186-88; 208-209. Also see "Indian Depredation Claims, *New York Times*, July 12, 1892.

determined that either the applicant was not a citizen or that the property was damaged during a period of established warfare between the United Sates and the accused tribe, neither party could be found responsible. In *Montoya v. United States* (1901), the Supreme Court further clarified this exception. Writing for the court, Justice Brown argued,

> The objective of [the Indian Depredation Act of 1891] is evidently to compensate settlers for depredations committed by individual marauders belonging to a body which is then at peace with the government. If the depredation be committed by an organized company of men constituting a *band* in itself, acting independently of any other band or tribe, and carrying on hostilities against the United States, such acts may amount to a war for the consequences of which the government is not responsible under this act, or upon general principles of law.[35]

The Indian Depredation Act of 1891, then, added yet another layer of confusion to an already convoluted system. Property destroyed by Indians might be compensated by Indian annuity funds if applied for before 1870 and not obstructed by lawmakers. Property destroyed between 1870 and 1890 might be compensated for by special Congressional appropriation but usually only for property damaged as a result of Indian warfare. After 1891, however, that same property would receive compensation only if the Court of Claims determined that the tribe was at peace.[36]

While legislations changed, few settlers dropped their claims. Indeed, the determination on the part of settlers to receive compensation for their property is demonstrated well by the example of Garret B. Van Riper, a Klamath Basin settler who applied for compensation in the Court of Claims under the Indian Depredation Act of 1891. Van Riper's case, however, languished, since "the proof in this case shows that the

[35] *Montoya v. United States*, 280 U.S. 261, 21 S.Ct. 358, 45 L.Ed. 521 (1901).
[36] Skogen, *Indian Depredation Claims*, 126-127, 131.

depredation was committed during the Modoc Indian war and, therefore…the court having held the Indians hostile, the claimant cannot recover."[37] Following Van Riper's death, his widow continued to press the claim but the Court of Claims again rejected it, stating, "The government declines to pay claims due to depredations committed by Indians while at peace with the government."[38] As late as 1931, members of the Van Riper family were still seeking compensation, claiming that, "the band that committed these depredations was a renegade band of treaty Indians" and therefore constituted a tribe "in amity with the United States."[39] Despite these protestations, the Court of Claims followed the logic of Justice Brown and continually denied the Van Riper claim. Throughout the nineteenth and into the twentieth century, then, both non-Natives and a few Natives received financial compensation from the federal government through a patchwork of legislation known collectively as the Indian depredation claims system. As these veterans aged, however, a new system would supplant the old.

The Winners of the Further West

While the Indian depredation claims system offered many non-Natives and a few Natives inadequate and desultory relief, legislation providing veteran benefits to the vast majority of Indian war veterans was working its way through Congress. As late as 1892, injured veterans of the Indian wars could secure pensions but only if they fought in the "Black Hawk war, the Creek war, Cherokee disturbances and the Seminole war."[40] This legislation provided disabled veterans, their widows, or children $8 per month but it

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[37] John G. Thompson to Binger Hermann, December 24, 1900, OCA, Box 23, Folder 7.
[38] G.W. Fulton to J.O. Hamaker, December 23, 1907, OCA, Box 23, Folder 7.
[39] O.C. Applegate to Robert Butler, December 4, 1931, OCA, Box 23, Folder 7.
[40] William H. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), 115; Greene, *Indian War Veterans*, xxii.

limited benefits only to those who served between 1832 and 1842. Within ten years, the lobbying efforts of broad-based veteran organizations like the NIWV, IWVPNC, and UIWVA had extended this privilege to veterans of all Indian conflicts – broadly defined – before 1860 and increased payments to $12 per month for widows and $20 for veterans, disabled or otherwise. Indian war veterans who served after 1860, however, remained ineligible.[41]

To rally support veteran organizations claimed a public debt for their service to the nation and emphasized personal suffering. "It was the Indian War Veterans of the Pacific North West who ventured to this coast…and, furnishing their own outfit, guns, ammunition, horses, blankets and provisions, conquered this land and added three and one-half stars to the Union flag," noted one particularly vociferous veteran in a letter to the editor. But, he warned, "if [a] bill is not passed soon, it will be too late."[42] Another veteran pointed out that, "The scythe of time is fast cutting into the ranks of men who rendered valiant service in subduing the marauding bands of redskins that infested [the land]…Even now, the rollcall is responded to by only a few."[43] If some stress the urgency of immediate relief, others indicated that hardships endured during service made an honorable pension necessary. "These men as a rule are old and feeble, by reason of endured hardships and privations, unable to perform manual labor and on account of age

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[41] Arthur W. Dunn, "Indian Veterans Worked: Oregon Delegation to Washington Did Its Best," February 28, 1901, Scrapbook 48, p. 90, OHSRL; "Indian War Pension Office: Commander T.A. Wood Very Busy These Days," July 10, 1902, Unknown Newspaper, Scrapbook 38, p. 51, OHSRL.

[42] "Indian War Pension Bill: Oregon Congressmen Are Anxious to Have it Pass at an Early Date," N.D., Unknown Newspaper, Scrapbook 35, p. 145, OHSRL.

[43] "Indian War Veterans: Sons Organize to Perpetuate the Deeds of their Sires," *The Desert News*, July 10, 1908.

barred from obtaining suitable employment."[44] Verging on the chauvinistic, arguments such as these proved a potent political force especially in rural western states.

Political rhetoric was instrumental in the formation of a national interest group that could unite the disparate activities of the local servicemen organizations. In 1909, the National Indian War Veterans Organization (NIWV) was formed in Denver, Colorado with the explicit objective "to obtain pensions for all those who, while serving the government, contributed their share to open for peaceful settlement this great western country."[45] Unlike previous national organizations, the NIWV did not limit its membership to officers and gentlemen and over the next several years published announcements in newspapers across the country calling for individuals who served in the Indian wars after 1860 to join their organization and lobby their representatives to support legislation expanding pensions.[46] Through these efforts, the NIWV established regional headquarters in San Francisco and St. Louis in 1912 and additional camps in Philadelphia, Washington, D.C., and Newark, New Jersey over the next six years.[47] Even as the NIWV grew nationally, local organizations began lobbying Washington to extend veterans benefits to those who served after 1860. "[The] veterans of later Indian Wars up to 1890…desire our action," wrote Cyrus Walker, President of the IWVPNC and the commanding general of the "Washington Campaign," in an open letter to his

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[44] "Indian War Veterans: Association Which Seeks for its Members Recognition of Government," *The Desert News*, August 11, 1909.

[45] "Indian War Veterans: Association Which Seeks for its Members Recognition of Government," *The Desert News*, August 11, 1909.

[46] "Indian War Veterans are Being Sought," *The Daily Times*, October 26, 1910; "Pensions For Veterans of the Indian Wars," *Hartford Courant*, December 29, 1910; "Enrolling Veterans who Fought Indians," *The Desert News*, July 24, 1913; "Pensions for Indian Fighters," N.D., Unknown Newspaper, Scrapbook 49, p. 113, OHSRL.

[47] Greene, *Indian War Veterans*, xxii.

membership. "I ask that your influence be thrown in their behalf…[for] our comrades are fast passing away. Let us who remain crown our latest days with every possible act of generous helpfulness."[48] Larding their populous message with the potent rhetoric of obligation and Manifest Destiny, the NIWV and its local collaborators built a coalition of U.S. representatives from throughout the west that banded together to pass legislation extending benefits to veterans of Indian wars.

The result of their lobbying effort was the passage of the 1917 Keating Measure, which extended pensions to individuals who served in campaigns against Indians in Texas, Oregon, Idaho, California, Nevada, Utah, Minnesota, the Dakotas, Colorado, and Nebraska from 1859 to 1868 as well as those who served in twelve specific engagements, including the Modoc War, Nez Perce War, Bannock War, the Great Sioux and Cheyenne Wars, and Wounded Knee among others.[49] The response was immediate. In both Portland, OR and Salt Lake City, members of IWVPNC and UIWVA began offering advice to one another on how to apply for pensions and organizing incomplete records.[50] Confusion arose, however, when several law-firms in Washington, D.C. and elsewhere sent out letters asking veterans for power of attorney to secure their pensions. Senator Reed Smoot, one of the bill's key supporters, assured veterans of the simplicity of the system. "Such action is wholly unnecessary," Senator Smoot advised, "and will only mean that the attorneys will get part of the money. All the veterans or widows have to do

[48] Open Letter from Cyrus H. Walker to Comrades of the Indian Wars North Pacific Coast, June 18, 1913, *OCA* Box 19, Folder 1.
[49] Public Law 400, *Statues at Large*, 39, Part 1, 1199-1201.
[50] "Government Records Of Indian Fighters Are Found Incomplete," *The Desert News*, May 1, 1917.

is to fill out the application blanks, for which specific instructions are given."[51] Completing the application might have been as simple as Senator Smoot claimed, but getting approval required Indian war veterans to navigate a complex bureaucratic system.

The guidelines for evaluating claims as set forth by Commissioner of Pensions Washington Gardner provide insight into the system's complexity and inherent contradictions. Likely responding to allegations of fraud in the pension system, Commissioner Gardner established dozens of reasons for denying claims of Indian war veterans. One stipulation read: "If [the] War Department report shows service but is adverse as to service against Indians," reject the application on the ground that "claimant rendered no service in any Indian war or campaign named in the Act of March 4, 1917." Another directs that if the War Department's records fail to document service, the application should be rejected automatically. Applications should also be rejected if the "signatures bear but slight resemblance" to those on the claimants discharge certificate or if they cannot provide proof of their date of birth. For widows, their applications were to be rejected if they could not provide proof of marriage, a death certificate for their husband, and proof of divorce from all previous marriages either might have entered into. Frustratingly, any applicant claiming service of less than thirty days was to be rejected out of hand despite the fact that many engagements, especially for state militia and Indian scouts, covered by the Act lasted less than thirty days.[52] Such stringent procedures may have prevented fraud, but they also restricted many from securing benefits and shaped the

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[51] "Indian War Veterans Can Get Pensions Without Legal Advice," *The Desert News*, March 23, 1917.

[52] "Guideline for the Wars and Campaigns of the Indian Wars under the Act of March 4, 1917," *Records Supporting Claims for Service During the Indian Wars, 1892-1931*, NARA, RG 15, Entry A1(61), Box 28, Folder "Indian War – General."

narratives put forward by those who wanted benefits, especially African Americans, immigrants, and, above all, American Indians.

In negotiating their way through these systems, veterans turned to local historical societies to help authenticate their claims. Indeed, the founders and members of the veterans and pioneer associations and the historical societies often had significant overlap. The Portland printer and publisher, George H. Himes, for example, was instrumental in founding both the Oregon Historical Society and the Indian War Veterans of the North Pacific Coast. In his role as curator of the Historical Society, Himes was very interested in collecting the reminiscences of the pioneer days and so served as secretary of several veterans association for many years.[53] The Native Sons and Daughters of the Golden West, a commemorative association dedicated to promoting the history of California, likewise collaborated with a number of veteran associations in both Oregon and California.[54] In Washington, D.C., the War Department and Bureau of Pensions collected extracts and other historical material from historical society and pioneer association publications such as *Transactions and Reports of the Nebraska State Historical Society* and the *Transactions of the Oregon Pioneer Association* and used the historical data they contained as evidence for awarding pensions.[55] There existed a close connection, then, between the creation and sharing of stories by veterans and the

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[53] Some of these are still available at the Oregon Historical Society, see Indian War Veterans of the North Pacific Coast Records, Mss 364, Box 1/Folder 3, OHSRL.

[54] Otto Kleeman, "History of the Indian War Veterans of North Pacific Coast," 4.

[55] "Various Documents Organized as Report on Indian War Pensioners, State Organizations, March 4, 1924," *Records Supporting Claims for Service During the Indian Wars, 1892-1931*, RG 15, Entry A1 61, Box 28, Folder "Indian War Pensioners State Orgs – 3/4/24." For more on the relationship between historical societies, pioneer associations, and veteran associations see Amanda Pia Krarup Laugesen, "Making Western Pasts: Historical Societies of Kansas, Wisconsin and Oregon, 1870-1920," PhD Thesis, (Australian National University, September, 2000), 127-139.

memories that got recorded for the official historical outlets about the Indian wars in the west.

Despite its complexities, many Indian war veterans were able to successfully navigate the bureaucratic obstacles with the help of their local historical societies, pioneer associations, local and national veteran organizations, and paid professionals. As more applicants began receiving pensions, pressure to expand the system mounted. The primary obstacle to authenticating the service of Indian war veterans was the haphazard nature of frontier warfare. According to General George A. White, "Volunteer units were frequently enrolled over night and dispatched to the scene of some uprising and later disbanded, apparently without any record being made of their activities…the system of record keeping during the days of Indian hostilities was about as primitive as the country in which the battles" were fought.[56] In an attempt to ameliorate the situation, Congress extended pensions in 1927 to include veterans who served "in the zone of any active Indian hostilities." This slight change in language produced an additional one thousand Indian war pension claimants and laid the responsibility for establishing a service record on state and local governments.[57]

By the beginning of the Great Depression, these veteran and historical organizations, in conjunction with their congressional representatives and other support groups, had created an expansive benefit system capable of accommodating the heterogeneous and unwieldy category of the Indian war veteran. White veterans of the Indian wars had recast their relationship to the federal government as one predicated

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[56] George A. White to the Commissioner of Pensions, October 16, 1931, *Records Supporting Claims for Service During the Indian Wars, 1892-1931*, NARA, RG 15, Entry A1(61), Box 9, Folder "Oregon."

[57] Greene, *Indian War Veterans*, xxxiv.

upon a reciprocal obligation. At the same time that white veterans of the Indian wars were reimagining their relationship with the federal government, Native veterans were undergoing a similar transformation. Yet, just because a system for receiving veteran benefits existed did not mean everyone had access to it. Indeed, the expansion of the pension system to include anyone who served "in the zone of any Indian conflict" represented material opportunities for many white settlers, its racialist and nationalist underpinnings and origins functioned to include some American Indians and excluded others, an aspect of this system captured well by the specific experiences of the Native veterans and widows of the Modoc War.

Navigating the System: Networks of Cooperation and the Native Veterans of the Modoc War

Unlike non-Natives who sought assistance and found camaraderie in organizations like the NIWV and the IWVNPC, only a handful of Native veterans of the Modoc War actually became dues-paying members or even participated in their functions. David Waushumps, a Warm Springs Indian from Oregon subscribed regularly to the *Winners of the West* and even wrote a letter to the editor in which he proudly proclaimed himself to have been an Indian who "fought my own people, for the liberty of the country, wives and children." The IWVNPC's member rolls indicate that four, perhaps five, of its members were Indians: Antowine, Indian Robert, Thomas Chapman, Siwash John, and Charles Linksuilex.[58] Finally, Donald McKay, the captain of the Warm

[58] "An Indian who Fought his Own People," *Winners of the West*, March 1925, 7 and "List of Claimants," n.d., Indian War Veterans of the North Pacific Coast Records, Mss 364, Box 1/Folder 6, OHSRL. It should be noted that because of formatting Linksuilex' identity is a bit unclear

Springs Indian Scouts, was elected an honorary member of the IWVNPC in 1889 and his brother, William McKay, was elected to the post of "Surgeon."[59]

A few Native veterans of the Modoc War participated in these groups but that does not mean Native veterans as a whole were welcomed as full-members. Indeed, when the white veterans discussed American Indian pensioners in their newspaper letters, as they sometimes did, it was to deride the government for its unwillingness to offer pensions to every white man who asked for one. When Comrade Brave Heart of Porcupine, South Dakota, for instance, joined the NIWV, George Webb, its president, wrote: "It may not be generally known…but there are a great many Indians on the pension rolls…We wish the government had been equally as liberal with the brave white men who no doubt served in the wars along with these friendly Indians."[60] Perhaps because of such unwelcoming views, Native veterans mostly avoided participating directly in both the national and local Indian war veteran associations.

This is in stark contrast to the experiences of Indian veterans who joined veterans' groups from other wars. Historian Laurence Hauptman suggests that many American Indians, especially the Iroquois, joined the GAR in droves. When Ely S. Parker, a Seneca veteran, former Commissioner of Indian Affairs, and adjutant to General Ulysses S. Grant, died in 1895, honorary pallbearers included both GAR and Iroquois community members. The GAR in conjunction with the Buffalo Historical Society sponsored Parker's subsequent reburial in Buffalo and even paid for the headstone. Likewise, the GAR also participated in the funeral of the Tuscarora lieutenant Cornelius C. Cusick at

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[59] "Records of the Annual Encampment," *Indian War Veterans of the North Pacific Coast Records*, Mss 364, Oregon Historical Society Research Library, Box 1, Folder 3, 27-31.

[60] "An Indian Pensioners," *Winners of the West*, February 1924, 14.

Old Fort Niagara in 1904 and provided funeral rites to other Iroquois veterans through the 1920s.[61] Following his deployment to the Philippines from 1901 to 1904, another Iroquois veteran, Clinton Rickard, returned home and promptly joined the Army and Navy Union, the United Spanish War Veterans, and a Masonic Lodge. According to historian Al Carroll, Rickard also spearheaded the organizing of Tuscarora Post 8242 of the Veterans of Foreign Wars because he believed that such veteran organizations might play a similar role as the old Iroquois warrior societies.[62] However, if Klamath Basin Indian veterans were to receive benefits for their service, they would have to create their own networks of cooperation.

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Native veterans and widows of the Modoc War who wanted benefits would often begin by seeking assistance from well-placed and well-meaning non-Indians such as agency personnel or lawyers. They often asked agency personnel to procure applications and assist them in preparing them. The Klamath Indian Mission Minister R.T. Cookingham helped Peter Cholah, Albert Jackson, and Tom Skellock with their applications.[63] Superintendent Walter West took an active interest in the pension applications of several veterans and widows on the Klamath Reservation. Over the course of several years, he contributed to the applications of Julia Shore, Kate Smiley, Nancy

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[61] Laurence Hauptman, *The Iroquois in the Civil War* (Syracuse: Syracuse University Press, 1993), 146-147.

[62] Al Carroll, *Medicine Bags and Dog Tags: American Indian Veterans from Colonial Times to the Second Iraq War* (Lincoln: University of Nebraska Press, 2008), 100. For more on Clinton Rickard, see Barbara Graymount ed., *Fighting Tuscarora: The Autobiography of Chief Clinton Rickard* (Syracuse: Syracuse University Press, 1973).

[63] R.T. Cookingham to Commissioner Washington Gardner, June 12, 1921, *Cholah Peter Pension File*, 17127, NARA.

Yahooskin John, and Edmund Dufur among others.[64] Superintendent O.L. Babcock of Warm Springs Indian Agency showed considerable interest in the applications of several Indians under his jurisdiction. However, Babcock's participation had its limits. When Edmund Dufur's application came up short, Babcock wrote Applegate stating that "We will do everything in our power to further a just claim but we have to have substantial evidence to work on." Babcock then suggested that Dufur engage the services of Joseph Hunter, "a pension attorney whose fee is $25.00 for such services" and would " have access to the records of the war office."[65] Perhaps after receiving similar advice, the Warm Springs Indian John Jack hired Stuart H. Elliott, a Tacoma, Washington attorney while, as discussed earlier, Louie enlisted the assistance of attorney A.W. McGowan.[66] As unhelpful as Babcock's dismissal of Edmund Dufur's case might have been, in order to secure benefits, some Klamath Basin Indian veterans, like non-Indian veterans, did seek the assistance of lawyers and other professionals. While specialists might provide necessarily assistance, their value often varied greatly.

Agency personnel and professional lawyers provided some assistance but most Native veterans relied on their former commanders to help them prepare their application and navigate the system. Oliver Applegate, captain of the Oregon Militia and former superintendent at the Klamath Reservation, helped virtually every claimant connected to the Modoc War in some way. A tireless advocate for expanded veteran benefits, Applegate had recommended to the Commissioner of Indian Affairs that former Klamath Scouts should receive a pension of $5 a month for their service as early as 1898. Two

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[64] Walter West to I.D. Lafferty, March 4, 1922, *OCA*, Ax005, Box 19, Folder 2.
[65] O.L. Babcock to O.C. Applegate, February 11, 1921 and May 30, 1922, *OCA*, Box 20, Folder 17.
[66] Stuart H. Elliot to Commissioner of Pensions, January 10, 1925, *Histo Pension File*, 15714, NARA.

years later, he doubled the recommended pension "$10 a month" he claimed "would certainly be generosity well bestowed and a suggestive object lesson to our younger people."[67] Once legislation passed, Applegate helped twenty-eight Native veterans and dozens of non-Indian veterans of the Modoc War prepare their applications and followed up on their claims, sometimes over many years and even decades.

While Applegate portrayed his efforts as *pro bono*, he generally asked the veterans he helped to pay for expenses and to compensate him for his time. Sargent Brown, a prominent rancher and leader on the Klamath Reservation, brokered an agreement with Applegate whereby Solomon Lalakes, Thomas Skellock, Peter Cholah, and Albert Jackson promised to pay their former captain $50 each – to be paid out of the first installment after their pensions were granted – if he would assist them in secure veteran benefits. Within a year, the four Indians had received $1140 in back payment from the pension fund and were receiving regular monthly payments of $20.[68]

Native veterans of the Modoc War also turned to their congressional representatives to help navigate Washington bureaucracy. Nicholas J. Sinnott, Republican representative from Oregon's 2nd District, which included the Klamath Reservation, wrote numerous letters checking on the status of Indian petitions and relaying news to the claimants as he received it.[69] Indeed, as Applegate wrote Sinnott, "It is a source of gratification to me that, despite the manifold activities of a congressman in these epochal

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[67] United States Department of the Interior, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the year 1900* (Washington, D.C., [1900]), 357; O.C. Applegate to W.C. Hawley, March 9, 1908, *OCA*, Box 22, Folder 4.

[68] O.C. Applegate to Miss Sauber, January 9, 1921, *OCA*, Box 19, Folder 2; Acting Commissioner to N.J. Sinnott, December 11, 1920 and January 6, 1921, *Peter Cholah Pension File*, 17127, NARA

[69] Letters from Sinnott are ubiquitous in many Klamath Basin Indian veteran and widows pension files. *Brown Mosenkosket Pension File*, 14028, NARA.

days, you have not lost sight of the cases of these old loyal Indian scouts who fifty years ago stood by us faithfully as allies in the darkest days that ever came to the infant settlements in our lake country."[70] But Sinnott was not alone. Senators Charles L. McNary and Frederick Steiwer as well as Representative Willis C. Hawley of Oregon's 1st District and Robert R. Butler and Walter M. Pierce, Sinnott's successors, all wrote letters urging the Bureau of Pensions to approve their Native constituency's claims or introduced bills on their behalf.[71]

Even as Native veterans and widows of the Modoc War leveraged these relationships, the complex procedures established by the Bureau of Pensions often jeopardized their claims. The first obstacle many Native veterans faced was matching their name to one of the names on official muster rolls used by the Bureau of Pensions to determine eligibility. Produced haphazardly at the best of times – and in the case of Indian scouts sometimes never at all – the names as recorded on the muster rolls were often different from those used by Native applicants a half century later. This is particularly true in the case of the Klamath and Modoc who change their names or adopt aliases regularly without much ceremony.[72] As a result, one applicant, John Koppas, used the name Modoc Henry when he mustered out in 1873. Another, Edmond Dufur, at various times went by Ta-Hum, Luckany, and Ruffer. Jim Copperfield enlisted as Little Jim, Jack Drew as Drew Jackson, Charley Faithful as Modoc Charley, Albert Jackson as

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[70] O.C. Applegate to N.J. Sinnott, February 20, 1922, *OCA*, Box 22, Folder 19

[71] O.C. Applegate to Walter M. Pierce, Charles Martin, Frederick Steiwer, and Charles L. McNary, May 22 [24], 1934, *OCA*, Box 19, Folder 3. For a complete list, see "Senate Bills," *OCA*, Box 19, Folder 4; also see Simpson, Wilson, *OCA,* Box 23, Folder 11; Walker, Jesse, *OCA,* Box 23, folder 9; Kate Brown, *OCA,* Box 20, Folder 3

[72] Stern, *The Klamath Tribe*, 53-4; Spier, *Klamath Ethnography*, 59-61.

Albert Hochis, Sam Solomon as Solomon Lalakes, Rube Walker as Ruben Konoki, Peter Cholah as Jola, and Tom Skellock as Yatchose, Watchoss or Tom depending on which roll the Bureau of Pension chose to examine.[73] Native widows faced similar challenges as a result of their cultural practice of changing names. Birdie John's claim for benefits stalled when it became unclear whether or not Birdie John and Bertha John were the same person.[74] Mary Ann Copperfield's application was delayed when the Bureau of Pensions discovered that for a period she went by Molly or Molly Ann. And Ursula Whistler had to clarify several times that when she married John Whistler she went by the first name Jane.[75] The cultural expectation that Native veterans and widows adhered to Euro-American naming practices meant they had to submit dozens of notarized affidavits, write letters of clarification, and produce letters of support from superintendents or other individuals.

The experience of the Warm Springs Indian scout John Jack captures well the inherent inconsistencies that arose when government officials insisted upon matching names with service records. "The Indians around this portion of the country seem to know you by the name Toplash?" Special Examiner of the Bureau of Pensions Milford M. Brower asked Jack.

> Well, the Indians call me Toplash but the name under which I was allotted land in this reservation is Histo. Why, I have had the name Histo ever since I can remember—when I was a child. Why, it is about twenty years since they commenced to call me Toplash. Why, I commenced calling

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[73] "Indian Pension Cases Carried to Completion," *OCA*, Box 19, Folder 2, Commissioner to Cinda Checaskane, July 5, 1918, *OCA*, Box 20, Folder 5.

[74] Birdie John's Affidavit, *Birdie John Pension File*, 14878, NARA.

[75] E.W. Morgan to Mary A. Copperfield, August 12, 1933 and Wade Crawford to E.W. Morgan, October 3, 1933 *Jim Copperfield Pension File*, 14018, NARA.

> myself that. It came from seeing or thinking I could see something white on a hill or high ground. Why, that was at Warm Springs.
>
> Q. How many other names have you had? A. Well, someone one time counted my names for me and said there were seven. One was Shell. I don't know any of the others. Histo was the name I was a soldier under…If the Government cannot find the name Histo on the list of soldiers, I am Histo and I am a soldier, but they might have forgotten to write my name.[76]

After several years of investigation, it ultimately became clear that John Jack's name had been recorded as "Stow" (resulting from an elision of the "H" in Histo) on the muster roll and he was awarded a pension.[77] Although John Jack was completely comfortable with his various names, the Bureau of Pensions found these inconsistencies to be possible evidence of fraud.

This insistence upon consistency of names and the denial of benefits because their Americanized names did not match their service record was further complicated as these names were arbitrarily assigned to Klamath Basin Indians by government officials as part of the reservation's assimilation efforts when annuities were issued. As local historian Rachel Applegate Good described the process, "It became one of the functions of the interpreter and clerk to rename the stalwart braves, who were highly delighted with such commonplace appellations as 'Joe Wilson' and 'George Brown.' 'This is your name,' he would say, writing in on a card, 'and if you forget what it is, ask anyone who can read, and he will tell you,'"[78] Moreover, as Applegate pointed out in a letter to his representative, in the case of virtually every Klamath Basin Indian Scout, "their enlistment names were all different from their allotment names," but that someone who

[76] Deposition of Histo or Toplash or John Jack, September 8, 1920, *Histo Pension File*, 15714, NARA.
[77] Stuart H. Elliot to Commissioner of Pensions, October 18, 1924, *Histo Pension File,* NARA.
[78] Quoted in Stern, The *Klamath Tribe*, 54.

"knew them individually," would be able to properly match the individuals to the names on the muster rolls.[79] Not surprisingly, many applications languished in bureaucratic limbo. Those who did not often found ingenious ways of circumventing a system that denied their requests at every turn.

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Native veterans and widows of the Modoc War, like their non-Native counterparts, relied upon the rhetoric of personal sacrifice and honorable service to the causes of American civilization. But Native veterans also employed narratives of pacification, scarcity, invisibility, and assimilation. As early as 1908 Applegate referred to a letter sent by "Modoc" Charley Faithful asking Representative Wallis C. Hawley to extend veterans benefits to those who served in the Modoc War:

> In his letter I think [Charley's] intention was to refer entirely to his class as an Indian war veteran, either to a pension or to a grant of land for his military service. There has long been some talk among the Indian war veterans that the government might be generous enough to grant its old soldiers a quarter section of land each as was done with some of the earlier veterans…[for] the service rendered by these [scouts] was almost invariably arduous and dangerous, and they are certainly as much entitled to this recognition as were the soldiers of the earlier wars, or indeed the veterans of the rebellion…The Indian wars are over. No outbreak among these people can ever occur again…for the Indians are fast yielding now to our civilization and are actually becoming assimilated into our communities, and the pensioning of the comparatively few Indian war veterans would be but a small burden to our great and wealthy commonwealth.[80]

Writing on behalf of two different Native veterans and advocating for an increase in their pensions, Applegate declared nearly thirty years later: "We are now but a handful of the frontier army of the early days…Out of the twenty-seven picked Indian scouts under my

[79] O.C. Applegate to N.J. Sinnott, February 24, 1921, *OCA,* Box 19, Folder 3.
[80] O.C. Applegate to W.C. Hawley, March 9, 1908, *OCA*, Box 22, Folder 4.

command during the Modoc War of 1872-3, only two remain, one blind and the other half blind….The passage of your bill would supply a long felt want, would meet with the deep felt gratitude of the old defenders of the frontier, and would not be a great burden to our great country."[81] Although mediated through Applegate's voice, it seems evident that Native veterans of the Modoc War had few qualms deploying the language of service to civilization.

Native veterans also deployed the rhetoric of service and sacrifice to persuade their congressional representatives to introduce bills on their behalf. "Dear Senator," wrote Harrison Brown to Frederick Steiwer in the spring of 1930,

> I am a Klamath Indian…[who was put] on duty to guard the government property, and to act against the hostile Modocs under captain Jack. My father and two brothers served…in active operations during the war in the Lav[a] Beds and I, with others, served on guard at Yainax and on scout and messenger duty for more than forty days during the war. I am now in poor health, have lost the sight of one eye, and am worthless for manual labor. Though not regularly enlisted, I rendered valuable and active service, and I am asking, through Congress, the amount of a pension granted to veterans under the Leatherwood Act, for which I would be very grateful.[82]

A former Klamath Reservation superintendent echoed Brown's contentions. "To my certain knowledge Harrison Brown's service during the darkest days that ever came to Klamath County, as a result of the Modoc War, were of essential importance, and his loyalty to the Government and his leadership on the Reservation, have been most valuable."[83] Decrepitude, then, often provided the impetus for special consideration.

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[81] O.C. Applegate et al. to Allard G. Gasque, January 25, 1932, *OCA*, Box 19, Folder 3.
[82] Harrison Brown to Frederick Steiwer, March 1930, *OCA*, Box 20, Folder 4.
[83] O.C. Applegate to Frederick Steiwer, May 28, 1930, *OCA*, Box 20, Folder 4.

A few Indians exaggerated their age in an attempt to garner sympathy. In 1928, Wama Louie claimed to be 91 years old though agency records placed his true age at much closer to 76.[84] Cinda Checosane exaggerated her age by over a decade when she claimed to be 75 in 1918 while Ike Owhy, Danial Katchia, and Albert Kuckup, all inflated their age when they claimed to be 91, 92, 100 respectively in 1929.[85] If some exaggerated, others simply claimed to be plain old. Peter Cholah was said to be "a very old Indian…among the older Indians of this reservation" and that as such he had "no appreciation of time…mak[ing] it difficult, in the absence of records here, to determine the exact service [he] rendered."[86] Likewise, when they appeared before a special examiner, neither Albert Jackson nor Solomon Lalakes could recall their age, only remembering that at the time of the Treaty of 1864, they were "not quite a man" or "a pretty big boy but not old enough to have a beard."[87]

The requirements of the Bureau of Pensions also shaped the specific details Klamath Basin Indian veterans and widows chose to narrate. Many of their petitions insisted that the voluntary nature of their service entitled them to special consideration. As Rev. Cookingham stated in a letter transmitting to the Commissioner of Pensions the applications of several Native veterans:

> They came to me and ask[ed] why my government is so slow in helping them now when they went willingly at the call of our soldiers and risked

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[84] Deposition and Certificate of Search, December 8, 1928, *Wama-Louie Pension File*, 18373, NARA.

[85] Claimant Declaration, January 21, 1918 and Deposition of Cinda Chekaskane, April 19, 1922, *Eli Chick-kas-ka-ne Pension File*, 13851, NARA; Depositions of Ike Owhy, Albert Kuckup, and Danial Katchia on October 7 and 8, 1929, *Martha Sidwaller Pension File*, 1630337, NARA.

[86] Walter West to Commissioner of Indian Affairs, June 29, 1921, *Peter Cholah Pension File*, 17127, NARA.

[87] Deposition of Albert Jackson and Solomon Lalakes, April 19, 1922, *Peter Cholah Pension File*, 17127, NARA.

> their lives to capture Captain Jack and his Modoc Braves…These men are worthy of some consideration, and quite needy now.[88]

The hope that such stories would influence the Bureau's decision drove many Native veterans to connect their current physical condition with their service in the Modoc War further elevating its importance in their daily lives.[89]

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The inflexibility of the Bureau of Pensions also led many Klamath Basin Indian veterans and widows to use the process as an opportunity to educate government bureaucrats on the historical conditions that prohibited them from definitively establishing their claims. When Warm Springs Indian scout Jacob Thomas was denied a pension in 1914 for disability, he wrote a scathing letter to the Commissioner of Pensions.

> In regard to this matter, I wish to state that when I was out here fighting these Modoc Indians this country was a wilderness and that if you were shot the chances were that you would not see a doctor, and you got well the best way you could. Another thing the men in this War serving the United States were not thinking about getting pensions at that time. For that reason evidence of this kind is very hard to secure.[90]

In the spring of 1918, Drew Jackson likewise explained to the Commissioner of Pensions that, "In relation to the date of my birth, as I am an Indian, and was born long before my tribe came under the civilizing influences of white people, no record was made." He further explained, "When the treaty of 1864 was made I was a small boy and the Agency

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[88] R.T. Cookingham to Commissioner Washington Gardner, June 12, 1921, *Peter Cholah Pension File*, 17127, NARA.

[89] William H. Glasson, "The National Pension System as Applied to the Civil War and the War with Spain," *Annals of the American Academy of Political and Social Science* 19 (March 1902): 43-45.

[90] Jacob Thomas to Commissioner of Pensions, October 30, 1914, *Jacob Thomas Pension File*, 15418, NARA.

authorities later enrolled me as being of such age as I appeared and the rolls of the Klamath Indian Agency now give my age as 63."[91] Supporting Jackson's explanation, Oliver Applegate wrote, "These Indians were all born before treaties were made with their tribe; hence it is impossible for them to furnish the exact date." Yet, he was quick to add, "These men were all faithful and effective soldiers and were without exception honorably discharged."[92]

Not surprisingly, the lack of education, literacy, and fluency in English were major stumbling blocks for Native veterans and widows of the Modoc War. When Ursula Whistler missed the deadline for submitting evidence in her case, she begged special consideration on account of her lack of education. "Dear sir…I am an uneducated Indian woman, and did not know of the receipt of the said letter at this office. I am anxious to furnish the evidence required and shall be glad to have the letter returned to my address at Chiloquin, Oregon."[93] Occasionally, lack of fluency created opportune relationships. For example, in when Mary Chiloquin received a letter from the Bureau of Pensions requesting routine evidence to support her application, the widow approached Fred Baker, a former Superintendent and the Examiner of Inheritance, for assistance. Writing to the Commissioner of Pensions, Baker reported, "As she is an old and illiterate person, and does not understand the English language, she brought her letter to me for advice and council."[94] The result was that Baker, versed in the bureaucratic requirements of probate, helped Mary complete her application and submitted the required supporting

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[91] Drew Jackson to Commissioner of Pensions, May 1918, *OCA*, Box 21, Folder 6.
[92] O.C. Applegate to Commissioner of Pensions, May 1, 1918, *Wama-Louie Pension File*, 18373, NARA.
[93] Ursula Whistler to Commissioner of Pensions, January, 1921, *OCA*, Box 23, Folder 10.
[94] F.A. Baker to G.M. Saltzgaber, December 18, 1918, *Mary Chiloquin Pension File*, 13850, NARA.

documentation. Five months later, she received a pension of $12 a month, back-dated to March 4, 1917.[95]

Widows had a particularly difficult time establishing their claims. To receive veteran benefits, a widow had to provide the Bureau of Pensions with a death certificate for the soldier, a copy of their marriage license, sworn statements that she had never divorced the soldier and that she had never remarried, and death certificates or other evidence of divorce from any previous marriages on both sides. For white widows this was difficult enough but for Native widows it was nearly impossible.

The experiences of Ursula Whistler (aka Jane Whistler or Jane Chiloquin) and Nancy Yahooskin illuminate well the challenges widows faced. When Ursula applied for widow's benefits in 1917, she claimed to be the widow of John Whistler, a Klamath Indian scout who served as a private in Applegate's Oregon Militia along with another scout named Yahooskin John. John Whistler's status as a veteran was easily established as he was one of the few whose name matched the muster roll. However, his previous marriages to Nancy Yahooskin and Annie Whistler and Ursula's previous marriage to George Chiloquin, who also served in Applegate's Militia, soon caused problems. According to a deposition from Cora Skellock and Mary Moore, John divorced his first wife by without the benefit of the courts and his second wife died along with their three children sometime before or shortly after he received his allotment. Ursula was married to George Chiloquin by "Indian custom" until his death in 1893 after which she married John Whistler in 1899. Ursula believed her marriages to George Chiloquin and John Whistler provided her with additional claims to benefits. For her part, Nancy Yahooskin's

[95] G.M. Saltzgaber to N.J.Sinnott, July 2, 1919, *Mary Chiloquin Pension File*, 13850, NARA.

application was delayed because of her previous marriage to John Whistler and her subsequent marriage to Yahooskin John, both taking place before 1864 and therefore without the benefit of documentation. For his part, Yahooskin John had been married twice before to Sallatus or Belwax and to Koachax. Ultimately, these complications were resolved but in both cases benefits were delayed for years.[96]

Government policy during the early days of the Klamath Reservation made documenting legal marriages and divorces particularly challenging. According to anthropologist Theodore Stern, the government targeted widespread legal marriage as effective tool for eradicating the practice of polygamy and further undermining the power of traditional chiefs, for whom polygamy was evidence of affluence. Following the Modoc War, the court of chiefs empowered the head chief to punish polygamy as well as to consecrate marriages and perform divorces so long as the groom paid the bride's family an appropriate fee ranging from two to five dollars.[97] Mirroring the traditional marriage ritual in important ways (the exchanging of gifts and public acknowledgement), this system was nonetheless undermined over time by the Methodist church as well as the usurpation of authority by the agents. Indeed, some of the individual petitions alluded to this period of hasty marriages and poor record keeping by the church. In one petition, the applicant blamed the lack of documentation of marriage on the Reverend Joseph L. Beatty, whom he termed the "marry parson."[98] More important than the Protestant fervor of the reservation's minister was the apparent lack of concern for creating a paper trail on the part of the agent. Writing to the Director of Pensions to clarify the status of Mary Ann

[96] *Jane [Ursula] Whistler Pension File*, 10778 and *Nancy Yahooskin Pension File*, 15375, NARA
[97] Stern, *The Klamath Tribe*, 96-99; 103-104.
[98] O.C. Applegate to F.A. Baker, November 19, 1917, *OCA*, Box 23, Folder 10.

Copperfield's marriage to Jim Copperfield over fifty years earlier, Superintendent Wade Crawford explained,

> At the time of their marriage the Klamath Reservation was a closed reservation and the Federal laws did not require the Indians of a closed reservation to comply with State laws in regard to marriage and divorce. In those days, Indians came to the Superintendent or Agent of the reservation and asked his permission to marry, the Agent would issue the necessary permit, and the Indians were then considered married. The same was true in divorces, the Indians came to the Agent with their complaints and he would sever their marriage and enter the fact in a book. Many, if not all of the older Indians, did not know the dates of their birth, nor of other events in their lives and therefore calculated the dates in relations to some important event such as a treaty or a war…Our records here show that Jim and Mary Ann Copperfield were husband and wife at all times from the date of their marriage until his death in March, 1933, and that they were not separated or divorced.[99]

In their haste to stamp out polygamy and destabilize the power of the traditional chiefs, government agents and church officials also undermined Native veteran and widows' claims to benefits. The lasting affect of colonial policy often continued to influence the lived reality of American Indians in unexpected ways.

To compensate for these structural impediments, Native widows relied upon networks of cooperation to prove the legality of their marriages. As a result, many widows served as witnesses for each other and backed one another's claims. When Ben-John, a Klamath Indian who served as a scout with the Klamath headman Dave Hill, died in an automobile accident in July 1920, his wife, Nancy, applied for widow's pension. Unfortunately, since they had been married "in the Indian fashion," she was unable to produce a marriage certificate. In order to satisfy the Bureau of Pensions, Nancy submitted two affidavits from Millie Jack and Adeline Koppos, both Klamath women,

[99] Wade Crawford to E.W. Morgan, October 3, 1933 *Jim Copperfield Pension File*, 14018, NARA.

attesting to the "faithful continuation" of Nancy's marriage to Ben-John.[100] When Millie Jack required proof of her marriage to Link River Jack (a marriage dating back to 1857) Millie called on Nancy Ben-John and Mary Chiloquin to furnish affidavits.[101] For her part, when Mary Chiloquin needed three witnesses to attest to the legality of her deceased husband's divorce from a previous wife, Losbena, Mary asked Millie Jack, Henry Brown, and another Klamath to provide witness.[102] All of these petitions ultimately proved successful.

The importance and extent of these networks of cooperation is further suggested by the fact that most successful applicants applied for benefits at the same time. On the Klamath Reservation, for instance, Henry Brown, Dick Brown, Jim Copperfield, Ruben Walker, John Koppos, Charley Faithful, and Drew Jackson all filed their claim on the same day, June 28, 1917.[103] And they all received pensions. Similarly, on the Warm Springs Indian Reservation, Albert Kuckup and Jacob Thomas filed their claims together on November 28, 1917 while Tullux Holliquilla, James Winneshet, and David Washump all applied for veteran benefits on December 13, 1917.[104] Bertha "Birdie" John and Solomon "Sam" Lalakes both applied on January 30, 1920 and swore affidavits

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[100] Nancy Ben-John to Commissioner of Pensions, November 29, 1921, *OCA*, Box 20, Folder 2; Affidavits of Nancy Ben-John and Mary Chiloquin in connect with I.W.O. 14921, December 6, 1921, *OCA*, Box 22, Folder 16.

[101] Affidavits of Nancy Ben-John and Mary Chiloquin in connect with I.W.O. 14921, December 6, 1921, *OCA*, Box 22, Folder 16.

[102] Sworn Testimony before the Examiner of Inheritance, January 4, 1918, *OCA*, Box 20, Folder 6. Mary Chiloquin also had to prove the death of her former husband, Hiasman, who she alleged died six years before her marriage to Mose Chiloquin by Agent E.I. Applegate at Yaniax about 1891. O.C. Applegate to F.A. Baker, November 19, 1917, *OCA*, Box 23, Folder 10. Also see sworn affidavits in *Mary Chiloquin Pension File*, 13850, NARA.

[103] *Brown Mosenkosket Pension File*, 14028; *Brown Mosenkosket Pension File*, 14029; *Jim Copperfield Pension File*, 14018; *Reuben Konoki Pension File*, 14019; *John Koppos Pension File*, 14020; *Modoc-Charley Pension File*, 13994; *Drew Jackson Pension File*, 14017 in NARA.

[104] *Albert Pension File*, 15393; *Jacob Thomas Pension File*, 15418; *Tul-Lux Holliquilla Pension File*, 15473; *James Win-ne-shet Pension File*, 15530; *David Washump Pension File, 15477* in NARA.

supporting each other's claims while Eli "Walter" Chickkaskane and Mary Chiloquin both filed claims on January 19, 1918.[105] Apart from all other evidence, the fact that so many Native claimants applied for pensions at the same time would seem to suggest that they were working together to procure veteran benefits.

Headmen and other traditional powerbrokers who had long dominated political and economic relationships on the Klamath reservation also emerged as influential figures in the veteran benefits system. For example, at one point or another, Thomas Skellock, Solomon Lalakes, Ben John, Cholah, Frank Chilks, Nancy Ben-John, Birdie John, Mary George, Ursula Whistler, and Cinda Chaskaskie all sought the assistance of Charles S. Hood, a graduate of Carlisle Indian Industrial School and a leader among those Modoc who returned to Oregon in 1908.[106] Similarly, while the exact details surrounding the applications of Kate Brown, Alex Wilson, and John Pitt are a bit unclear, it appears that like Solomon Lalakes, Thomas Skellock, Peter Cholah, and Albert Jackson before them, these Native veterans and widows also turned to Sargeant Brown for assistance. However, unlike in the case of Lalakes, Skellock, Cholah, and Jackson, Applegate did not agree to take on the cases of Alex Wilson and John Pitt, though he did eventually agree to help Kate Brown. Without Applegate's assistance, Sargeant Brown did his best to help Wilson and Pitt but after filling out the initial application and providing preliminary evidence, the Alex Wilson and John Pitt's applications languished.[107] Although it seems that headmen like Brown were not always the most effective advocates, it does seem

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[105] *Birdie John Pension File*, 14878; *Solomon Lalakes Pension File*, 17107; *Eli Chick-kas-ka-ne Pension File*, 13851; *Mary Chiloquin Pension File*, 13850 in NARA.

[106] Charles S. Hood to the Commissioner of Pensions, January 20, 1920, *Peter Cholah Pension File*, 17127, NARA.

[107] N.J. Sinnott to Sargent K. Brown, June 29, 1927, *OCA*, Box 19, Folder 3.

clear that they helped these veterans out of a sense of obligation, perhaps stemming from their political support.

Kinship relations also supported Native veterans and widows as they negotiated the veteran benefits system. When forwarding his petition to Congressman Frederick Steiwer and E.C. Hawley, Harrison Brown included sworn affidavits attesting to the truthfulness of his claim from his uncles Dick Mosenkosket and Jim Cooperfield.[108] Similarly, when Anna Holliquilla sought a widow's pension following the death of her husband, Warm Springs Scout Tullux Holliquilla, she obtained affidavits from her daughter and son in-laws, Etta Bennett and Jerry Holliquilla, who were Tullux's children from previous marriages, to corroborate her lawful marriage to Tullux.[109]

These networks of cooperation often sprawled dizzyingly across the reservation and beyond. When Cinda Checaskane applied for a pension as the widow of Walter "Eli" Chickkaskane, she was forced to account for a staggering number of relationships. Over the course of his long life, it seems that Walter had no less than five wives, Moli, Millie, Missie Jim, Lizzie Checaskane, and Cinda Checaskane. Moreover, Missie Jim and Cinda Checaskane were definitely cousins while Lizzie and Cinda were likely related but no one could agree precisely how. In order to clarify the complicated relationships of Walter's five wives and prove legal separation for each, Cinda had to compile affidavits from Warren Skellock, Sargent Brown, O.C. Applegate, John Shook as well as depositions from Missie Jim and Lizzie Checaskane. Drawing together evidence from individuals around Oregon and from both Indians and non-Indians, Cinda Checaskane

[108] Affidavits of Dick Brown and Jim Copperfield, March, 1930 in *OCA*, Box 20, Folder 4.
[109] J.B. Mortsolf to the Commissioner of Pensions, December 10, 1926, *Anna Holliquilla Pension File,* 1537132, NARA.

ultimately proved her case and was awarded a pension in the summer of 1922.[110] Another example of the geographic extent of these networks is the case of Mary Ann Tahum. When Mary Ann applied for a pension as "the widow of Ta-hum, a Warm Springs Indian scout" in 1922, she relied upon affidavits from two individuals her son located in Gerlock, Nevada.[111] Unlike Cinda Checaskane, however, Mary Ann Tahum had to drop her claim when an Ida Tahum surfaced also claiming to be Ta-Hum's lawful wife and the dispute could not be resolved.[112]

As these networks of cooperation expanded, certain individuals emerged as common nodules, people to whom several claimants turned for support of their petitions. Among the Warm Springs Indian veterans, the Wasco Indian Ike Owhy swore affidavits supporting the claims of virtually every applicant who served with him. Moreover, Owhy's capacity for recollecting specific details was both impressive and convenient. In supporting Jacob Thomas' application, Owhy recalled that "About the middle of June, 1873…I saw his horse shot from under him…the horse rolled over on him breaking his right shoulder and his left foot…Three days afterwards we were sent home."[113] Another individual with a prodigious memory for recalling precise facts that aligned with the specific requirements of the pension commissioner was the Klamath Indian Tom Skellock. For example, on July 30, 1931, Skellock swore an affidavit supporting Wama Louie's claims in which he named twenty Indian who served with them, provided

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[110] Special Examiner's Report, Cinda Checaskane, June 29, 1922, *Eli Chick-kas-ka-ne Pension File*, 13851, NARA.

[111] Mary Ann Ta-Hum to Commissioner of Pensions, August 11, 1922 and Jim Tahum to O.C. Applegate, September 12, 1922, *OCA*, Box 23, Folder 2.

[112] OC Applegate to Mary Prewett, June 26, 1934, *OCA*, Box 23, Folder 2.

[113] Deposition of Ike Owhi, May 27, 1914, *Jacob Thomas Pension File,* 15418, NARA. For additional depositions made by Ike Owhy, see *Tul-Luk Holliquilla Pension File*, 15473 and *Albert Pension File*, 15393, NARA.

accurate details of Louie's service, and even recalled specific events such as the attack on the Modoc Stronghold, concluding that "Louie was with us as a soldier during the whole winter."[114] But, as we have seen, Louie's claim was never approved.

Indian War Veterans and the Myth of American Innocence

In the fall of 1922, Republican Representative Nicholas J. Sinnott received a letter of thanks from Henry Brown, Albert Jackson, Kate Smiley, and thirteen other residents of his district:

> We, the undersigned, survivors and widows of survivors, of Indian War soldiers of the Modoc Indian War…thank you for your very great assistance…in securing for us pensions, which so greatly assist us in our old age. We also wish to say that we are proud to know that these pensions, evidenced by the certificates we hold and cherish, show our love and loyalty to our great nation, and this love and loyalty we hope to leave with those of our people who come after us, that they may always prove good and faithful Americans.[115]

Henry Brown, Albert Jackson, Kate Smiley, and the other Native veterans and widows of the Modoc War shared a different experience from that of Wama Louie that opened this chapter. By relying on networks of cooperation and by deploying the rhetoric of sacrifice and service, they successfully navigated the marketplace of remembering that transformed memories of nineteenth century U.S.-Indian violence into commodities. While non-Natives benefited from effective and well-placed historical, pioneer, and veteran associations, Native veterans faced unique challenges. Predominately illiterate, besought by a complex and unyielding process, and largely unprepared to negotiate the minutia of Washington bureaucracy, Native veterans and widows sought assistance from

[114] Affidavit of Tom Skellock, July 30, 1931 in *Wama-Louie Pension File*, 18373, NARA.
[115] Brown Mosenkoskit et al., "Indian Pensioners to N.J. Sinnott," November 1922, *OCA,* Box 19, Folder 2.

their friends and family, sympathetic whites, and paid professionals. Their experiences suggest the extent to which the disciplining hand of the Bureau of Pensions transformed the meaning of their service even as they reconstructed it.

By creating networks of cooperation and claiming their service and its rewards as evidence of their inclusion within the United States, these "faithful Americans" point to a more complicated narrative of American Indian patriotism in the early twentieth century. Native progressivism and citizenship are often associated with the generation of American Indian intellectuals who graduated from Carlisle in the 1890s and 1900s and those who served in World War I. But claims of service in the advancement of civilization were not the unique territory of the first generation of Native children sent to boarding school. Native veterans of the Indian wars likewise presented their service as evidence of their equal inclusion within the body politic of the United States. The importance of their service in the Indian wars deserves to be part of the story of the American Indian citizenship.

In obtaining the economic and symbolic significance of veteran benefits, Natives veterans and widows navigated the complex ideological, technocratic, and racialized boundaries of the Bureau of Pensions. Deploying the rhetoric of service, clarifying their names, and supporting their claims when documentation was lacking, these Natives strove mightily, sometimes for decades, to establish their identity as legitimate Indian wars veterans. The importance of claiming this identity was inherent in the considerable economic value of a federal pension. In the aftermath of nineteenth century US-Indian violence, American Indians turned to a number of activities to reconstruct their

communities and rebuild their lives. As the experiences of Henry Brown, Albert Jackson, Kate Smiley, and the other Native veterans and widows suggests, remembering was one important means of surviving, both materially and culturally. The stories of the Native veterans and widows of the Modoc War are an unwritten part of the history of American Indian engagement with American colonialism.

But these stories extended beyond the limited realm of the Bureau of Pensions. Couching their narratives within the rhetoric of citizenship and service, Indian War veterans – both Native and non-Natives – reproduced narratives of individual valor and service as they sought to monetize their experience within a system dedicated to the myth of American innocence. Indeed, focusing on the hardship and tribulations of the westering experience, veterans and their supporters constructed an image of the settler as besot by a harsh environment and the constant threat of Indian violence. The frontier soldier, then, became a protector; without their sacrifices the embers of civilization would have been snuffed out by Indian savagery. The cult of victimhood that surrounded narratives of the frontier in turn found expression in fraternal and soroal societies dedicated to promulgating this version of history through the construction of memorials to the nation's lost heroes.

Chapter 5

Redemptive Landscapes:
Memorials, Tourism, and the Reproduction of American Innocence

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"The lava beds…will ever be inseparably connected in men's minds with Captain Jack and the Modocs in their brave and stubborn fight for their native land and liberty – a war in some respects the most remarkable that ever occurred in the history of aboriginal extermination."

Hubert H. Bancroft, *History of Oregon* (1888)

"More than any other Modoc War site, Canby['s] Cross represents the vast gulf between the perceptions of the two sides during wartime, and challenges us to look beyond history to the assumptions of our own cultures. As in all wars, there were no innocent parties in this conflict."

National Park Service Interpretive Sign

On June 13, 1926 a cavalcade of more than 175 cars wound its way down the freshly constructed dirt and gravel roads connecting Klamath Falls to the newly created Lava Beds National Monument. Led by renowned Modoc War veteran Oliver Cromwell Applegate, the procession proceeded at a leisurely pace, passing by the prosperous farms and ranches lining the shores of Tule Lake. Behind Applegate were representatives from local chapters of the Native Daughters of the Golden West, the Native Sons of the Golden West, the Daughters of the American Revolution, and several Chambers of Commerce.[1] Visitors and dignitaries from as far away as San Francisco and Portland had joined the crowd of over one thousand, to consecrate a new memorial to U.S.-Indian violence and to inaugurate an era of historical tourism that would assure the region's future prosperity.[2]

The commemoration began with a performance of the "Star Spangled Banner," followed by a rendition of "I Love You California" and "Oregon, My Oregon" sung by

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[1] "Monument to Be Dedicated in Lava Beds," *Klamath Falls Evening Herald*, 12 June 1926, 1; "Monument is Dedicated at Big Ceremony," *Klamath Falls Evening Herald*, 14 June 1926, 1.

[2] "Caravan to Lava Beds Starts at 7:00 Sharp," *Alturas Plain-Dealer*, 11 June 1926, 1.

all assembled.[3] After some opening remarks, Catherine E. Gloster of Alturas removed the draped American flag to reveal the memorial beneath.[4] Designed by Paul D. Fair, a San Francisco sculptor, the memorial featured a bronze-cast golden bear that had been wounded by Indian arrows atop a kern of local lava rocks (Figure 19).[5] The plaque read:

> TO COMMEMORATE THE HEROISM OF GENERAL EDWARD R. S. CANBY OTHER OFFICERS AND SOLDIERS AND PIONEER SETTLERS WHO SACRIFICED THEIR LIVES ON THIS BATTLEFIELD DURING THE MODOC WAR THIS MONUMENT IS ERECTED AND DEDICATED BY ALTURAS PARLOR 159 N.D.G.W. ASSISTED BY GRAND CHAPTER ROYAL ARCH MASONS OTHER FRATERNAL AND CIVIC ORGANIZATIONS AND CITIZENS 1926 A.D.

Figure 19 "Unveiling of the Canby Monument, June 13, 1926." Photographer unknown. Courtesy of Lava Beds National Monument.

The message presented in the day's activities and contained within the memorial portrayed the Modoc War as a significant event in the history of California and represented it as a symbol of manifest destiny's promise of redemption through sacrifice. The golden bear represented the state of California (Figure 20). Wounded as it was, the

[3] "Veterans of '72 Recall War Memories and History," *Alturas Plain-Dealer*, 18 June 1926, 1.
[4] "Monument is Dedicated at Big Ceremony," *Klamath Falls Evening Herald*, 14 June 1926, 1.
[5] "Many Historic Spots in Lava Beds Can Be Marked," *Alturas Plain-Dealer*, May 29, 1925, 1.

bear roared on, wrestling the land from its now vanished Indian enemy. The only remaining evidence of the once threatening presence of Indians in the region was a single arrow lodged in the bear's shoulder. The performance of the "Star Spangled Banner" signaled to everyone that the event was part of the American saga of nation-building while "I Love You California" reinforced the commemorators' claim upon the Modoc War as a part of California's past. The plaque, with its homage to American sacrifice and courage, celebrated the reluctant but perseverant heroism of California's soldiers and settlers. According to the *Alturas Plain-Dealer*, the memorial celebrated "the rugged characters of the brave men who broke forever the Indian dominion in Southern Oregon and Northern California, and paved the way for progress both for the white man and the Indian."[6] Innocence preserved, progress assured, the Modoc War was portrayed as a tragic but necessary episode of U.S.-Indian violence in the Klamath Basin.

The bear as a symbol of white victimhood may also reflect the perseverance of masculine virility in the face of frontier insecurity. Cultural critic Marita Sturken has written about the importance of teddy bears as objects of comfort to both children and adults in post-9/11 America. "The teddy bear," she writes, "embodies the recognition of pain" and offers "the promise of empathy, companionship, and comfort." Within the context of a memorial to the victims of terrorism, moreover, the teddy bear, "reminds visitors of the children who died" and whose "innocent victimhood" becomes the "justification for further violence."[7] The Native Daughter's golden bear, in all its wounded strength, lends itself to a similar reading. The golden bear is a symbol of the

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[6] "Soldier's Monument Site Located in Modoc Lava Beds," *Alturas Plain-Dealer*, 4 September 1925, 1.
[7] Sturken, *Tourists of History*, 7.

unsettled wilderness and a reminder of the sacrifices of progress and civilization. As a symbol of the nation, its wounding becomes justification for a devastating war of extermination. Indeed, when coupled with its tribute to soldierly sacrifice, the carnivorous bear, preserved forever in ageless gold, comes to represent a kind of masculine innocence, wounded but persistence in the prime of its life. The change in symbolism from a Christian martyr, as in the example of Canby's Cross, to a victorious warrior, as in the golden bear, parallels a simultaneous shift from individual to collective innocence. The aesthetics of security and masculine victimhood thus reveal the ever-present violence within American conceptions of their own innocence.

Figure 20. "Golden Bear monument and veterans of the Modoc War." Photo by U.S. Forest Service. Courtesy of Lava Beds National Monument.

In addition to the Golden Bear Monument's design, a number of speeches reinforced the significance of the conflict to the redemptive narrative of American innocence. In a lecture delivered in front of Canby's Cross, outlining the history of California, Hilliard E. Welch, Grand President of the Native Sons of the Golden West,

argued that the Modoc War represented a profoundly significant turning point in California's history. In Welch's narrative, the history of California began with Cabrillo's landing in 1542 in San Diego, thereby wedding the Golden State to a Hispanicized past. From the entrada, Welch proceeded to tell California's history chronologically, "through the Mission period, the pleasure loving days of the Grandees of the old Spanish Grants, the days of Gold, of pioneers journeying ever westward," until, inevitably, he came upon the "Indian uprisings." In Welch's history, the "soldier heroes of the Modoc War" were worthy of remembrance and honor, but, he "asked for charitable consideration of the viewpoint of the Indians who were being forced ever further westward by the onward march of civilization." Welch concluded his history of the region by pointing to "our present days of progress and development." The Modoc War, for both Welch and the Golden Bear Monument, marked the end of a romantic stage in California's development and the fulfillment of the promises of Manifest Destiny.[8]

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The ability to define and sanction the public meaning attached to historical events is evident in the creation of monuments and memorials to episodes of colonial violence.[9] As historian Jean O'Brien has argued, nineteenth century New Englanders asserted their modernity and consolidated their claim to the land partly through the creation of monuments to famous Native leaders.[10] Moreover, when we consider monuments and memorials within their social, political, and economic networks of meaning and value, their ability to transform historical narratives into physical aspects of the landscape is

[8] "Veterans of '72 Recall War Memories and History," *Alturas Plain-Dealer*, 18 June 1926, 1, 8.
[9] Cutter, "The Female Indian Killer Memorialized," 10-33.
[10] O'Brien, *Firsting and Lasting*, 55-57.

even more apparent.[11] Monuments and memorials appropriate more than they represent the past and in doing so they become not merely evidence of power but a site for creating power within regimes of settler colonialism.

To rationalize their version of history, Euro-Americans in the nineteenth century adopted a theory of the United States as an "empire of innocence." Indeed, the notion of manifest destiny was predicated upon the belief that endless or seemingly endless expansion was necessary for the success of the nation's republican experiment. When faced with the violence inherent in such ideology, however, westering Americans translated their own perceived innocence and victimization within gendered categories. As historian Patricia Limerick writes, "The idea of the innocent victim retains extraordinary power and no situations made a stronger symbolic statement of this than that of the white woman murdered by Indians. Here was surely a clear case of victimization, villainy, and betrayed innocence."[12] Historian Barbara Cutter extended this argument to encompass ideas of the nation as well. "The gendered notion that men were more violent than women, in conjunction with their feminized representations of the nation itself, worked together to create a model of American identity in which violence committed by the United States was, by definition, feminine, and therefore justified, innocent, defensive violence," Cutter explains. "It facilitated the development of a gendered ideology of American innocence."[13] Americans, then, have persistently

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[11] Stephen Hanna et al., "Representation as Work in 'America's Most Historic City'," *Social & Cultural Geography* 5, no. 3 (September 2004): 459-481; Elizabeth Emma Ferry, "Memory as Wealth, History as Commerce: A Changing Economic Landscape in Mexico," *Ethos* 34, no. 2 (2006): 297-324; Kyoko Murakami and David Middleton, "Grave Matters: Emergent Networks and Summation in Remembering and Reconciliation," *Ethos* 34, no. 2 (2006): 273-296.

[12] Limerick, *The Legacy of Conquest*, 37.

[13] Cutter, "The Female Indian Killer Memorialized," 26.

imagined themselves as the innocent victims of frontier violence by representing Indians as the irrational aggressor and violator of civilized and a feminine nation's just laws.

This chapter seeks to disentwine the tangled histories of memorials to U.S.-Indian violence in the Klamath Basin since the 1870s to understand how shifting claims to innocence have structured remembrances of the Modoc War. By viewing these touristic sites of remembering as spaces of historical narrative production, hermeneutic accretion, and economic exchange, I argue that monuments and memorials to the Modoc War have reproduced claims to American innocence through the commercialization of white victimhood and Indian outlawry even as they purport to revise historical interpretation through continually shifting categories of victimhood. Beginning in the 1870s, journalists, novelists, artists, cartographers, and commemorators embraced the colonial logic of America's nineteenth century racialist jurisprudence by creating memorials that portrayed Modoc resistance as illegal while leaving unquestioned the legality of American settlers and their occupation of the Klamath basin. Throughout much of the nineteenth century, white Americans maintained their claims to innocence by reifying the death of General Edward R.S. Canby as a quintessential moment of white victimization at the hands of unlawful Indian violence. With the rise of tourism in the 1910s and 1920s, white Americans expanded the cult of victimhood to include all soldiers and settlers as heritage groups, local business leaders and entrepreneurs, and outside investors surrounded themselves with domesticated representations of modern-day Modoc who had "forgotten" the violence of the past. Claiming American innocence through their collective victimization and selective amnesia, Progressive Era commemorators asserted

an end-of-history narrative that both refused to acknowledge culpability and located the violence of colonialism thoroughly in the region's past. My aim in this chapter, then, is to consider how the memorial sites of the Klamath Basin have transformed historical narratives into tangible and productive, if unstable, elements of the region's landscape for over a century.

Canby's Cross and the Modoc Lava Beds

Early descriptions of the battlefields of the Modoc War reproduced extravagant and fanciful descriptions of the Lava Beds in an attempt to profit from the region's notoriety. In his dime novel based on the Modoc War, *The Squaw Spy*, Charles Howard described "a perfect honeycomb of dark passages" existing beneath the Lava Beds through which "the savage can retreat from one stronghold to another—miles distant—without once showing his face above earth."[14] Despite the fact that such passages did not exist, they became a popular motif in contemporary descriptions of the region. John Whetham Boddam-Whetham repeated this fantasy when he relied upon the imagination of eastern engravers to fabricate his 1874 visit to the Lava Beds as part of the Englishman's great "western wanderings."

> The principal part of the Modoc camp was a large opening in the ravine, of about an acre in area, and on all sides of which rises a wall a hundred feet in height, forming a bowl with sloping sides. A flat surface of lava extends back for more than a mile from the summit of the wall, and this flat has numerous holes with small openings, which widen downwards into large caves. The caves communicate with one another and with the camp. Huge rocks, two and three hundred feet in height, rise from the earth almost perpendicularly, and sometimes a narrow path leads to the top of them, the summit being defended by a breastwork of rock. One man could keep a

[14] Howard, *The Squaw Spy*, 31.

hundred at bay in these volcanic caverns.[15]

Since hundred foot cliffs do not exist within the Lava Beds themselves, it seems that Boddam-Whetham reproduced descriptions of the region he encountered in newspaper coverage of the Modoc War.

If representations of the Lava Beds established a series of negative associations, the creation of physical memorials to the Modoc War transformed narratives of white victimhood into tangible elements on the landscape. In the days and weeks after the death of General Canby and Reverend Thomas, soldiers of the U.S. Army or possibly Oregon and California volunteers serving in the Lava Beds erected a temporary cross made out of wood from the peace commission's tent and held in place, according to at least one account, by a base of local lava rocks covered in the general's own blood.[16] Captured in a photograph by Louis Heller and featured in *Harper's Weekly* with the caption "Scene of Canby's Death," this makeshift and macabre monument soon deteriorated (Figure 21). Within a year, visitors to the area failed to mention its presence. By June 1880, all that remained of the original monument was a single board sticking out of the ground with the words "This marks the spot where the Peace Tent stood April 11, 1873" scribbled across it.[17] In September 1882, Lt. John S. Parke, a veteran of the Modoc War, visited the Lava Beds while on leave. According to his report, Parke wanted to find "the exact locality"

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[15] J. W. Boddam Whetham, *Western Wanderings: A Record of Travel in the Evening Land* (London: Richard Bentley and Son, 1874), 248.

[16] J.D. Howard interview, May 15, 1961, interviewed by Ben Schwartz, transcribed by the author. Lava Beds National Monument Research Library (hereafter LBNMRL). Evidently, Howard based his information on stories told to him by his good friend, Peter Schonchin, a Modoc Indian and participant in the Modoc War.

[17] John S. Parke to Assistant Adjutant General, October 10, 1882 in *Parke Papers,* LBNMRL, 973.82 PAR, Acc. No. 1381; Frederick Brown, *Lava Beds National Monument Resource Study* (Pacific West Region: National Park Service, February 2008), 97-99.

where General Canby died and create a memorial such that "when this historic place comes to be visited by the interested or the curious, it may not be of such uncertain location as to be a matter of speculation and discussion." Parke enlisted the help of local rancher John Fairchild and his carpenter and together they erected a memorial cross "of lumber about six inches square, twelve feet high with arms of four feet." On the cross-arms, Parke inscribed: "GEN. CANBY USA WAS MURDERED HERE BY THE MODOCS APRIL 11 1873."[18]

The narrative of U.S.-Indian violence presented by Parke's memorial marked the landscape with a combination of Christian iconography, colonial jurisprudence, and American innocence. The figure of a life-sized cross rising from the sagebrush symbolized Canby's sacrifice and evoked the Christian context of the memorial. By claiming that he was "murdered" as opposed to "killed" or even "died," it portrayed Native resistance to American colonialism within a western legal framework. The Modoc were murderers, criminals, and their act of violence was unprovoked homicide. Like Christ, the lamb, who was betrayed by his followers and suffered upon the cross for the sins of humanity, Canby was "betrayed," in the words of the *San Francisco Chronicle*, by a band of "Red Judas."[19] Moreover, by identifying the Modoc as murderers, the memorial argued that they fell under the legal purview of the United States, an elision of colonialism that portrays Canby as the innocent victim of an injustice and the Modoc as the culpable perpetrators of an unlawful crime. In this way, "Canby's Cross," as it came to be known, transformed a narrative of American innocence into a tangible element of

[18] John S. Parke, "A Visit to the Lava Beds and A Brief Account of the Modoc War of 1873," *Parke Papers*, LBNMRL, 973.82 PAR, Acc. No. 1381, 1-18.
[19] *San Francisco Chronicle*, April 13, 1873, 1.

the landscape, tapping into an emerging national secular religion dedicated to a cult of white victimhood.[20]

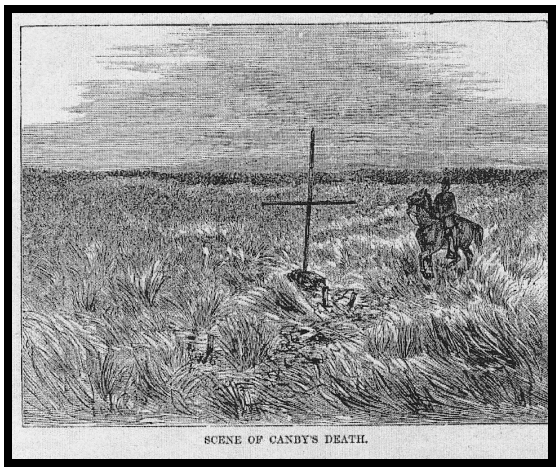

Figure 21. "Scene of Canby's Death." Wood Engraving. *Harper's Weekly*, June 14, 1873, (500).

Public monuments and memorials to American innocence through redemptive violence were popular throughout the nineteenth century and it is important to understand Canby's Cross within that context. Beginning as early as the 1820s, Americans had adopted an expansionist policy founded on the Jeffersonian belief that widespread private ownership of property would result in an independent and virtuous citizenry. Within this logic, the "empire of liberty" required the appropriation of Native lands and, as a result, violent resistance on the part of American Indians was portrayed as unjustified at best and irrational or savage at worse.[21] Numerous monuments and memorials, erected in the 1870s and 1880s, served to remind the American public of this fact by portraying American colonists and western army officials as the innocent victims of Indian violence. For instance, between 1861 and 1879, New England residents erected three separate

[20] Owen Dwyer, "Memory on the Margins: *Alabama's Civil Rights Journey* as a Memorial Text," in *Mapping Tourism*, ed. Stephen Hanna and Vincent Del Casino (Minneapolis: University of Minnesota Press, 2003), 28-50; 31.
[21] Ostler, *The Plains Sioux,* 14.

monuments to Hannah Duston, a colonial New England woman who, having been captured by Abenaki Indians during a 1697 raid, killed and scalped ten of her twelve captors, including six children. According to historian Barbara Cutter, memorials to Hannah Duston proliferated during the late nineteenth century because her story allowed Americans to understand U.S.-Indian violence as defensive, feminine violence. Duston was, after all, a mother whose baby was "murdered" before her eyes. The "natural" impulse for revenge was, according to Cutter, "a perfect symbol for the virtuous violence of the outraged innocent."[22]

Virtuous violence and outraged innocence was not limited to women. Throughout the late nineteenth and early twentieth century, there was perhaps no more celebrated victim of Indian violence than Colonel George Armstrong Custer. Following his death in 1876 at the Battle of Little Bighorn, the nation transformed this soldier, previously famous for his early morning raids on sleeping Indian villages, into the heroic victim of an Indian massacre. In 1879, Secretary of War George Washington McCary preserved the site as a U.S. National Cemetery and that same year Captain George Sanderson out of Fort Custer erected a cordwood monument atop Last Stand Hill. Sanderson's monument was replaced two years later with an enormous obelisk made from eighteen tons of granite transported from Massachusetts to the Little Bighorn area.[23] Sites of national mourning and memorials such as that on Last Stand Hill and cenotaphs to innocent victims of Indian violence such as Canby's Cross soon became popular tourist attractions, especially after the advent of automobiles in the early twentieth century.

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[22] Cutter, "The Female Indian Killer Memorialized," 21-22.
[23] Elliott, *Custerology*, 105-106.

The Lava Beds as Site of Tourism and Production

In the late nineteenth and early twentieth century, curious and intrepid travelers journeyed to the Klamath Basin to see the site of Canby's death and the Lava Beds. Through their travels, tourists reproduced narratives of American innocence as they experienced the region's touristic landscape. Their experiences, moreover, were often coupled with a simultaneous encounter with local Natives employed as tour guides. Informal and temporary employment in the region's tourism industry constituted a modest source of supplemental income for Klamath Basin Indians in the half-century after hostilities had ended. Modoc War tourism, then, produced narratives and touristic landscapes in the Klamath Basin that sustained claims to American innocence even as they provided some Natives with a means of engaging with colonialism.

Within a few years, the sites of the Modoc War began to appear on maps of the region and for many tourists, these cartographic representations anticipated and mediated their encounters with the landscape defining it as a space associated with a history of U.S.-Indian violence and white victimhood. For instance, Rand McNally's 1883 map of railroads in California labeled three sites in the area associated with U.S.-Indian violence: "Jacks Stronghold," "Gen. Gillems Camp," and, in what is clearly a reference to Parke's newly erected memorial, "Gen. Canby killed April 11, 1873." Nine years later, another map labeled the area south of Tule Lake as "Modoc Rifle Pit" while Abbott Green's 1911 map of Modoc County marked the area as "Canby Monument" with a cross. With their emphasis on Canby's Cross, these cartographic representations of the region focused the

attention of American and European tourists upon the Klamath Basin's associated with the Modoc War and its narrative of white victimhood.[24]

Once in the Klamath Basin, tourists who expected to encounter a demonic landscape wherein Indian violence was a constant danger were rarely disappointed. Such was the case when Henry Abbey and Leonard Case visited the area. They arranged for a tour of the Lava Beds during their visit to the Klamath Basin in September 1873 to witness Captain Jack's execution. Traveling from Fort Klamath to the Lava Beds with Bob and Matilda Whittle as their guides, the pair became agitated and even feared for their lives when Matilda mentioned that some Modoc warriors still remained in the area, hiding among the rocks, waiting to attack. "[We spent] most of the night staring out on the black lava beds expecting every moment to hear the yell of attacking Indians," Abbey wrote in his diary. Around 1:30 in the morning they broke camp and returned, too afraid to "mak[e] a closer examination of the lava beds."[25] If Case and Abbey feared the piled rocks of the Lava Beds might transform into flesh and blood Modoc Indians at any moment, an uncharacteristically morose John Muir found the area an "uncanny," "forbidding," and "mysterious" place. Writing in the winter of 1874 for San Francisco's *Daily Evening Bulletin*, the famed naturalist described the "unnatural blackness of the rock" as enveloping the whole region in a "weird inhuman physiognomy…well calculated to inspire terror." While the landscape inspired terror, the Modoc Indians, both those he imagined as "glid[ing] from place to place along fissures and subterranean passes, all the while maintaining a more perfect invisibility than that of modern ghosts"

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[24] Brown, *Lava Beds National Monument Resource Study*, 96.
[25] Henry G. Abbey, "Diary of Henry G. Abbey of Cleveland," *Klamath County Museum.*

and those that "have come under my own observation," were "repellant," "unkempt and begrimed," "incapable of feeling any distinction between men and beasts," and "devilish." According to Muir, the only hope for the region was in the redemptive power of nature. As he observed after touring the Modoc's Stronghold, "The sun shines freely into its mouth, and graceful bunches of grasses and eriognae and sage grow around it, redeeming it from all its degrading associations, and making it lovable notwithstanding its unfinished roughness and blackness."[26] By portraying the landscape as inexorably bound up with the tragic history of U.S.-Indian violence, Muir and others experienced the sense of dread they had come to expect.

For many visitors to the Klamath Basin, historical tourism became a proxy for encountering the region's romantic and vanishing Indian past. When John Hamilton toured the region in 1894, he met a Modoc Indian living on the north end of Tule Lake and hired him as a guide.[27] They left the following morning and traveled south along the shoreline, visiting Canby's Cross before continuing on to the Stronghold. Once in the Lava Beds, Hamilton found the physical remnants of the Modoc War still present upon the landscape. He discovered "the ankle bone of a human foot" and noticed that "the whitened bones [of Modoc cattle] were lying about" and that "the ashes of the long-extinguished fires are still to be seen."[28] Amidst the detritus of war, Hamilton found himself reflecting upon the continuing presence of the past in the landscape:

> Standing alone in that savage gulch as the light was fading out in the west, it was not difficult to people the place with the fierce faces on which the

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[26] John Muir, "Modoc Memories," *Daily Evening Bulletin*, December 28, 1874.
[27] John H. Hamilton, "In the Lava Beds: The Scene of the Canby Massacre Revisited," *Overland Monthly and Out West Magazine*, July 1894.
[28] Hamilton, "In the Lava Beds," 99.

> firelight shone twenty-one years ago, and it was easy to imagine how little a white man's life would have been worth then in that den of death. I glanced involuntarily at my Modoc guide; he was sitting on a block of lava looking into the pit, and repeating over and over to himself, "Cap'n Jack's stron'hold; "Cap'n Jack's stron'hold." Whether the jingle of the words had caught his ear, or whether he was meditating on the annihilation of his tribe, I do not know…"[29]

The mutterings of Hamilton's Modoc guide suggests the depths of trauma experienced by those who survived. Like Coleridge's Ancient Mariner, Hamilton's nameless Modoc guide seems compelled to bear witness to his people's suffering but his testimony falls on deaf or indifferent ears.[30] Confronted with the devastating physical and psychological affects of U.S.-Indian violence, however, Hamilton discards his experience with the Modoc guide and announced, "Though the Modocs were but savages, and of course in the nature of things must soon have given way before the relentless march of the white race, yet it seems sad that the race should have been annihilated."[31]

Hamilton's sense of imperialist nostalgia can be found in other touristic encounters with the Klamath Basin's legacy of Indian violence. Writing for *Sunset Magazine* in 1913, Rufus Steele, a San Francisco author and former editor of the *San Francisco Chronicle* and *San Francisco Call*, extolled the "mystical" and "diabolical" nature of the Klamath basin's history of U.S.-Indian violence. Recounting his experience while visiting a "great shallow cave" along the Klamath River, Steele describes a place called "the cave of Captain Jack." According to Steele, this "temple of memories" is named after the Modoc chief because his unredeemable acts of violence continues to

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[29] Hamilton, "In the Lava Beds," 100.

[30] Samuel Taylor Coleridge, *The Rime of the Ancient Mariner, II,* 582-5 cited in Primo Levi, *If This is a Man and the Truce*, trans. Stuart Woolf (London: Abacus, 1987), 7.

[31] Hamilton, "In the Lava Beds," 100.

haunt the site. The cave, he believed, was the site of several Modoc slave raids upon the Shasta Indian fishermen and their families who used the space to sleep during the annual trout run. Seeking slaves to trade on the Columbia River for ponies, the Modoc raided this camp a number of times until the Shasta "found a certain Spartan method of cheating the Modocs of their prizes" – dashing their children upon the rocks below rather than resigning them to slavery. The specter of the Modoc War haunted non-Indians' experience of the Klamath Basin's Indian past.[32]

For their part, Klamath, Modoc, and Paiute Indians maintained meaningful relationships with the area long after hostilities had ended. Throughout the 1870s and 1880s, Klamath Indian agents prohibited tribal members from leaving the reservation without a signed pass and prevented many from visiting the Lava Beds because of the historic, spiritual, and symbolic significance of the area. Despite their efforts, however, reservation officials found it necessary to periodically round up off-reservation Natives, usually at the request of non-Native officials. In an example of what historian Philip Deloria has identified as American colonialism's fascination with fixing Indians in confined spaces, the Klamath Falls City Council evicted Matilda Whittle from her home near Link River in 1907 despite the fact that she had lived there since before the time of the Modoc War.[33] Evidently, she was "strongly attached to the old house" and protested the decision stating, "[I] would rather die than leave [my] home." Unfortunately, the City

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[32] Rufus Steele, "The Cave of Captain Jack," *Sunset Magazine* (January 1913): 565-568. For a discussion of the centrality of Indians to the construction of American identity see Deloria, *Playing Indian* and Alan Trachtenberg, *Shades of Hiawatha: Staging Indians, Making Americans, 1880-1930* (New York: Hill and Wang, 2005).

[33] "Matilda Must Move," *Klamath Falls Express*, March 21, 1907; Philip J. Deloria, "From Nation to Neighborhood: Land, Policy, Culture, Colonialism, and Empire in U.S.-Indian Relations," in *The Cultural Turn in U.S. History: Past, Present, and Future*, by James W. Cook, Lawrence B. Glickman, and Michael O'Malley (Chicago: University of Chicago Press, 2008), 343-382.

Council declared her "a nuisance" and an obstacle to development of the riverfront and insisted upon her removal to the Klamath Reservation.[34]

Beginning informally in the 1890s and officially sanctioned after 1903 as part of their allotment agreement, those Modoc exiled to Oklahoma in 1873 began to return to the Klamath Basin and settle back on the Klamath Reservation. As these families returned, many visited the Lava Beds often in secret. These visits were likely motivated by the fact that for Klamath Basin Indians the Lava Beds remained an important site for harvesting certain resources and a culturally significant place for certain religious ceremonies and practices. Indeed, Albert Summers remembers his grandmother returning to the Lava Beds in the early 1900s for "camp meetings" involving an array of Modoc ceremonial activities.[35] If some returned to the region for spiritual or cultural reasons, other returned exiles may have wanted to visit for another reason; some allegedly visited the Lava Beds to dig up personal items hidden away by their family before and during the Modoc War.[36] According to Modoc historian Cheewa James, Jennie Clinton – widely known as the last survivor of the Modoc War – used to tell stories of a large cache of buried gold, saddles, and other valuables hidden away in a cave in what is now Lava Beds National Monument. One day in the mid-1940s, Clinton convinced Clyde L. James to drive her to the park in search of the cave. As they drove the weather took a turn for the worst:

> The wind kicked up and black clouds moved over a sky that a short time before was clear and blue. As they approached the Lava Beds, raindrops

[34] "Matilda Must Move," *Klamath Falls Express*, March 21, 1907.
[35] Douglas Deur, *Crater Lake National Park and Lava Beds National Monument: Traditional Use Study* (Tulelake, CA: National Park Service, n.d.), 155.
[36] Deur, *Crater Lake National Park and Lava Beds National Monument*, 154.

> pelted the windshield. The sky opened up. With limited visibility and whipping wind, the decision was made to return to the reservation and try for a better day.[37]

Although the location of the cave and the true nature of its contents remained a mystery, the idea that riches might have been secreted away in the area seems to parallel the material memorializing of non-Indians. The persistence of such stories suggest that just as whites were telling stories that created space, Klamath Basin Indians were also producing spaces of material significance.

Beyond drawing Klamath Basin Indians to the area in hopes of finding lost treasure, the Lava Beds also became an important source of employment opportunities for Indians beyond their reservation-based economy around the turn of the century. The recent work of National Park anthropologist Douglas Deur suggests that Klamath with strong familial ties to the Lava Beds participated in the developing sheep industry south of Tule Lake. According to Ted Crume, one of Deur's informants, his mother and aunt worked out of Sheep Camp, running the herds along the bluff to the west and southwest of Tule Lake. Similarly, Charles Laird whose ranch was along the southwestern shores of Lower Klamath Lake employed several Natives during this period in his extensive sheep herding operation. Still others found employment as day laborers on the numerous farms growing rye, wheat, and potatoes throughout the Klamath Basin. While working on these farms and ranches, it is probable these Indians visited the Lava Beds in their free time,

[37] James, *Modoc: The Tribe that Wouldn't Die*, 244-246.

sharing stories about places of historical and cultural importance or otherwise enjoying the area.[38]

In addition to several ranching and farming operations, the Lava Beds also experienced an increase in tourism around the turn of the century, though the actual number of visitors is nearly impossible to estimate. Milo F. Coppock, a Lost River valley homesteader, recalled that early in the twentieth century there was "a large book in the cave known as Captain Jack's Stronghold. Many famous people including the governors of four states had signed it."[39] The existence of such a book notwithstanding, prior to the advent of the automobile, few visitors traveled to the area and those that did arrived either on foot, by boat, or on horseback. Beginning around 1900, boating became a popular regional activity especially for younger, middle class non-Indians. As a result, Canby's Cross and Captain Jack's Stronghold became popular destinations for Sunday picnickers and afternoon boat trips on Tule and other lakes as weekenders boarded vessels with names like the *Canby*, the *Winema*, and the *Captain Jack*.[40]

Many local whites enjoyed extended visits to the scenes of the Modoc War, transforming the area into a landscape of leisure as well as a site for remembering the region's history of U.S.-Indian violence. Thirteen people from Klamath Falls spent four days in 1909 in the Lava Beds.[41] The following year, Seldon K. Ogle spent nine days camping alone in the Lava Beds, staying one night in a cave he called "Toby Riddle's

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[38] Deur, *Crater Lake National Park and Lava Beds National Monument*, 154-55; interview with Shawn Dumont, July 10, 2010.

[39] *Klamath Falls News and Herald*, October 8, 1947.

[40] Devere Helfrich, "Klamath Boating," *Klamath Echoes* 1, no. 2 (1965), 37, 38-44, 63. Also see, Devere Helfrich, "Boating on Tule Lake, *Klamath Echoes* 1, no. 2 (1965), 73-74.

[41] "Big Cave in Lava Beds," *The Sun*, July 15, 1909.

Restaurant" as well as visiting "the cross monument" and Captain Jack's Stronghold.[42] Most visitors to the Lava Beds, however, required tour guides. For instance, in July 1910, Charles Whitaker of Palo Alto traveled to the Lava Beds to visit the sites of the Modoc War and hired non-Indian war veteran J.C. Rutenic and his daughter Yaden to serve as guides.[43]

While some Indians hired themselves out as laborers to local non-Indian farmers and ranchers, the rise of local and regional Modoc War tourism created a second informal economy as outings that included a Native guide were of particular interest to tourists increasingly sought an authentic encounter with the region's Indian past. As Paige Raibmon describes this relationship, "[T]he native tour guide allowed tourists to commune simultaneously with vanishing landscapes and their premodern inhabitants. Sightseers were afforded a rare glimpse of nature and natives as they retreated together before modernity's onslaught."[44] Prominent Klamath Basin Indian guides included Matilda Whittle, Jeff Riddle, and, above all, Peter Schonchin.

Sometimes also known as Peter McCarty, Schonchin was the son of Schonchin John, one of the headmen executed alongside Captain Jack by the army at Fort Klamath in 1873. As a young man, he had observed the Modoc War from within the Lava Beds and later claimed to have witnessed the attack on the Peace Commission. Returning to the Klamath Reservation around 1909 after more than three decades of exile in Oklahoma, Schonchin took a job delivering mail to the sub-agency at Yainax and soon gained a reputation for being a good tour guide as his memory of the Modoc War remained

[42] Newspaper clipping dated November 4, 1956 [unknown source], file #214, Klamath County Museum.
[43] "Go to Lava Beds," *Evening Herald*, July 14, 1910.
[44] Raibmon, *Authentic Indians*, 126.

vivid.[45] In early May, Schonchin guided J.Fred Goeller, John Shook, and Rutenic on his first guided tour of the Lava Beds. "Probable the most thrilling experience was to listen on the ground to his [Schonchin's] description of the defeat of Major Thomas," the three men told a local reporter a week later. "The Indian's sense of locality was wonderful to the city-bred whites, empty cartridge shells attesting to his correctness in location, though a fire had swept over the country in the thirty eight years of the Modoc's absence, changing the appearance of things." In addition to being an effective and powerful speaker, Schonchin had a knack for locating relics. Human thighbones, bullets, and other physical reminders of the Modoc War were often found as part of his tours. These relics, in turn, formed the basis for the historically themed window display at Brinker's Pharmacy, on Klamath Fall's Main Street, a popular attraction for cosmopolitan consumers in the Klamath Basin.[46] In addition to guiding tourists and participating in the local relics market, Schonchin earned cash by trapping coyotes during his visits to the Lava Beds. For instance, in October 1911 while conducting a tour of the area, he collected half a dozen pelts from traps he had set. The bounty on coyote pelts at the time was $1.50 each.[47]

The centrality of mobility to Schonchin's livelihood is parallel by the experiences of American Indians throughout the United States around the turn of the century. For

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[45] "Peter Schonchin, Aged Indian Chief Passes at K.Falls," *[San Francisco Chronicle]*, April 28, [year?], located in "Manuscript, notes and clippings relating to the Modoc Indians and the Modoc War," BANC MSS C-R 52, Box 1, Folder [Newspaper Clippings Relating to the Modoc County and Modoc War], Bancroft Library; "Widow of Modoc War Scout Dies: Lizzie Schonchin's Life Ends" n.d. " Indian War Veterans of the North Pacific Coast Records, Mss 364, Box 2, Folder 7, Oregon Historical Society Research Library.

[46] "Return from the Lava Beds," *Evening Herald*, May 22, 1911; "Interesting Relics of the Modoc War," *Evening Herald*, July 25, 1910.

[47] "Coyote Pelts Get Bounty," *Evening Herald*, October 13, 1911.

instance, in her work on Aboriginal workers in the Puget Sounds' hop fields, Paige Raibmon has documented the dual importance of migratory labor for both earning wages as well as advancing larger aboriginal agendas such as traveling to participate in religious organizations like the Shakers and regional gatherings of friends and family.[48] Mobility, however, could also be as much a political statement as an economic and social one. As historian Chantal Norrgard has found in her research on Objiwe who worked in the postal, shipping, and railroad industries, mobility was and is both "an essential part of Objiwe self-determination" and an important tool for "resist[ing] the imposition of reservation boundaries."[49] How did Schonchin view his own mobility and the opportunities it presented him? It seems possible that Schonchin cherished his work as a guide both for the economic opportunities it afforded as well as for the life of mobility it sustained.

Visitors to the Lava Beds region had a variety of opportunities to experience the area's legacy of U.S.-Indian violence. Throughout the 1910s, Milo Coppock often guided large groups of visitors into the Lava Beds, taking them to Captain Jack's Stronghold and other scenes of the Modoc War.[50] J.C. Rutenic and Oliver Applegate, both non-Indian veterans of the Modoc War, served as tour guides on a number of occasions, leading visitors through the caves and regaling their guests with stories of the Modoc War. These groups were socio-economically diverse including, according to one account, "men from

[48] Raibmon, *Authentic Indians*, 103-113.
[49] Chantal M. Norrgard, "Seasons of Change: Treaty Rights, Labor, and the Historical Memory of Work Among Lake Superior Objibwe, 1870-1942" (Ph.D., University of Minnesota, 2008), 93.
[50] Brown, *Lava Beds National Monument Resource Study*, 128.

all walks of life, professional men, business men, artisans, mechanics and laborers."[51] The ratification of the Eighteenth Amendment prohibiting the sale, transportation, and manufacturing of alcohol and the passage of the Volstead Act in 1920 brought new opportunities as Guy Merrill's Bearpaw Resort became a popular destination for visitors to the region. Although descriptions of Merrill's operation are fragmentary, the summer resort was essentially a rural speakeasy. Established in the summer of 1922 on land his father had acquired in 1916, the same year Oregon became a dry state, Merrill seems to have provided booze for his guests in addition to offering clean beds for up to forty people, hot chicken dinners, a four-piece orchestra and large open-air platform for dancing, and a museum showcasing the region's history with daily tours of the Lava Beds, its caves, and the sites of the Modoc War.[52] Prohibition thus spurred Modoc War tourism by bringing more visitors to the Lava Beds for extended periods of time.

Despite these tourist activities, the Lava Beds were a marginalized landscape throughout much of the late nineteenth and early twentieth century. According to National Park historian Fredrick Brown, "the Lava Beds had gone from being at the center of the Modoc world to being at the edge of white society."[53] Maps produced in the aftermath of the Modoc War associated specific sites in the Lava Beds with claims to American innocence and visitors embraced the region's legacy of violence. Despite its persistence, the Klamath Basin's fledgling tourism industry remained a secondary economic activity throughout the first two decades of the twentieth century. The rise of

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[51] "The Devil's Dooryard: The Land that God Did not Make, But Neglected," *Evening Herald*, October 2, 1913; "Party Will Explore The Modoc Lava Beds," *Evening Herald*, September 14, 1914.

[52] "Ad for Bearfoot Ice Cave," *Evening Herald*, May 21, 1922; Guy Merrill interview, 1976, *Klamath County Museum*; Brown, *Lava Beds National Monument Resource Study*, 163-66.

[53] Brown, *Lava Beds National Monument Resource Study*, 91.

automobile tourism in the 1910s and 1920s, however, would accelerate the development of a memorial landscape that expanded American innocence to include soldiers and settlers within the cult of white victimhood at the hands of Indian outlaws.

Automobiles, Good Roads, and Lava Beds National Monument

On May 26, 1911, Guy Merrill packed his lunch, loaded his Buick Model 14 with supplies, and drove into the Lava Beds of Modoc County. Traveling twelve miles on a relatively well-maintained wagon road, he entered the Lava Beds from the east negotiating his vehicle through the rough terrain. "The machine climbed rocks and squeezed through tight places where no one would believe an auto could go," Klamath Falls' *Evening Herald* reported. "[N]o doubt a number of crack drivers will include this exciting trip in their auto [repertoire]."[54] Ostensibly on a trip to gather in his flock of sheep then grazing in the Lava Beds, the media excitement surrounding Merrill's "feat in automobile daring" combined early twentieth century fascination with modern technology, exploits of male bravado, and excitement over encounters with a region's vanishing Indian past. Merrill's trip was accompanied with a revival of interest in commemorating the Modoc War. A week earlier, his father, Charles H. Merrill, and J. Fred Goeller declared their intention to erect crosses in the Lava Beds marking the exact location where American soldiers fell during the Modoc War for the benefit of tourists.[55] Drawing inspiration from the use of tombstones to mark the graves of Custer's soldiers at the Battle of the Little Bighorn, this memorial movement was accompanied by increased interest in the region both for its relics and for its tantalizing and mysterious caves. The

[54] "Guy Merrill Journeys into the Lava Beds in His Buck Car," *Evening Herald*, May 27, 1911.
[55] "Return from the Lava Beds," *Evening Herald*, May 22, 1911.

touristic landscape of the Lava Beds made possible by the introduction of the automobile acquainted a new generation of Americans with the region's history and helped establish the Modoc War as the defining moment in the Klamath Basin's transition from Native to non-Native control.

Development of the region for automotive tourism began in earnest after Guy Merrill's initial trip. Following a three-day visit to the Lava Beds in the fall of 1913, a group of sixty Klamath Falls men formed the Klamath County Scenic Attraction League with the purpose of making a road into the region. "Yellowstone Park would have nothing on Klamath [C]ounty, once our scenic attractions w[ere] properly discovered, label[e]d, and advertised," they declared. The following year, clamors for development found new impetus with the outbreak of war in Europe. "The American must travel," declared one supporter in an open letter published in the *Evening Herald*, "and with Europe out of the question, he will heed the slogan heard on every hand, 'See America First.'"[56] War might keep Americans tourists out of Europe but only good roads would bring them to the Klamath Basin. On April 22, 1915, delegations from Modoc, Siskiyou, and Klamath Counties met at Captain Jack's Stronghold for a two-day conference to discuss the proposed road and to determine its exact route. The joint delegations voted to build a road from Lookout, California through the Lava Beds to Klamath Falls, Oregon. Volunteer labor would be used to connect a number of existing roads and subscriptions from local businesses would fund the project. To celebrate the agreement, Klamath County declared May 20th "Good Road Day," closing all businesses so that town folk might work with ranchers to improve the county's roads. The event raised several

[56] "Let's Get Busy," *Evening Herald*, October 6, 1914.

hundred dollars and was declared "the biggest and best supported cooperative movement in the history of Klamath [C]ounty," by one source.[57] The Lava Beds road project received final approval on June 20, 1915 and work began two weeks later.[58]

Aspirations for the new road were high. Following the conclusion of negotiations, The Good Road Association of Modoc County declared, "With the Pit River Canyon, Basset Hot Springs, Modoc Lava Beds, Klamath Falls and Crater Lake, we certainly have the most attractive route in the states of California and Oregon, and with good roads through this section we will surely make the people take notice."[59] During San Francisco's Panama-Pacific International Exposition of 1915, the Klamath County Chamber of Commerce invested nearly one thousand dollars on an exhibit touting their recent improvements. "Though we have had very little money to spend as compared to most of the counties represented, we feel that we have a very creditable display and one that will attract the visitors as much as some of the more pretentious and expensive exhibits."[60] As ambitious as these improvements were, large-scale investments were necessary to transform the Lava Beds into a national tourist destination.

For remote western communities in the 1920s, National Parks and National Monuments meant increases in federal spending on infrastructure and tourism. The Klamath Basin got its first taste of the development potential of National Parks when Congress established Crater Lake National Park on May 21, 1902. Initially the new

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[57] "Five Months of Active Work by Local Chamber," *Evening Herald*, June 22, 1915.

[58] "Committee Leaves to Outline Scenic Road," *Evening Herald*, April 22, 1915; "Volunteer Road Work May be Done in May," *Evening Herald*, April 24, 1915; "Road Through Lava Beds is Certain," *Evening Herald*, April 26, 1915; "Lava Beds Road Project Now Assured Fact," *Evening Herald*, June 21, 1915; "Lava Bed Road Nearly Finished," *Evening Herald*, July 10, 1915.

[59] "Modoc County After the Lava Beds Road," *Evening Herald*, June 29, 1915.

[60] "Five Months of Active Work by Local Chamber," *Evening Herald*, June 22, 1915.

park's remoteness and inaccessibility keep visitor rates down. Between 1902 and 1910, the park reported fewer than 5,275 visitors in any given year and often as few as 1,000. At the 1911 National Park Conference in Yellowstone, the Superintendant of Crater Lake National Park, William Arant, complained about the need for road development. "I want a road entirely around the lake that will cost $500,000, and I want other roads and trails that will cost as much more…If necessary for the good of the cause, I will come to Washington and stay there through the winter to aid in getting money from Congress to build our roads."[61] The following year, construction began on a network of roads throughout the park and connecting the park with population centers to the south and west. Between 1910 and 1915, annual visitation doubled from 5,235 to 11,371 and over the next five years, visitation rates doubled again. Many of those who visited arrived by car.[62]

Inspired by the success of Crater Lake, local developers and other influential individuals advocated for National Park status for the Lava Beds, arguing for their significance both as a tourist destination and as a site of heroic sacrifice. In 1918, California Congressman John E. Raker dedicating himself to a spirited campaign arguing for a greater share of federal highway dollars to expand northern California's "great empire" by exploiting the financial opportunities of the Klamath Basin's wonderful scenery and potential for tourism.[63] In support of Raker's efforts, the *Siskiyou News* called the Lava Beds a "wonderland" whose cave formations "compel the attention and

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[61] Department of the Interior, *Proceedings of the National Park Conference Held at Yellowstone, 1911* (Washington, D.C.: Government Printing Office, 1911), 38-39

[62] "Crater Lake National Park Annual Visitation" in Harlan Unrau, *Crater Lake: Administrative History* ([Denver, CO]: U.S. Department of the Interior, 1988), Appendix C.

[63] Brown, *Lava Beds National Monument Resource Study*, 192-95.

wonder of those who seek the strange and forceful things that nature offers" while its "individual history appeals to all." The Lava Beds were of particular significance since they were where "more than 200 soldiers and volunteers sacrificed their lives in the campaign waged against the notorious Captain Jack and his renegade band of Indians."[64] If the Lava Beds were going to be a site of national sacrifice and mourning, some believed it needed a new monument declaring it.

Working in conjunction with Raker and other political leaders, the Alturas Parlor of the Native Daughters of the Golden West initiated a campaign to erect a monument to the Modoc War in 1925. The Native Daughters, a sororal and patriotic organization whose mission was to preserve California's history by venerating its pioneering past, advanced a particular version of the state's history that valorized and legitimized Anglo-American ownership. From their founding in the late nineteenth century to the 1930s, the Native Daughters – along with their fraternal counterparts, the Native Sons – created hundreds of historical monuments, statues, and plaques throughout the state.[65] The history of California's Gold Rush and the experiences of early pioneers with Mexicans and Indians were of particular interest to the organizations as they sough to connect the history of California with that of the nation while embedding a history narrative of

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[64] *Klamath Record*, May 14, 1920, 5; *Siskiyou News*, April 30, 1925, 1.

[65] Within historiography of fraternal organizations in the United States, western organizations such as the Native Sons and Daughters of the Golden West have received far less attention than their eastern and southern counterparts, Glen Gendzel, "Pioneers and Padres: Competing Mythologies in Northern and Southern California, 1850–1930," *Western Historical Quarterly* 32 (Spring 2001): 55-81. For historical overviews of the organization see Peter Thomas Conmy, *The Origin and Purposes of the Native Sons and Native Daughters of the Golden West* (San Francisco: Dolores Press, 1956); Native Daughters of the Golden West, *Native Daughters of the Golden West, 1886-1986* (Fresno, Calif.: Pioneer Pub. Co, 1986).

virtuous white ownership onto landscape.[66] For the Alturas Parlor of the Native Daughters, the Modoc War had imbued the Lava Beds with a narrative of U.S.-Indian violence that valorized the civilizing aggression of westward expansion while redeeming the white pioneer as the heroic victim of Indian savagery. "[In the Lava Beds] it was that many a sturdy pioneer paid to Indian savagery the supreme sacrifice paid so oft by those in the vanguard of civilization," they announced in the *Alturas Plain-Dealer* under an engraving of Uncle Sam laying a wreath on a soldier's grave. From the beginning, the Native Daughters announced that their monument would be made out of "native material" and would "honor the memory of those who fell there."[67]

The emphasis on the use of native material suggests the Native Daughters' intention that the monument would claim the land's resource, naturalizing it as property and inheritance of a settler society. Indeed, as historian Phoebe Kropp has demonstrated, early twentieth century Anglo residences of California claimed their ownership of the land through the appropriation of "native" built environments. From the preservation of California's defunct Spanish missions to the ersatz historical restoration of Olvera street in Los Angeles, Kropp argues that beyond mere commercial appropriation these "memory places are sites of cultural production and venues for struggles over public space, racial politics, and citizenship" in America.[68] The Native Daughters' fetishization

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[66] Glassberg, *Sense of History*, 167-202, esp. 175-183; William Deverell, *Whitewashed Adobe: The Rise of Los Angeles and the Remaking of Its Mexican Past* (Berkeley and Los Angeles: University of California Press, 2005), esp. 6-7. Although extremely suggestive, the weakness of Deverell's concept is its lack of a clear definition. At times it operates simultaneously as a catchall for racial violence, historical eraser, economic marginalization, physical displacement, and historical fantasy creation, all without a clear explanation of its structure. Ultimately, Deverell admits its limits: "cultural whitewashing…had no set of easily followed instructions. But it worked nonetheless," 251.

[67] "Native Daughters Launch Drive for Monument Fund," *Alturas Plain-Dealer*, February 20, 1925, 1

[68] Kropp, *California Vieja*, 15.

of the "native materials" from which their monument to white victimhood would be constructed, then, was part of a larger movement to appropriate the meaning of public spaces imbued with Hispanic or American Indian history and heritage.

The Alturas Parlor of the Native Daughters of the Golden West found abundant support for their Golden Bear or "Lava Beds Monument" – a name choice that may have intentionally conflated their movement with efforts to establish a National Park – from state and local government officials, influential businessmen, and organizations. Immediately following the launch of their fund drive in February 1925, the Alturas Boy Scouts agreed to assist in the construction of the monument and the county Superintendent of Schools supported the involvement of both teachers and students in "this memorable work."[69] In early March, they announced the goal of raising $1000 and began publishing the names of donors and the amount donated in the local paper. Throughout March and April, donations poured in from individuals and businesses as well as organizations like the Alturas Civic Club, Odd Fellow Lodge, Pythian Sisters and Eagles, the Modoc Development Board, and Native Daughters of the Golden West Parlors throughout the state.[70] In early April, the *Sacramento Bee* published an extensive piece supporting both the establishment of the Lava Beds as a National Monument under the supervision of the National Park Service and the fund-raising efforts of the Alturas Parlor, suggesting that the whole state would soon become involved in the effort. "Since the Alturas Native Daughters began work on the plan to mark certain spots[,] interest in

[69] "Native Daughters Get Valuable Allies," *Alturas Plain-Dealer*, February 27 1925, 1.

[70] "Monument Ball Starts Rolling," *Alturas Plain-Dealer*, March 13, 1925, 1; "Native Daughters Monument Fund Growing," *Alturas Plain-Dealer*, March 27, 1925, 1; "News of Lava Bed Monument Fund Reaches Old Soldier in Colorado," *Alturas Plain-Dealer*, April 3, 1925, 1.

the Modoc Lava Beds has been aroused in Sacramento, San Francisco and elsewhere and steps may be taken shortly to co-ordinate this interest in the region into some kind of an organization that will sponsor the setting aside of the Modoc Lava beds as a national monument."[71] Following the *Sacramento Bee's* publicity, the Alturas Parlor received generous donations from individuals, towns, and civic organizations throughout northern California.

With a network of support from business leaders and powerful heritage groups stretching across northern California, Washington quickly responded to calls to preserve the Lava Beds as part of the National Park Service. Partially in response to vandalism of Canby's Cross and other sites associated with the Modoc War, Congressman Raker sponsored a bill to create the monument in February 1925 and ran an article in the *Alturas Plain-Dealer* soliciting input from his constituency. Later that year, the National Forest Service, who had managed the Lava Beds since 1920, threw their support behind the bill by recommending the area be set aside as a National Monument for its historic significance and unique geography. Without any clear avenues of opposition, President Calvin Coolidge signed a proclamation creating Lava Beds National Monument on November 21, 1925, preserving the battlegrounds of the Modoc War and opening the area to increased tourism.[72]

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[71] *Sacramento Bee*, 1 April 1925, 1; "Sacramento Bee Boosts Modoc Project," *Alturas Plain-Dealer*, April 10, 1925, 1.

[72] Brown, *Lava Beds National Monument Resource Study,* 192-95; *Alturas Plain-Dealer,* February 6, 1925, 1; *Alturas Plain-Dealer,* April 10, 1925, 1; October 9, 1925, 1.

The Golden Bear Monument and California's Diamond Jubilee

On June 13, 1926, Native Daughters of the Golden West dedicated their monument to white victimhood and American innocence. As news of the Golden Bear Monument spread across the country, it elicited a variety of responses from individuals as far afield as Wisconsin, Colorado and North Carolina. Those with ties to the Modoc War either wrote letters or even undertook a journey to the park itself. One veteran, Charles Hardin of Denver, Colorado wrote the editor of the *Alturas Plain-Dealer* after receiving news of the monument. His letter reflects both the deep-felt meaning of inclusion as well as the significance of the historical cleansing performed by the Native Daughters:

> The reading of this article, which came to me on the anniversary of one of our hardest, and, to my mind, most glorious fights of the war – the battle at Dry (or Soras) [sic] Lake, May 10, 1873, gave me a real thrill. I wish that the Native Daughters might know how much I, a veteran of that war, appreciates [sic] their work. I may never see the monument, but so long as I live, I shall remember, with gratitude, all those who have worked for it.[73]

The Golden Bear Monument, for Hardin, and doubtlessly many other veterans, was an acknowledgement and validation of his sacrifices and glorious victories.

In validating Hardin's memory the monument also provided an opportunity for others to establish their own connection, or at least perceived connection, with the place. Hearing of the newly established monument, Miss A. A. Witzel of Wisconsin, the granddaughter of Thomas Wright, a colonel in the Modoc War, thought it was an opportune time to visit California and reconnect with this marker to *her* ancestor's past. Arriving in 1928, in Sacramento, Witzel was disturbed to discover that in fact, no such monument existed. Her grandfather, who had led his troops to their death during the

[73] Charles Hardin to Editor of the *Alturas Plaindealer*, May 10, 1926, LBNM Museum, Historical Documents and Photographs, Box 1, LABE 7854, LBNMRL.

Modoc War, had never been memorialized by name. Unperturbed, Witzel traveled to Klamath Falls, interviewed several white veterans of the Modoc War and consulted park officials. Unfortunately for Witzel, she never located a monument to her grandfather's memory.[74] Two unknown soldiers of the Modoc War were honored in 1930, however, when their bodies were unearthed during excavation on the Southern Pacific right-of-way near the Lava Beds. The American Legion post out of Stronghold, California reburied the two "fallen heroes" with full honors, marking their grave with a large white cross (Figure 22).[75]

Figure 22. "Grave of Warm Spring Scouts, 1934." Photographer unknown. Courtesy of Lava Beds National Monument.

While the Native Daughter's Golden Bear Monument expanded the category of victimhood to include soldiers and settlers, the participation of Modoc County in California's Diamond Jubilee celebration promoted the conflict as California's Last Indian War. Held on Admission Day in San Francisco, the Diamond Jubilee Parade was the centerpiece of the state's seventy-fifth anniversary of statehood. According to the

[74] "Search For Historic Monument Leads Woman Across Continent," *Sacramento Bee*, March 24, 1928. Also see various newspaper clippings from "Brown Clippings, 1925-1940," LABE 10102, LBNMRL.

[75] "Pictorial Follow-up on News and Features from Four Quarters of Globe," *Los Angeles Times* (Los Angeles, June 4, 1930).

Alturas Plain-Dealer, it was to be "the grandest celebration ever to be held in any State, and is to be a Pageant of the different epochs of California history."[76] The float planned and designed by a committee of the Alturas Parlor of the Native Daughters was to be one of a dozen or so in the parade that would "depict the history of the state." Modoc County's float was designed to capture "the epoch of 1872, when the last Indian War was fought" and it was believed that participating in the Diamond Jubilee would be "a splendid opportunity for Modoc [County] to participate and add her early history in this picture pageant of past events which led to the making of our grand and glorious state of California." A vaudeville show and dance was planned for August 28, 1925 in the Modoc Union High School Hall to raise funds for the float.[77] The event must have been a success, for on September 9, 1925, Modoc County's float participated in the state's Diamond Jubilee parade.

The inclusion of Modoc Indians within the float's design was much heralded by the newspapers and produced a seemingly authentic portrayal of a vanishing Indian race and a romantic reminder of the state's inevitable progression towards civilization. According to the *Alturas Plain-Dealer*, the float was "gaily decorated with shrubbery and wigwams, and contained eight Indians from Modoc County, Jim Bayley, Geo. Brown and two children and wife and Geo. Fuller and wife of Likely. These Indians had prepared for themselves magnificent costumes and they were splendid figures. They were the only real

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[76] "Modoc N.D.G.W. Plan Float Float [sic] to Represent Period of 1872 in Pageant," *Alturas Plain-Dealer*, August 14, 1925, 1.

[77] "Modoc Native Daughters to Have Float in Diamond Jubilee Parade," *Alturas Plain-Dealer*, August 21, 1925, 1; "Modoc N.D.G.W. Plan Float Float [sic] to Represent Period of 1872 in Pageant," *Alturas Plain-Dealer*, August 14, 1925, 1; "Vaudeville and Dance Tonight Under Auspices N.D.G.W.," August 28, 1925, 1.

Indians in the parade with the exception of an Indian 110 years old who was placed behind the Modoc float."[78] The *San Francisco Chronicle* also reported the presence of Modoc Indians in the celebrations but emphasized the nostalgia of their participation. Described as "Genuine Modoc Indian warriors," Jim Bayley, George Brown and George Fuller were reported as sporting "War bonnets, blankets, war paint, tomahawks, battle axes of the days of bison hunts and tepee councils." Greeted at the San Francisco Ferry terminal by a delegation of former Modoc County residents, Bayley, Brown, Fuller, and their families dressed in Plains Indian regalia were conducted to the Hotel Herald in San Francisco's Tenderloin District. For the remainder of the Diamond Jubilee celebration, the Modoc Indians enjoyed all the thrills and excitements the city had to offer, taking car rides through the crowded streets, "fully appreciative of the thrills of modern high-pressure metropolitanism."

Although many observers commented upon the Modoc's use and enjoyment of automobiles during their visit to the city, American expectation of Natives and technology also rendered invisible their embracing of modernity. "Things get weird," historian Philip Deloria writes, "when the symbolic systems built on cars and Indians intersect."[79] The former is a symbol of modernity and mobility, technology and affluence whereas the latter is thought to represent an ancient, if noble, and technologically primitive past. The use of automobiles by flesh and blood Modoc Indians, careening down San Francisco streets, challenged early twentieth century American's expectations of Indians. How would San Franciscans resolve such a paradox? Regardless of how

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[78] "Modoc Float a Credit to County at Diamond Jubilee," *Alturas Plain-Dealer*, September 18, 1925, 1.
[79] Deloria, *Indians in Unexpected Places*, 146.

modern the Modoc visitors might appeared when driving down Lombard Street, once placed upon a papier-mâché cart and floated down Market Street, Jim Bayley, George Brown and George Fuller came to typify California's "frontier days when their race was making its last stand against the inroads of civilization."[80]

If the float's design presented the Modoc War as a symbol of the state's evolution from Indian savagery to industrialized civilization, visual representations of the Modoc Indians circulating around the Diamond Jubilee underscored the redemptive nature of that violence. In its Sunday Rotogravure Pictorial Section, the *San Francisco Chronicle* published a full-page collage combining images with text titled "Injuns in Modoc Lava Beds" (Figure 23). Emphasizing the relationship between U.S.-Indian violence and the landscape of the Klamath Basin, the collage presents a narrative of American innocence that places forgetting at its center. Moving clockwise, the first image featured "Chief Lee Snipe," standing upon a lava rock outcropping, with arms raised in the air and face looking skyward. The caption informed the reader that Snipe "calls upon the spirit of those of his tribe who fought and defeated the white man in the lava beds." Directly below this caption, almost interjecting itself into the other, however, is the statement: "THEY SCALP NOBODY," accompanied by an image of two "Injun kiddies…playing at war." If the infantilization and domestication of the Modoc warriors were insufficient to project a non-threatening image, the accompanying close-up of Chief Lee Snipe informs us that, though he is "PROUD AS EVER" the Modoc people have "*long*

[80] "Modoc Indians Enjoying Visit," *San Francisco Chronicle*, September 9, 1925, 5.

forgotten their former enmity to the whites."[81] Simultaneously evoking the possibility of violence and containing that threat within a past whose details have long been forgotten, the flesh and blood Modoc before the reader's eyes is neither the agent nor the object of violence. He is a memory-less other, unable to recall the atrocities of the past.[82]

Several scholars have commented upon the duality – what Richard Flores called the "Janus-faced" nature – of remembering and forgetting.[83] Cultural geographer Kenneth E. Foote has argued that "society's need to remember is balanced against its desire to forget, to leave memory behind and put the event out of mind."[84] Ethnologist Andrew Lass has likewise suggested that the "nation-state's concern for remembrance, or encoding, is paralleled only by its obsession with forgetting, or erasure."[85] In creating narratives of the Modoc War that sustained their claims to American innocence, then, early twentieth century Americans had two options; they could portray the violence of American colonialism as justified and therefore fundamentally innocent, or they could forget it altogether. By suggesting that Chief Lee Snipe had forgotten his former enmity, the collage supported this second claim to American innocence.

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[81] "Injuns in Modoc Lava Beds," *San Francisco Chronicle Rotagravure Pictorial Section*, September 13, 1925, 3 (emphasis added).

[82] "Injuns in Modoc Lava Beds," *San Francisco Chronicle Rotagravure Pictorial Section*, September 13, 1925, 3.

[83] Richard Flores, *Remembering the Alamo: Memory, Modernity, and the Master Symbol* (Austin: University of Texas Press, 2002), xvi.

[84] Kenneth E. Foote, "To Remember and Forget: Archives, Memory, and Culture" *American Archivist* 53 (Summer 1990): 378-392, 385.

[85] Andrew Lass, "Romantic Documents and Political Monuments: The Meaning-Fulfillment of History in 19th-Century Czech Nationalism," *American Ethnologist* 15:3 (Aug. 1988): 456-471, 467.

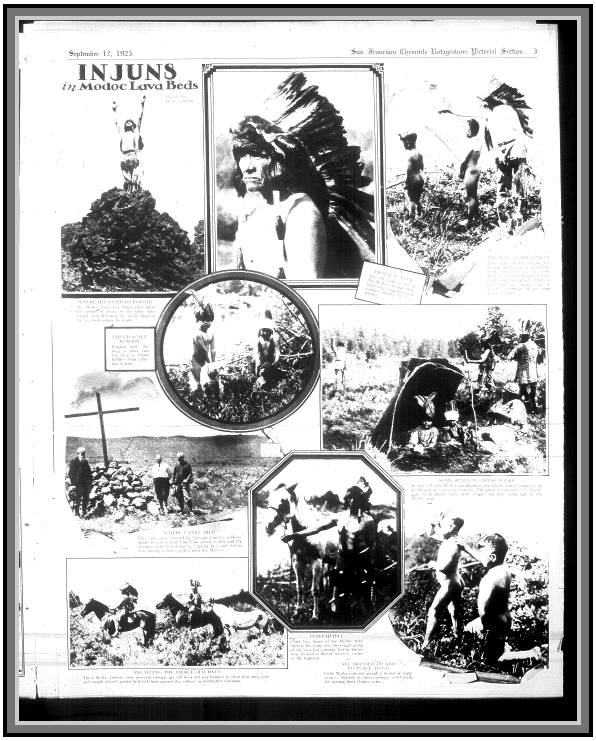

Figure 23. "Injuns in Modoc Lava Beds" *San Francisco Chronicle Rotagravure Pictorial Section*, September 13, 1925, 3.

The collage also advanced white American's claims to innocence through its depiction of current Indian-white interactions within the Lava Beds. The image on the top-right shows two "little Modoc Injuns" receiving lessons "in woodcraft" from Chief Lee Snipe. Their nakedness suggests their primitiveness but half-civilized and near assimilation into white society is revealed by the text: "They'd be better Injuns if they hadn't seen the barber. Truth to tell, they are Injun only in blood – *otherwise, all the same [as] white children*."[86] A barber's scissors might tame their savagery but their openness to white visitors suggests they have forgiven Americans for the violence of the past. "The

[86] "Injuns in Modoc Lava Beds," *San Francisco Chronicle Rotagravure Pictorial Section*, September 13, 1925, 3 (emphasis added). For a fascinating discussion of clothing see Ann M. Little, *Abraham in Arms: War and Gender in Colonial New England* (Philadelphia: University of Pennsylvania Press, 2007), esp. chapter 2.

whole family seems to be all dressed up to receive visitors," the right-middle image explains, "the[ir] guest is Captain O.C. Applegate…who fought 'em fifty years ago in the Modoc War."[87] The transformation of an American soldier from enemy into guest reflects the redemptive promise of the Lava Beds. Within two generations, the violence of the Modoc War has been forgotten as the children of Modoc warriors receive their parent's enemies as guests and the troubled history of the Modoc War was rendered safe for white tourists to encounter and consume.

Through physical markers like the Lava Beds Monument and performative commemorations such as the Diamond Jubilee, non-Indians produced representations of the Modoc War that contained narratives of American innocence. Whereas before the area's focus on Canby as a Christian martyr had presented a narrative of victimhood, the shift in emphasis favored a contained and consumable version of history that catered to tourists. In honoring the hardships and triumph of white soldiers and settlers, Lava Beds National Monument represented the Modoc War as both a source of American innocence and evidence of white America's perseverance and modernity. For nearly half a century after its establishment, Lava Beds National Monument, now under the stewardship of the National Park Service, printed informational brochures and designed guided tours of the battlegrounds that legitimized the deaths of white soldiers while ignoring or eliding the deaths of Indian peoples. In many ways, the Lava Beds National Monument was a collective memorial to white victimhood and American innocence.

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[87] "Injuns in Modoc Lava Beds," *San Francisco Chronicle Rotagravure Pictorial Section*, September 13, 1925, 3.

Reproducing American Innocence

In the crowded picnic area at the center of Malin's Community Park stands a memorial to the victims of nineteenth century U.S.-Indian violence in the Klamath Basin. Dedicated on May 25, 2009, Memorial Day, by the American Legion Post No. 84, the plaque reads: "In memory of our area's earliest settlers killed November 29, 1872 by Hooker Jim 'An outlaw to all Mankind'" and lists the names of the fourteen homesteaders who died in the aftermath of the Battle of Lost River. Affixed to a cairn of rocks that originally honored the founding members of the Malin Community Park and Recreation Districts, the memorial's historical narrative is elaborated by a nearby kiosk with a detailed map of the region. Cluttered with photographs of the Indian and non-Indian participants, the display explains: "Historians have written that the 1873 Modoc War would rank as the most significant Indian war in America's western history, were it not for Custer's dramatic defeat at the Little Big Horn in 1876. It is the only Indian war in American history that a full ranking general, General Edwin [sic] Canby, has been killed, Custer being a Lieutenant Colonel at the time of the Little Big Horn." The map includes a detailed chronology of the Modoc War with military actions highlighted in bold lettering and images juxtaposing today's landscape with historic photographs.[88]

Funded in part by Modoc War enthusiast and San Francisco philanthropist Daniel Woodhead, the dedication of the 2009 memorial in Malin, Oregon accompanied efforts by some to increase tourism to the Klamath Basin through promoting the region's history of nineteenth century U.S.-Indian violence to a wider American audience. According to

[88] Lee Juillerat, "Remembering the Modoc War: New Plaque Remembers 14 Homesteaders Killed," *Herald and News* (Klamath Falls, May 24, 2009).

Woodhead, there were plans to place additional plaques and kiosks throughout the Klamath Basin including Lava Beds National Monuments and other sites associated with the war. He also hoped to distribute a folder-sized version of the map to schools, local historical societies and museums, as well as to promote a driving-tour of the area with mileage from California's Bay Area. As part of the effort to increase general awareness of the region's legacy of U.S.-Indian violence, several community theaters have produced plays based on events from the Modoc War and re-enactors gather annually in the Lava Beds, putting on a kind of living history program geared towards school-aged children.[89]

Malin's commemorative plaque, then, reaffirms and reproduces a narrative of American innocence in the Klamath Basin strikingly similar to those of a century before. By dedicating their memorial on Veteran's Day and by listing the names of the homesteaders, Malin's commemorative plaque represents the fourteen settlers as honored veterans and tragic victims of the Indian wars. The tension between identifying these settlers as soldiers and victims – a common problem for Indian war memorials – is resolved by the memorial's unambiguous identification of the Modoc warrior Hooker Jim as "An outlaw to all Mankind." This interpretation of American Indian resistance to colonialism as technically a crime both embraces the logic of America's nineteenth century racialist jurisprudence and inscribes that narrative onto the landscape, ultimately elevating their deaths as evidence of American innocence in the face of uncontrollable western outlawry. The legality of American settlers' ownership of the Klamath Basin remains unquestioned while the illegality of Modoc resistance is reaffirmed.

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[89] Personal communication with Lee Juillerat; Interview Kevin Fields, July 10, 2010, Klamath County Museum.

Underscoring the theme of victimization in this memorial, the interpretive kiosk extends the argument to make a larger claim about the importance of U.S.-Indian violence in the Klamath Basin. The historical significance of the Modoc War, we are told, derives from the tragic death of an American military leader struck down in the service of his country while defending innocent settlers from Native outlaws. If it were not for Custer and his vainglorious demise, General Canby's death would have assured the Modoc War its proper place of prominence in the annals of America's western history. While such counterfactual historical statements may seem naïve, they nonetheless create hierarchies of historical significance based on claims to white victimization. Canby's death is more important than Custer's because Canby outranked him. The Modoc War, then, derives its significance from the status of its white victims – not from its decisive effect upon American sovereignty in the region or, for that matter, from the enormous suffering of the Klamath, Modoc, and Paiute peoples.

Such memorials construct narratives of American innocence that discursively amplify and extend U.S.-Indian violence into the present. Yet, they also point to the persistent instability of the marketplace of remembering and the ultimate impossibility of true historical justice through reconciliation. History is never over and the violence of the past will continue to haunt each present moment. In remembering the Modoc War, Natives and non-Natives in the Klamath Basin have and will continue to produce, commodify, and exchange their shared history of violence. The violence, long over, is made fresh upon the landscape as historical narratives create touristic landscapes of American innocence through the marketplace of remembering the Modoc War.

If memorials and celebrations of pioneer heroism and sacrifice have allowed Americans to locate colonial violence in a distant past and to weave narratives of innocence into the national fabric, they nonetheless created opportunities for certain Natives to become entrepreneurs in the region's memory industry, working as interpreters and guides while also promoting particular versions of history that sometimes reproduce and sometimes complicate established narratives. Opportunities for inclusion and cooperation, however, fell away by mid-century especially following the devastating Termination of the Klamath Tribes' nation-to-nation relationship with the United States government in 1956. Indeed, Native and non-Native relations in the Klamath Basin throughout the 1960s and 1970s were characterized by antagonism and accusations of racism. As the dissertation's conclusion explores, the Klamath Tribes' Restoration in 1986 together with ascendant ideas of multiculturalism and calls for national reconciliation resulted in a new memorial to the Modoc War two years later. The new memorial – the first to include Native causalities among the so-called victims of the Modoc War – sought to mend relations between the federal government and the Tribes by creating an Indian inclusive memorial to the futility of war. It is to this purported moment of reconciliation that I turn to now to consider the limits of historical justice in a pluralistic society and to discuss how multicultural inclusion performs a kind of violence of equivalency that perpetuates narratives of American innocence while masquerading as a vehicle for reconciliation.

Conclusion:

Exchanging Gifts with the Dead: Multiculturalism and the New American Innocence

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[I]t is not individuals but collectivities that impose obligations of exchange and contracts upon each other …. what they exchange is not solely property and wealth, movable and immovable goods, things economically useful. In particular, such exchanges are acts of politeness, banquets, rituals, military services, women, children, dances, festivals, and fairs, in which economic transaction is only one element, and in which the passing on of wealth is only one feature of a much more general and enduring contract.

Marcel Mauss, *The Gift*

At the limit, the gift as gift ought *not appear as gift*: *either to the donee or the donor*. It cannot be gift as gift except by not being present as gift.

Jacques Derrida, *Given Time*

On March 28, 1988, some two hundred people gathered in Lava Beds National Monument to consecrate a new memorial to the victims of nineteenth century U.S.-Indian violence in the Klamath Basin. Orchestrated by the National Park Service (NPS) and local historical organizations, the day's events included a guided tour of the battlegrounds, a series of expert presentations, and a panel discussion with descendants of those who participated in the war. Aspirations for the event were high. It was, in the words of Senator Pete Wilson, intended to "help to correct th[e] historical oversight" of previous representations of the conflict and "serve to establish the conflict in its proper context."[1] Despite Wilson's supposed interest in reconciliation, the 1988 memorial did little to challenge the existing narrative of the Modoc War contained within Lava Beds National Monument's memorial landscape. Rather, it sustained dominant representations

[1] Pete Wilson to Doris Omundson, and Wally Herger to Doris Omundson, n.d.,"1988 Symposium on the Modoc War," Vertical File, LBNMRL.

of the conflict by reproducing claims to American innocence in the conquest and colonization of the American West.

The 1988 memorial provides a stark reminder of how physical markers to the Modoc War have persistently inscribed narratives of American innocence onto the region's landscape without reckoning with the material inequalities of the past. During the memorial's dedication, Doris Omundson, superintendent of Lava Beds National Monument, stood above the now empty graves of United States Army casualties within the park and declared: "Those people [soldiers of the U.S. Army] *were all just people doing their jobs*…each one wanted the best for themselves and for their families…we reach a stalemate and we don't know how to negotiate…it was a time of real sorrow, and we do want to remember that. We do also want to remember the good that came out of it and also the heartbreak."[2] Addressing specifically the causes and legacy of U.S.-Indian violence in the region, Omundson's brand of historical revisionism was also present in the federally funded memorial's text, which declared with no apparent irony:

> Many wars have occurred since the Modoc War, and many more are yet to be fought. The people involved may change, but the names we call them and the reasons we fight remain the same. *There are no true winners in war. We all pay the price*.[3]

One persistent fact of public commemorations and memorials is this: they are as much an act of forgetting as they are an act of remembering.[4] As a unit of the National Park Service, part of the United States Department of Interior, Lava Beds National Monument includes several sites central to the Klamath and Modoc way of life. Indeed,

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[2] "Addenda," *The Journal of the Shaw Historical Library* 3 (Fall 1988), 62-63 (emphasis added).
[3] "Addenda," *The Journal of the Shaw Historical Library* 3 (Fall 1988), 63 (emphasis added).
[4] Trouillot, *Silencing the Past*, 1-30, esp. 26-27.

according to Modoc oral history, it was from Tule Lake that the cultural hero *Gmukamps* created the world by stacking handfuls of mud onto the lake shore, forming all of present day Lava Beds National Monument.[5] By suggesting that "we all pay the price" and that "there are no true winners," the memorial sought to normalize the United States government's possession of a culturally, spiritually, and materially significant place and to elide the fundamentally unequal nature of nineteenth century U.S.-Indian violence and American colonialism writ large. In other words, under the guise of liberal multiculturalism, the 1988 memorial asked viewers to imagine a kind of equality in the face of history's material inequalities.

Beyond trivializing the violence of American colonialism as indistinct from other conflicts, the memorial also absolved Americans of their guilt by magnanimously expanding the category of victimhood to include the vanquished along side the victor – the collective "we" who must all pay the price for war. As local historian and chairman of the event, Francis Landrum, declared in his dedication:

> Some ninety names on this plaque are Modoc Indians, U.S. Army troops, Oregon Volunteer Militia, California Volunteer Militia, and white citizen. It includes the names of anyone who was killed during the course of the war, but does not include anyone who died a natural death. *Everyone is treated the same: civilians, soldiers, Indians.*[6]

The incorporation of Modoc casualties within the memorial illuminates the work of historical revisionism attempted by such sites. While Landrum's assertion that in this memorial *everyone is treated the same* was specifically calculated to address the region's legacy of racially exclusive memorials to white victimhood, the claim to equivalency was

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[5] Marriott and Rachlin, eds., *American Indian Mythology*, 27-29.
[6] *The Journal of the Shaw Historical Library* 3, p. 63 (emphasis added).

predicated upon the existence of a liberal marketplace of historical revisionism in which one narrative might be traded or exchanged for another like so much wheat or tobacco. The memorial was to transform the Modoc War from a justified war of conquest to an unavoidable and inevitable multicultural tragedy. By providing a space for equal inclusion within Lava Beds National Monument's landscape of victimhood, it claimed to treat everyone *the same* and offered atonement for the violence of American colonialism by ignoring the *unequivalence* of that violence. The death of a soldier sent to the Klamath Basin by the U.S. Army to kill Indians was equal to that of an old women burnt to death in her home or an Indian POW pulled from the wagon transporting him to prison and slaughtered by white vigilantes. They were all *treated the same.*

* * *

Since the 1954 publication of Marcel Mauss' *Essai sur le don* in English, the anthropological distinction of *the gift* as embodying a persistent societal obligation of reciprocal exchange has engaged the imaginations of academics across disciplines and engendered, appropriately enough, an endless series of intellectual exchanges. The role, function, true-nature, and even the possibility of *the gift* have all come under intense scrutiny, enriching, enlivening, and deepening our collective understanding of the complex social dimensions of economic exchanges.[7] But the applicability and transportability of Mauss' realization is not limited to the physical world of exchange goods. In recent decades, multicultural revisionism and historical reconciliation have

[7] Georges Bataille, *The Accursed Share: An Essay on General Economy* (New York: Zone Books, 1988); Jacques Derrida, *Given Time: 1. Counterfeit Money*, trans. Peggy Kamuf (Chicago: University of Chicago Press, 1992); Jonathan Parry, "The Gift, the Indian gift, and the 'Indian gift,'" *Man* 21 (1986): 453-473; Michael Taussig, "The Sun Gives without Receiving: An Old Story," *Comparative Studies in Society and History* 37, no. 2 (April 1995): 368-398.

come to exist and function within a societal marketplace of exchange, obligation, debt, and reciprocity as well. For those who wish to correct history, the material and immaterial forms of historical justice-making offer inclusion as a kind of gift to the dead, a gift in which a previously flawed narrative of the past is purportedly exchanged, wholly and fully, for another, improved version of the past.

This idealized exchange is itself an act of power that belies any attempt by the powerful to contain historical narratives of violence wholly in the past. By offering to the dead the gift of contemporary narrative inclusion, apologists place the social obligation of a reciprocal exchange upon the living – an exchange we call forgiveness. Indeed, as historian Matthew Jacobson writes in discussing multiculturalism's desire to locate inequalities within a distant past, "It fossilizes racial injustice in dim national antiquity, and so glosses over more recent discriminatory practices."[8] But what happens when the living are removed from this exchange economy of historical justice? Are historical reparations possible within a liberal, progressive marketplace of remembering and forgetting in which the gift of justice is offered to the living only through the dead?

To explore the possibilities and limitations of historical justice through commemoration and revisionist historical re-narration, this conclusion considers the gross inequality of the equivalence offered by the 1988 memorial – a Native inclusive memorial that embraced multiculturalism's promise of contemporary equivalence by treating *everyone as the same*. As I will discuss, however, many Klamath tribal members felt that reparations through reconciliation, through the exchanging of one narrative for

[8] Matthew Frye Jacobson, *Roots Too: White Ethnic Revival in Post-Civil Rights America* (Cambridge: Harvard University Press, 2006), 22.

another, were impossible. While the designers of the 1988 memorial imagined a smooth and frictionless exchange of narratives, the refusal of certain members of the Klamath Tribes to reciprocate created a rupture in the exchange economy of historical justice-making. Several Modoc individuals used the public forum following the consecration of the memorial to bear witness to their memories of the Modoc War. Rather than participate in the narrative of reconciliation offered by the physical memorial, these speakers produced narratives of the Modoc War that acknowledged the continuing violence of the past and its lasting impact upon the Modoc people and their culture. Through a close reading of one man's speech, this conclusion aims to expose the relationship between historical justice and the marketplace of remembering. By explicitly rejecting the idea that the memorial could offer a form of historical justice, certain individuals made explicit the narrative of American innocence inherent within the embedded inadequacies of a conception of history and justice that offered forgiveness as a gift to the dead. To tell that story, however, we must first consider the dark history of Klamath Termination and the legacy of memorials to U.S.-Indian violence in the Klamath Basin before the multicultural turn.

From Termination to Restoration

"I have never seen the old battlegrounds and I never want to see them," long-time Klamath Tribal Chairman Seldon Kirk declared in a 1968 interview with Charles Hilinger of the *Los Angeles Times*. "It stirs me up inside to think about it." Echoing a common sentiment among Klamath tribal members at the time, Kirk was responding to recent efforts by the Indian-based Klamath Memorial Association to erect a plaque in the Lava

Beds honoring Captain Jack. The group, seemingly composed of a handful of Klamath Basin Indians with economic interests associated with Lava Beds National Monument, had contacted Superintendent William J. Kennedy to discuss the project. They had received provisional approval under the conditions that it was done "in good taste" and that the superintendent could personally edit the plaque's wording. "We had to tone it down so it wouldn't be objectionable to a large number of people who visit the Lava Beds," Kennedy later explained. "It's a case of trying to please everyone. How would you like it if your grandfather had been killed by Modocs? A lot of good soldiers lost their lives in the battles."[9]

The result of these efforts was an insipid marker that insulted rather than honored those who had fought to preserve the Modoc way of life. Originally intended to "set the record straight," the edited plaque betrayed the desire of the Klamath Memorial Association to honor their descendants by expunged any "objectionable" material:

> Modoc Indian War 1872-73. Within this lava fortress, under the leadership of Capt. Jack, a small band of Modoc Indians held off a much larger force of U.S. regular and volunteer troops for nearly six months.

During the plaque's dedication, Friedman Kirk delivered a fiery speech in which he gave vent to the inadequacy of the monument and condemned "all the terrible things the white people did to the Modocs." As he later explained, "I just had to let everybody know what we're trying to say between the lines of this Indian historical marker."[10]

Kirk's aversion to the Lava Beds National Monument and Kennedy's ethnocentric sentiment towards the park's visitors in many ways captures the tensions existing

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[9] Charles Hillinger, "Modoc Indians, Exiled from California, Honor Famed Chief," *Los Angeles Times*, November 17, 1968, H1.

[10] Hillinger, "Modoc Indians, Exiled from California, Honor Famed Chief," H1

between Klamath Basin Indians and the National Park Service in the decades after World War II. For many Natives, Lava Beds National Monument had become a stigmatized site of national mourning, a feeling made even more intense by the government's decision to terminate the Klamath Tribes' federal recognition.[11] Despite official opposition from the tribe and the Bureau of Indian Affairs (BIA), Congress adopted Public Law 587, better known as the *Klamath Termination Act*, on August 13, 1954 with dire social, cultural, and economic consequences for Klamath Basin Indians. Virtually overnight the self-sufficient Klamath Tribes became impoverished and landless and lost their federal health and education programs. Whereas before they owned and managed the largest stand of Ponderosa pines in the west, the government condemned their 1.8 million acres in exchanged for monetary payments of approximately $43,000 per member. Within a few years most of the money paid out had vanished while the Department of Agriculture leased former reservation lands to non-Native lumber companies. "There was some really heavy duty structural discrimination within the employment market," recalled Lynn Schonchin in 2002. "[O]ur people would apply for jobs, try to go to work and [employers would say] no, you're a rich Indian, you don't need a job."[12]

Beyond the economic hardships brought on by Termination, many tribal members suffered isolations and the lost of culture as families moved apart, separating children from their parents. This upheaval severed their ties with landscapes of historical, cultural, and spiritual significance such as the Lava Beds area. As individuals left the Klamath

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[11] Kenneth E. Foote, *Shadowed Ground: America's Landscapes of Violence and Tragedy* (Austin: University of Texas Press, 2003).

[12] Lynn Schonchin, October 19, 2002, *Oral Narratives of the Klamath Termination*, ed. Linc Kesler, First Nations Studies Program, University of British Columbia, 2005, http://fnsp.arts.ubc.ca/klamath/ 11.38; Thomas, *Skull Wars*, 197.

Basin in search of employment opportunities, an entire generation broke with certain forms of cultural and historical knowledge. Today, tribal members often say that cultural and historical knowledge "skipped a generation" for those who came of age during the Termination period.[13] As Morrie Jimenez described the process:

> [T]he loss of the land base and the natural resources. All of that w[as] an inherent part of our cultural system…with the loss of that natural resource, that land base…they take a big piece out of the culture. Really critical piece out of the culture and that's what most people who have not been a part of that experience find it very difficult to understand."[14]

In short, Termination alienated a generation of Klamath, Modoc, and Paiute Indians from their homeland and sites of cultural, historic, and spiritual significance. Today, many tribal members remember that their parents and grandparents would "simply refused to go there…they didn't say why, they just refused to go" and they would say "that place is a graveyard and not to be messed with... We shouldn't go there."[15] After three decades of cultural decay, poverty, community disintegration and destabilization, many tribal members began to view the Modoc War as the beginning of over a century of the United States' assimilationist policy.[16]

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[13] I heard this comment several times from members of the Klamath Tribes. Tom Ball especially emphasized this during our first meeting at the University of Oregon in 2009. Douglas Deur also observed this fact. As he observes: "Some of the most knowledgeable consultants on matters of traditional culture are people whose parents were absent, due to distant employment, personal or alcohol problems and other challenges; this is because these individuals were often raised by grandparents who were themselves knowledgeable regarding tribal history and culture. Certain kinds of cultural and historical knowledge reportedly "skipped a generation" during the mid-20th century, and young adults sometimes prove to be as informed on certain matters as members of their parents' generation." Deur, "Crater Lake National Park and Lava Beds National Monument," 12.

[14] Morrie Jimenez, September 03, 2002, *Oral Narratives of the Klamath Termination*, ed. Linc Kesler, First Nations Studies Program, University of British Columbia, 2005, http://fnsp.arts.ubc.ca/klamath/ 3.103.

[15] Orin Kirk and Lynn Schonchin from Deur, *Crater Lake National Park and Lava Beds National Monument*, 158; I have heard similar comments made informally by other tribal members in my conversations with them.

[16] Foster, "Imperfect Justice," 246-287; James, *Modoc: The Tribe that Wouldn't Die*.

Termination, however, had a significant politicizing effect on some members of the Klamath Tribes as members left the Klamath Basin and got involved in the Red Power movement and Fish-Ins along the Columbian River.[17] Returning home in the 1970s, the radicalization of some members translated into an active engagement with the memory of U.S.-Indian violence in the Klamath Basin. For instance, Klamath tribal members declined invitations to the 1973 Tulelake-Butte Valley Fair, whose theme "Arrows to Agriculture in 100 years" was billed as a celebration of the 100th anniversary of the Modoc War. Similarly, some boycotted the Captain Jack Centennial Medicine Show and Craft Fair in Arcata, California and refused to participate in virtually all activities associated with Lava Beds National Monument and the centennial.[18] Klamath Basin Indians engaged with representations of their history in more institutional ways too. Beginning in the mid-1970s, a group of Native parents approached the Indian Health, Education and Welfare office (HEW) and brought a discrimination suit against the Klamath County School District for its treatment of Native students. The result was that the school district hired Lynn Schonchin in 1977 to run the district's Federal Indian Education Program. "I was the token Indian," he later recalled, "but it was fun." Along with a parent's committee composed of Native parents, Schonchin developed courses in Indian history and literature and began challenging historical representations of the Modoc War and other events.[19] After struggling for almost thirty years to reestablish the special relationship between their tribe and the federal government, the United States re-

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[17] Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: Norton, 2005), 75-84, 129-173.

[18] "Modoc Indians Snub Observance of their Defeat," *Sarasota Journal*, September 12, 1972.

[19] Conversation with Lynn Schonchin, August 30, 2010. Quotes are from Lynn Schonchin, October 19, 2002, *Oral Narratives of the Klamath Termination*, ed. Linc Kesler, http://fnsp.arts.ubc.ca/klamath/ 11.45.

recognized the Klamath people's inherent sovereignty through the Klamath Restoration Act of 1986. Two years later the National Park Service dedicated their memorial to the Modoc War, in which all *everyone was treated the same*.

Exchanging Gifts with the Dead

Following the dedication of the 1988 memorial to the Modoc War in Lava Beds National Monument, those in attendance gathered for a series of panel discussions in the nearby community center in Tulelake, California. These were intended to educate the surrounding communities and to expand upon the historical revisionism of the new memorial. The discussion began with a panel of military historians and retired army personnel, who, for forty-five minutes, debated the use of carbines, signatory flags, battle formation, and hardtack. After this macabre debate of the accoutrements of death and colonization, the dispassionate, scientific, and scholarly tone of the discussion was transformed when a number of descendants of those whose names had just been memorialized in stone assumed the stage.

The descendant panel began with the usual introductions. Each descendant stated their lineal credentials, tying him or herself to a common moment more than a century before. The descendants of the soldiers and colonists had, by and large, left the Klamath Basin generations ago, leaving the land for which their ancestors killed while those with roots in the Klamath and Modoc communities continued to call the land, for which their kin had died, home. The introductions were informal and brief until it came time for Lynn Schonchin, great-great grandson of Schonchin John, to introduce himself. Speaking

in an intense monotone as if castigating all those present and punishing them for what they had just done, he said:

> The Modoc War was a big game. That's all it was. It was a big game where the culture died. And that is the sad part. I've never been to the lava beds. I will never go to the lava beds. I feel it is a cemetery for my people, my culture. And with that, you know, I am bitter.[20]

Schonchin's bitterness did not prevent him from continuing. He critiqued historical narratives of the Modoc War by rejecting the language with which he saw society discussing the war and by challenging the terms upon which it might be considered. "I see war-like people, I see books like *Modoc Renegades*, *The Modoc and Their War*," he said. "[But] it wasn't my people's war." In addition to rejecting the language used to talk about the Modoc War, Schonchin also critiqued the historical narratives of certain white scholars who identified the Klamath and Modoc people as enemies. Some "historical treatments of the Modoc War," identified "an incident at Modoc Point" between the Klamath and the Modoc as the starting point of the Modoc War: "The Klamath and Modoc did not like each other, according to all of the statements and all of the textbooks written. I am here to basically refute that statement," he said.[21]

In place of the textbook version of history, Schonchin offered the audience stories from his own family history and his own experience to challenge what he considered colonial fantasies.

> How did people who lived so close together, who traded, who shared the same language, who shared the same cultural patterns, the same mythology, hate each other? Our grandmother, Lizzie, was half-Klamath, and half-Modoc…Yet the Klamath people and Modoc people are pitted

[20] "Panel discussion of the Modoc War by descendants of participants," *The Journal of the Shaw Historical Library* 3 (Fall 1988), 47.
[21] *The Journal of the Shaw Historical Library* 3 (Fall 1988), 47.

> against one another in history books. These are images that I've grown up with as an Indian – as a Klamath and as a Modoc."[22]

Schonchin refused to accept stories that did not, could not, account for his experience.

In disputing the widely accepted narrative of Klamath-Modoc antagonism, Schonchin also used his speech to challenge narratives of the Modoc War that presented white settlers as victims of Indian aggression. "I question the establishment of Fort Klamath," he declared. "Fort Klamath was established on the premise that the settlers needed protection from the Indians," but its location and timing suggested to Schonchin, "that maybe someone was looking for a war." He also characterized the 1864 treaty between the United States and the Klamath, Modoc, and Yahooskin as an un-ratified treaty until 1870. "This means the Modoc had the right to go home," he said. "They were not bound by that treaty because it was unratified."[23] According to Schonchin, the U.S. Army had no right to force Captain Jack back onto the Klamath Reservation because unless Congress ratified the treaty the Modoc were not bound by its stipulations. He thereby challenged the jurisprudence, as well as jurisdiction, that often legitimized colonial violence in the Klamath Basin.

Towards the end of his speech, Schonchin did more than challenge existing narratives, rejecting them solely on the basis of racial bias or factual inaccuracy. He also rejected them because, in his mind, these narratives refused to recognize the humanity of the Natives involved. Telling the story of his great-grandfather's execution, Schonchin said, "I talked a little bit about images of people. If you look at all the pictures of my

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[22] *The Journal of the Shaw Historical Library* 3 (Fall 1988), 47-48.
[23] *The Journal of the Shaw Historical Library* 3 (Fall 1988), 48.

people, their hair is cut off, and they wear different types of clothing. They're very stoic…" But, he added:

> When my great-grandfather was hung, he cried. He cried because he wondered what was going to happen to his children. Of the things we've talked about today, one is tactics, another is the terrain, type of weaponry, whether the cavalry was there, or whatever – but we've forgotten about the people. I think we need to keep that in the back of our minds. What about the people? What happened to the people? Where are the people? And where are the people going?[24]

Through his personal testimony, Schonchin rejected the work of atonement that the new memorial claimed to perform. The new marker, with its narrative of inclusion represented a reconciliation of the past that left out its continuing impact on the present and, thus, was insufficient. It was a past hermetically sealed from the present. Rather than providing an inclusive narrative of the war, the memorial continued to forget certain peoples – the Modoc people. According to Schonchin, "We have to…think about the people," he said, repeatedly.

> [T]he people that were involved. My people that were sent to Oklahoma and died, my people that were killed in the war, and my people that stayed here in Klamath and lived and suffered through termination and all of this. And we're still here. And we're gonna be here for any other policy that comes along.[25]

Despite the memorial's claim to atone for a previously flawed narrative of the past, Schonchin found the memorial and its narrative of the Modoc War to be incomplete. He did not believe that in this monument *everyone was treated the same*.

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[24] While quotes used for this essay come from the transcripts of the National Park Service's 1988 Symposium on the Modoc War published in a special addition of *The Journal of the Shaw Historical Library* 3 (Fall 1988), I also consulted the videotape recordings of the symposium (stored at Lava Beds National Monument Research Library with copies in author's possession) to check the accuracy of the published transcript. In this quote, the meaningful discrepancies existed between the published transcript and the recording. Therefore, I have edited slightly the published transcript.

[25] *The Journal of the Shaw Historical Library* 3 (Fall 1988), 48-49.

Multiculturalism and the New American Innocence

It has been my intent in writing this dissertation to examine how individuals, both Native and non-Native, have remembered the Modoc War in ways that conform to the demands of the markets within which they circulate, and the consequences those narratives have had in the reproduction of myths of American innocence. From Gilded Age newspaper accounts that emphasized the sensational and white victimhood to traveling Indian shows that transformed the conflict into a romance, from turn of the century land promotion and local histories that emphasized the inevitability of manifest destiny to Progressive Era petitions for veteran benefits, war memorial, and automobile tourism in tribute to white male sacrifice, these memory markets, and the individuals who have participated in them, have transformed an episodes of Reconstruction Era violence and ethnic cleansing into a redemptive narrative of American innocence.

But if, as I have posited throughout this dissertation, the production of American innocence is directly linked to the circulation of historical remembrances of U.S.-Indian violence, then is historical justice through the production of new historical narratives impossible? Are all reconciliatory narratives complicit in the reproduction of American innocence? In writing about memories of U.S.-Indian violence and the possibility of true restorative justice through historical narrative truth, anthropologist Chip Colwell-Chanthaphonh suggests that "public memorials, museum exhibits, and history books can…become vehicles for restorative justice" but only by "shining a light on the shadows of history and revealing that which has remained perversely hidden."[26]

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[26] Chip Colwell-Chanthaphonh, *Massacre at Camp Grant: Forgetting and Remembering Apache History* (Tucson: University of Arizona Press, 2007), 110.

While the 1988 memorial purported to exchange a flawed, incomplete or unjust narrative of the past for a complete, expansive and just narrative, at least one Native man found the promise of atonement to be empty. As is so often the case, the multicultural marketplace of remembering is not a neat or fair exchange economy in which the living might make a gift in the present to the dead in the past. Justice, reparation, reconciliation – these are the currency with which we make deals with the dead and seek to trade their deaths for our forgetfulness. As anthropologist Alan Klima has suggested, history is "ultimately an economics of storytelling, the narrative economy by which the past is left behind and exchanged for the future, where each may go its separate way, as when one economic man comes together with another for a single moment of exchange, when they relinquish their values completely, and then depart with no strings attached."[27] The 1988 memorial sought to dictate the price of forgiveness by offering, once and for all, a story in which the sufferings of *everyone was treated the same*.

But it is in this sameness that multicultural narratives of inclusion reproduce the myths of American innocence. By forgetting the inequality of the past and asserting a fictive equality, the memorial's designers sought to construct a reconciliatory narrative that allow for an exchange of remembrances in which the narrator, commemorator, historian, or mourner, in the words of Klima, may "depart with no strings attached." As with the universality of a possessive individualism that serves as the model for rational productive selfhood, the violence of multicultural equivalence is deeply rooted in ideas of

[27] Alan Klima, *The Funeral Casino: Meditation, Massacre, and Exchange with the Dead in Thailand* (Princeton, NJ: Princeton University Press, 2002), 12-13.

American liberal progressivism.[28] But what happens when the victims of history want to retain a version of the past that resembles in no way the one being offered? What if the gift of a new narrative, the gift of equal inclusion within the memorial landscape of Lava Beds National Monument, carries with it an immense violence, the violence of equivalence?

The 1988 memorial contained the names of Native casualties of the Modoc War but refused to acknowledge the deaths of those who died during removal or of illness or of despair; in this way, it defined, legitimized, and described the extent and reach of American settler colonialism via the casualties incurred during a delineated period of U.S.-Indian violence. As Marita Sturken has observed, the listing of the dead within national monuments such as the Vietnam Veterans Memorial provides catharsis for the mourner while simultaneously defining who can be a legitimate mourner.[29] The legitimate mourner grieves the loss of a particular individual who died within a defined battlefield during a proscribed time period of warfare. But what of those who died on the cattle cars to Oklahoma? Does the 1988 memorial atone for their deaths? Are they treated equally? And can any monument or memorial ever begin to capture the loss of culture? It is through this process of providing a space for acknowledging death while also defining

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[28] Grace Hong, *Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor* (Minneapolis: University of Minnesota Press, 2006).

[29] Sturken, *Tangled Memories*, 44-84. In writing on the Atom Bomb Dome in Hiroshima, Japan, Cultural Critic Lisa Yoneyama argues for the expansive power of memorials to define the legitimately dead. Memorials to the Atom Bombing of Hiroshima, she concludes, create at times a sense of "sacredness and transcendence" that transforms the detonation of an Atomic bomb on a civilian population into not just a moment in Japanese history but also a catastrophe for all mankind. The power of such memorials, then, is to expand the definition of victimhood beyond those who experienced the actual violence universalizing individual experience into larger historical forces. Lisa Yoneyama, *Hiroshima Traces: Time, Space, and the Dialectic of Memory* (Berkeley: University of California Press, 1999), 71.

who might be considered the legitimately mourned dead that the new memorial created an environment unsuitable for reconciliation and forgiveness.

Born of the imperative and logic of multicultural equality, the new memorial reproduced narratives of American innocence by imagining the Indian wars as cultural rather then political conflicts and by insisting that atrocities were committed on both sides. But while Schonchin's speech suggests the limits of reconciliation through marketplace of remembering, it may offer us a window into the possibility for true reconciliation by changing the terms of the exchange, a honest accounting with the violence of the past, not through forgetting but through remembering; not by limiting the reach of the war, but by allowing each individual to define their inclusion and explore their previous exclusion. The Native participants in the descendent panel, like their ancestors, participated actively in the marketplace and used that space to articulate their own memories. Just as Schonchin refused to allow the memorial, with its narrative of atonement, to stand alone, his nephew, Tom Ball, would not allow his uncle's narrative to stand alone. Full of emotion, pausing often, and choking back tears, Ball added:

> One point I really wanted to make was that I disagree with the whole civilization and its culture is dead and dying thing. My friend, Helen, brought with her a two or three page list of Modoc words. And she taught me how to say them. And to hear those words, I want[ed] to cry. That's me. That's my people. And to hear those words is a jogging of the memory.[30]

What had begun as a ceremony intended to advance a reconciliatory narrative of American innocence, then, ended with a beautiful statement about the power of remembering to promote continuance and to repair the violence of the past.

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[30] *The Journal of the Shaw Historical Library* 3 (Fall 1988), 49.

The marketplaces of remembering through which individuals have circulated memories, remembrances, and histories of the Modoc War have certainly transformed the conflict into an ambiguous chapter of American history. It has resulted, moreover, in an attendant reproduction of asymmetrical social, political, cultural, and economic relations between Native peoples and their non-Native neighbors. But above all, this dissertation has sought to demonstrate that how Americans have remembered nineteenth century U.S.-Indian violence reveal something fundamental about historical knowledge production in American society. We will never escape the material underpinnings of historical knowledge production. But by investigating the marketplaces of remembering which give shape and meaning to American cultural memory of the past, it has been my hope that we can deconstruct the myths with which Americans have made and remade their self-identity as fundamentally innocent.

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