Nez Perce, the Montana press and the war of 1877

Rolf Y. Olson

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THE NEZ PERCE, THE MONTANA PRESS
AND THE WAR OF 1877

by

ROLF Y. H. OLSON

B.A. Montana State University, 1961

Presented in partial fulfillment of the requirements for the degree of

Master of Arts

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1964

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JUL 14 1964

Date
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To Dr. Nathan Blumberg, dean of the School of Journalism; Dr. Verne Dusenberry, visiting professor of anthropology; Dan Bieri, assistant in history; Miss Lucile Speer, librarian—all at Montana State University; to the librarians at the Historical Society of Montana—warm thanks for the time, counsel and advice given cheerfully.
What prompted the topic of this thesis was a brief visit to the Big Hole battlefield during a hunting trip in November, 1963. Because the area was officially closed to visitors, no Park Service personnel were there to explain what had transpired 86 years before. I found a pamphlet entitled "Trail Guide," left in a box on one of the small buildings, and it explained something about the furious fighting that had taken place. It indicated where soldiers and citizen volunteers had dug rifle pits, still discernible in the "siege area" where these men had retreated after attacking the Nez Perce camp a half mile distant. The booklet noted that seven soldiers had received the Congressional Medal of Honor for their service there. The largest of several monuments in their honor had been transported from New Hampshire in 1883.

Then I noticed a small monument, unpolished and fashioned from rough stone. Apparently it had been placed there by an unknown donor and was never removed. If memory serves, the inscription on the bronze plaque read, "In memory of the Nez Perce women and children who were killed here by U. S. soldiers."

After completing my self-guided tour and returning home, that plaque had me curious about the true, full story of the Nez Perce war. The answer was not an easy one to find. Hence, a thesis was born.
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CHAPTER I

HISTORICITY OF THE NEZ PERCE NATION

To give perspective and a basis for understanding the events of 1877, when the Nez Perce nation was brought to full subjugation by the U. S. government, it is necessary to establish objectively something of the character of these Indians.

With all due respect to voluminous and enlightening studies undertaken in the fields of history and anthropology concerning the Nez Perce as a people, it is generally agreed by scholars that little is known about the origin and ancient traditions of these somewhat nomadic, amorphous tribes. Tribal documentation—save for pictographs—is not extant.¹

Nevertheless, the usual oral tradition involving folklore and myths has been preserved to some degree through extensive personal interviews.² At the same time these efforts rendered limited documentation and analysis of the original tongue, a Shahaptian dialect closely related to the Umatilla, Wallawalla and Yakima tribes of Oregon and Washington.³

The character of the Nez Perce tongue obviously links the nation


with Pacific Northwest tribes, as opposed to Indians located to the east in Montana. But it should be noted at the outset that Nez Perce environs were, for the most part, isolated geographically from neighboring nations.

Generally speaking, the area inhabited by the 70 or more tribes in the Nez Perce system stretched, in what has been described as a 200-square-mile belt, across Idaho to the eastern portions of Oregon and Washington. This belt was bounded to the east by the Bitterroot Mountains, to the west by the Blue Mountains and, for lack of better definition, lay between latitudes 45 and 47 degrees north.

Regarding the matter of isolation, there appears to have been a wide margin of neutral territory separating the Nez Perce from their traditional enemies, the Shoshoni to the south and the Spokan and Coeur d'Alenes to the north. On the other hand, a close association existed with friendly Indians, the Umatilla and Palous, along the western flank of the belt.

Nez Perce villages were situated along major waterways in this sprawling, majestic country.

The drainages occupied by the so-called non-treaty tribes (that half of the Nez Perce which rebelled in 1877)—a compilation of five bands, each led by a chief, which split from the Nez Perce nation and went on the warpath in 1877—were as follows: White Bird, along the

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4Ibid., p. 7.
5Spinden, op. cit., p. 172.
6Ibid., p. 173.
Salmon River; Toohoolhoolzote, between the Salmon and Snake rivers; Hush-hush-cute, southwest of the Snake; and Looking Glass, along the Middle Fork of the Clearwater. The band led by Chief Joseph, leader of these non-treaty tribes, inhabited the Wallowa and Imnaha valleys of Oregon.

Because of an abundance of a variety of fish and the fact that large game, plentiful on Montana plains to the east, was sparse in Nez Perce environs, much of the economy was concentrated on fairly sophisticated methods of fishing. Tribesmen were adept in utilizing tackle, spears, nets, seines and traps.

Gathering of wild fruits, berries and roots—especially camas, a nutritious bulb roasted in pits—was a chore delegated to women and children. Agriculture in any form was unknown before the arrival of the whites.

The men hunted surrounding mountains for deer, elk, mountain goat, big horn sheep and small game animals. But an understanding of later events requires recognition of the fact that the procurement of food was for the Nez Perce a difficult and time-consuming task, as compared with plains Indians located 200 or 300 miles to the east.

Each spring a large portion of the Nez Perce nation ventured over the traditional route—a well-cut but precipitous horse trail

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7 The spelling of Indian names is phonetic and, therefore, authorities differ markedly. Cyrus Brady, for instance, rendered this name, "Too-hul-hul-suit."

8 Beal, loc. cit.

9 Spinden, op. cit., pp. 208-211.

10 Ibid., pp. 201-205.
often called a "road," via Lolo and Lost Trail passes—to hunt buffalo in central Montana. This route was the one followed by the Lewis and Clark expedition when, in September, 1805, the first meeting with the Nez Perce was made by white men. This route also was the one followed during the fateful summer of 1877 when the non-treaty tribes escaped into Montana Territory.

The problem of food for the Nez Perce which, it may be supposed, established the traditional route across the Bitterroot Mountains, was clearly documented by Capt. William Clark, October 10, 1805, in his journal:

Their amusements appear but few as their Situation requires the utmost exertion to pr(o)cure food they are generally employed in that pursue, all the Summer & fall fishing for the Salmon, the winter hunting the deer on Snow Shoes in the plains & in the Spring cross the mountains to the Missouri to get Buffalow robes and meet &c. at which time they frequent(ly) meet with their enemies & lose their horses & maney of their people.11

The mention of horses and warfare by Clark merits comment.

It is believed that the Nez Perce were unique among Indians in that horse breeding was practiced without instruction from white men.12 One strain which was developed before the arrival of Lewis and Clark was the renowned Appaloosa, a remarkable animal characterized usually by a spotted rump.13 Once white settlers introduced cattle, the Nez Perce were equally successful in establishing large herds by animal husbandry.


12Beal, op. cit., p. 10.

More than is commonly realized, the horse, spread throughout the West from Mexico in the early 17th century, played a major role in Nez Perce culture. One man is said to have owned 1,500. These animals afforded great mobility for a primitive society and, as soldiers later learned, the Nez Perce were accomplished equestrians. Not only were saddles used, but for combat a war horse was decorated with paint and feathers. Such pageantry was regarded as an exceptional honor bestowed only on warriors. An interesting sidelight about horses in the Nez Perce society is that race tracks were established throughout the tribal land. Apparently these Indians attached so much importance to adventurous quests such as racing and hunting that it created a problem at tribal councils for those interested in developing a more unified, domestic life.

As it turned out, the Nez Perce became increasingly nomadic. This has been attributed both to their need to hunt the plains areas and the economic affluence gained in selling horses to ranchers and the military. By 1870 most of the Nez Perce carried modern firearms.

The nomadic life brought a host of problems for the Nez Perce, as given in a personal account in 1926 by Wottolen (Hair Combed Over Eyes), an aging and blind warrior who earned the distinction of becoming tribal historian:

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1Beal, loc. cit.
16Beal, op. cit., p. 11.
The buffalo was hunted on the head of the Salmon [during early times]. The people would go there for meat and hides during the summer moons. Next few snows they go a little farther east. Following snows they go still farther east, and to the north. After a time they reach the Yellowstone River. There they hunt, for the buffaloes are many. Finally they come to (now) Helena, Montana. There they find people. This tribe proves an enemy to the Nez Perces. Crows, the Cheyennes, the Sioux. All these tribes living in that country became enemies of the Nez Perces.\textsuperscript{18}

While the Nez Perce were tranquil in domestic life save for fun-loving adventures, as warriors they were greatly respected by other Indians in the Pacific Northwest, and their reputation in combat was surpassed only by that of the Comanches, a southwestern offshoot of the Shoshoni. One Nez Perce has been considered the equal of three Blackfoot Indians, a tribe of marauders which clashed frequently with the Nez Perce.\textsuperscript{19}

The correct name of the Blackfoot of Montana was, according to a more precise interpretation of sign language, Blacklegs. The Nez Perce referred to them as "Iskoikenic," meaning "Schemers." Apparently Blackleg war parties harassed tribes as distant as Wyoming and South Dakota. Arch enemies of the Nez Perce, save for one small band called Small Blankets, the Blacklegs were among the first western Indians to obtain firearms from French migrants.\textsuperscript{20}

Nevertheless, it is believed that sorties into Idaho by invading tribes were repulsed successfully by the Nez Perce. About 1805 or 1806, approximately the time that the Lewis and Clark expedition passed


\textsuperscript{19}\textit{Ibid.}, p. 2.

\textsuperscript{20}\textit{Ibid.}, pp. 7-8.
through Nez Perce country, the Nez Perce massacred an invading party of
Snake Indians in what has been described as a running battle. The car-
nage was counted at 266 Snakes, comprising half the complement, at the
site of an Idaho cave. How many Snakes were killed before the band was
forced to take cover is unknown. Unable to extract the Snakes from the
cave without sustaining a large number of casualties, the Nez Perce
built at the entrance a fire which caused mass suffocation of the in-
vaders. 21

Such astute tactics made the Nez Perce dictators over the lands
they claimed and it is in this light that the treaties imposed on them
starting in 1855 should be viewed.

It should be emphasized, however, that no private ownership of
land existed. 22 The concept of a homeland did, as the nationalistic
concept existed for the whites. To Indians throughout the United States,
even after some 200 years of white influence, the notion of land as an
economic commodity to be bought and sold was alien to their thinking.
The warrior chief, Tecumseh, expressed the Indian philosophy of nearly
all nations in answering the demands of white buyers: "Sell the coun-
try? . . . Why not sell the air, the clouds, the great sea?" Not a few
tribes resisted to the death demands to sell their land. 23

The Nez Perce ancient right to sovereignty over the home terri-
tory had been spelled indelibly with blood for centuries and it is to


21 Ibid., pp. 13-15.

22 Spinden, op. cit., p. 245.

23 Stewart L. Udall, The Quiet Crisis (New York, Chicago, San
the everlasting credit of Gov. Isaac I. Stevens of Washington Territory in negotiating the first treaty that the right was fully respected.

Shortly after the war in 1877, Gen. O. O. Howard, who had pursued the Nez Perce from the first battle to the last, wrote that the main tribe,

the Upper Nez Perces, occupied the Lapwai, from which we have seen that Old Joseph was driven in 1847. With these the government has had most to do in times past. With these Governor Stevens made his celebrated treaty of 1855, to which Old Joseph gave his assent; and well he might assent to this the first treaty, for it embraced in its established boundaries all his lands, and allowed him and his people to live in the same place, and in the same manner, as the Lower Nez Perces had lived for generations. Therefore, we are not surprised to find his name appended to an instrument which in itself was not inequitable, but which was preliminary to the usual course of dispossessing the Indians of the property and rights which they claimed.\(^2\)

Within Nez Perce community life, property such as weapons and horses was personally owned and traded.

Nez Perce relations with early settlers often were complicated by their love for stealing horses. But Many Wounds, a Nez Perce interpreter, explained that for a youthful warrior to gain prominence for consideration as a chieftain, he had to have led a minimum of ten successful horse-capturing raids.\(^2\)

The Nez Perce retained prisoners of war as slaves, although treatment toward them was kind. Slaves could gain acceptance into the tribe and it was not uncommon for female captives to marry their captors. Children born to prisoners in bondage were regarded as free.\(^2\)


\(^2\)McWhorter, *op. cit.*, p. 11.

\(^2\)Spinden, *loc. cit.*
The political structure of the tribal unit was founded on admiration for individual prowess and accomplishment. Usually each tribe elected two chiefs or, more precisely, two chiefs who filled offices of greatest responsibility. The so-called peace chief held his position within the village for as long as the majority wished him to govern. A war chief, regarded with highest esteem, represented the tribe in the council, a national body. While sons often replaced their fathers as chieftains, as happened with Chief Joseph in 1872 when Old Joseph died, the position was by no means hereditary.

The council met as circumstances warranted, sometimes in part to consider a minor matter between two or three tribes and sometimes in whole to debate intertribal concerns. There were, however, intertribal councils and village councils which dealt effectively with the majority of local issues.

Unquestionably the national theme was harmonious for the Nez Perce. The prime concern of the individual was within the tribal village and family ties were cohesive despite the general practice of polygyny.

Tribesmen exercised a wide latitude of personal freedom in action and speech. Oratory before a council marked the merit of a potential chief as much as his accomplishments in battle. That Chief Joseph was so revered by his compatriots—and later by his greatest enemies, the

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27 Ibid., pp. 242-243.


29 Beal, op. cit., p. 8.
whites—can be ascribed in large measure to his articulate wisdom, ex-
pressed in almost biblical phraseology. With an introduction by Rt.
Rev. W. H. Hare, D.D., Bishop of South Dakota, who said that Joseph's
appeal reminded him of the Hebrew prophets, the story as related by
this great chief began with the following words:

My friends, I have been asked to show you my heart. I am
glad to have a chance to do so. I want the white people to
understand my people. Some of you think an Indian is like a
wild animal. This is a great mistake. I will tell you all
about our people, and then you can judge whether an Indian
is a man or not. I believe much trouble and blood would be
saved if we opened our hearts more. I will tell you in my
way how the Indian sees things. The white man has more words
to tell you how they look at him, but it does not require
many words to speak the truth. What I have to say will come
from my heart, and I will speak with a straight tongue. Ah-
cum-kin-i-ma-me-hut (the Great Spirit) is looking at me, and
will hear me.30

The impassioned, yet penetrating simplicity of many documented
speeches by this warrior chief stand as empirical evidence of an expres-
sive wisdom that was embodied with the generations of his people. He
spoke for many, not just for himself.

Jurisprudence within the Nez Perce nation amounted to an unwrit-
ten discipline enforced under the authority of each village chief.
Murder, theft and adultery were regarded as major offenses, punishable
according to the established code. A rapist, according to circumstances,
was punished either by enforced marriage or death. Lying was a breach
of tribal ethic and punishable by public scorn and derision.31

The way of Nez Perce life made a lasting impression on the mem-
bers of the Lewis and Clark expedition. Captain Clark made the following

30Brady, op. cit., p. 48.
31Spinden, op. cit., p. 244.
entry in his diary, October 17, 1805:

Those people appear to live in a State of comparative happiness: they take greater share (in the) labor of the woman, than is common among Savage tribes, and I am informed (are) content with one wife. Those people respect the aged with veneration. I observed an old woman in one of the Lodges which I entered, She was entirely blind as I was informed by signs, had lived more than 100 winters, She occupied the best position in the house, and when She spoke great attention was paid to what she said.

This sensitivity and respect for the views of the aged, this basic trait of character which might best be termed humility, made an overwhelming impression on many whites who had to deal directly with these Indians. The Nez Perce as a people--too often referred to as brutal savages and barbarians by indignant and uninformed writers undertaking historical reviews of the conflict shortly after its termination--received unconditional praise from persons of whom it would be least expected.

Gen. Nelson A. Miles, commander of the troops that finally defeated Chief Joseph near the Bear Paw Mountains of Montana Territory, wrote that they "were a very bright and energetic body of Indians; indeed, the most intelligent that I had ever seen. Exceedingly self reliant, each man seemed to be able to do his own thinking, and to be purely democratic and independent in his ideas and purposes."

Apparent a large number of Nez Perce males, dominant in the paternalistic society common to Indian culture, were content with one wife. But some, including Chief Joseph, wed two. For this reason, the task undertaken by early missionaries to erase the practice of polygyny was by no means easy.


Similarly, Carl Schurz, Secretary of the Interior, wrote: "This bloody conflict might have been avoided by a more careful regard for the rights of an Indian tribe whose former conduct had been uniformly peaceable and friendly."\(^{35}\)

Had it not been for the qualities of the Nez Perce, the Lewis and Clark expedition might never have survived the difficult traverse of the Bitterroots into the vast domain now encompassed by the Selway-Bitterroot Wilderness area. The expeditioners found it nearly impossible to delegate time for hunting while following the tortuous trail, a long stretch of which ascended heavily forested peaks and ridges. A Sergeant Gass proclaimed these "the most terrible mountains I ever beheld," although the crossing required only nine days.\(^{36}\) It should be remembered that 71 years later Nez Perce men, women and children carrying all their personal belongings were to outmarch Gen. O. O. Howard's command over the same route on the initial leg of the frantic retreat.

During the nine-day crossing by the Lewis and Clark expedition, iron rations in the form of a concentrate soup, a military experiment, were issued to the famished travelers. This sustained them until six advance hunters killed a stray Nez Perce horse for food. It was this hunting party which, on September 20, 1805, made the first contact by whites with the Nez Perce people. Hospitality was warm and cordial despite the language barrier which reduced communication to hand gestures.\(^{37}\)

\(^{35}\)Beal, op. cit., p. xi.

\(^{36}\)DeVoto, The Course of Empire, p. 505.

\(^{37}\)Ibid.
The sudden change in diet, starting with iron rations and then shifting to dried salmon, dried berries and camas cakes offered by the Nez Perce, resulted in serious dysentery for nearly every member of the white party. Like most, Captain Lewis found it difficult to ride a gentle horse. Morale fell to the lowest point during the transcontinental trek and not a few members wished to turn back.

Some medicines administered, such as "rush pills," "pukes salts," and other remedies, helped little. With a tone of embarrassment Captain Clark noted: "Cap(t.)Lewis and my selfe eate a supper of roots boiled, which filled us so full of wind that we were scercely able to Breathe all night." The famed woman guide, Sacajawea, lessened their misery with a special salad of herbs. \(^{38}\)

Yet the turning point in this crisis was the generous hospitality extended by the Nez Perce. \(^{39}\) It is curious, therefore, and perhaps prophetic of white thinking in later relations with the Nez Perce, that Captain Clark made the following entry, October 10, 1805: "They are verry Selfish and Stingey of what they have to eate or ware, and they expect in return Something for everything give(n) as presents or the survices whic they doe let it be however Small, and fail to make those returns on their part." \(^{40}\)

DeVoto notes that this unjust stricture in view of the benefactions of Indian friendship offered openly was later reversed and both of the expedition commanders came to regard the Nez Perce as the most

\(^{38}\)Ibid., p. 506.


\(^{40}\)Ibid., p. 248.
generous and likeable tribe they had encountered. On the return of the expedition from Fort Clatsop on the Pacific Coast in the spring of 1806, the Nez Perce gave back not only horses and saddles that had been left behind, but also a hidden cache of food and supplies that had been buried and washed up by flood waters.\textsuperscript{41}

Snow halted several attempts to recross the Bitterroots until June 4, when the expedition bade a final farewell to their Indian friends. The explorers learned to speak a few words of the language, and it was tribal legend that a number of Nez Perce girls were left pregnant.\textsuperscript{42}

In stature and bearing the Nez Perce were a handsome people, as evidenced by numerous descriptions and photographs. Their physiognomy radiated an inner calm beneath the sharply furrowed, weathered features reflecting the grim aspects of wilderness existence.

Captain Clark noted, however, that these Indians

\textldots as also those of the flat heads which we had passed on the Koskoske and Lewis's rivers are subject to sore eyes, and many are continually fishing during the Spring Summer & fall, & the snows during the winter Seasons, in this open country where the eye has no rest.\textsuperscript{43}

While a medical analysis of this and other Nez Perce physical debilities would require a separate study, which has been done on certain diseases, the major concern for missionaries was the outbreak of smallpox and similar infectious maladies which devastated numerous Indian nations during the 19th century. Much of this was spread by war parties from the upper Missouri to Indians who had not been exposed to the diseases.\textsuperscript{44}

\begin{itemize}
\item \textsuperscript{41}DeVoto, \textit{The Course of Empire}, p. 515.
\item \textsuperscript{42}Ibid., p. 514.
\item \textsuperscript{43}DeVoto, \textit{The Journals of Lewis and Clark}, p. 253.
\item \textsuperscript{44}DeVoto, \textit{The Course of Empire}, p. 306.
\end{itemize}
Smallpox, measles and scarlet fever were common in the wagon trains which shuttled westward. The inability of the Indian to acquire immunity made him easy prey to full-scale epidemics, as happened in more recent times among the Eskimos. The Indian's disregard of camp sanitation only worsened the situation.\textsuperscript{45}

Ravages of smallpox and tuberculosis, unquestionably originated with white civilization, hit the Nez Perce nation in the 1860's in the same manner other tribes were struck. Although census estimates vary widely, a drastic decline in population followed the epidemics.\textsuperscript{46}

Early settlers who undoubtedly were unfamiliar with the entirety of Nez Perce environs gave conflicting census tabulations. This may have influenced Isaac I. Stevens, who became governor of Washington Territory in 1853, who set the number at 1,880 in 1851. Father Cataldo, a missionary who lived with the Nez Perce a half century or longer, estimated the population peak to be approximately 5,000 in 1860. Thereafter, the trend was sharply downward and the first official census in 1893 indicated there were 1,895 Nez Perce people.\textsuperscript{47}

Long before white influence, the Nez Perce developed a technology of note. Tribal lodges were huge, extending to some 150 feet. A 12-month calendar was devised, not only to keep track of time, but to record historic events such as battles. Warriors wore armor--as did many of other tribes--which included a helmet, shield, and tunic fashioned from elk leather. The most remarkable development was the making


\textsuperscript{46}Spinden, \textit{op. cit.}, pp. 239-40.

\textsuperscript{47}\textit{Ibid.}
of bows which were masterpieces of design and craftsmanship. The best of these, fashioned from the horns of mountain sheep, required a careful splitting lengthwise, steaming for recurved shape, and then glueing and wrapping of deer sinew in a lamination process not dissimilar to the finest modern methods.\textsuperscript{48}

It has been stated frequently that the French name given these Indians by trappers is a misnomer. But as early as 1805, Captain Clark referred to them as "Cho-pun-nish" or "Pierced Nose" Indians.\textsuperscript{49} At least part of the Shahaptin stock of the Pacific Northwest did pierce the septum of the nose to insert a dentalium shell for ornamentation and, if this were widely practiced by the Nez Perce, it happened during earlier times.\textsuperscript{50} These Indians referred to themselves as Numapu.

But for all their accomplishment as warriors, stock breeders and craftsmen, the Nez Perce seemed deeply aware that white civilization eventually would become dominant.

The incursion of settlers within Nez Perce boundaries did not occur, however, until February 20, 1860, after Elias D. Pierce discovered gold in the Clearwater district flanking the eastern portion of tribal land protected by the treaty of 1855. It should be noted that the date of incursion corresponds closely with the smallpox epidemics of that decade. This formulated the tragic turning point of what previously had been considered a golden age of relations with the whites.\textsuperscript{51}

\textsuperscript{48}Ibid., pp. 211-212.
\textsuperscript{49}DeVoto, The Journals of Lewis and Clark, p. 246.
\textsuperscript{50}Spinden, op. cit., pp. 171-172.
\textsuperscript{51}Beal, op. cit., pp. 18-20.
Owing to the treaty signed five years earlier, citizens in Walla Walla recognized the enormous danger and favored negotiating a new treaty. Meanwhile, Chief Eagle-from-the-Light and Chief Lawyer fumed and made open threats on the town of Lewiston, then being built.

An agreement to let miners dig the Clearwater country was reached the following year, but it was inevitable that further demands would follow. A second agreement was signed December 31, 1861, to open the Salmon River district to the south.

It is somewhat amusing that the enterprising Nez Perce adjusted to their fate in numerous ways, including the construction of toll bridges and the running of ferries. 52

But as the Indians had sadly anticipated, the thousands of miners that swarmed in became settlers. To the credit of the Nez Perce, hostilities were avoided despite several provocations. The whites cut timber, cultivated fields and built fences, and pigs overran and destroyed the camas crop so dear to the Indians. Meanwhile, it has been estimated that the miners extracted some $50 million in gold from Nez Perce territory. 53

That friendship with the whites deteriorated was criminal in view of the exhaustive efforts made in earlier years by both sides to foster friendly relations. It is apparent that Lewis and Clark seeded the theme of national sovereignty which, as far as is known, the Nez Perce never challenged. 54

Traditionally their interest centered on

52 Ibid.
53 Ibid.
54 Technically the Nez Perce were Spanish Indians, and they might well have become British during the border dispute later. The American "manifest destiny" was by no means a certainty.
the land, the tribal society and a deeply rooted religion.

While their religion was somewhat mystical, based in part on dreams and visions, the tenets were not so divergent from Christian principles that any impossible barriers existed for missionaries. A most astounding event, in view of the respect paid to tribal mores, occurred during the summer of 1831 when four tribesmen traveled from Kamiah village on the Clearwater with the specific intention of journeying some 2,000 miles to St. Louis in the hope of recruiting a Christian missionary and learning something about the great book of the white religion.\footnote{Haines, op. cit., p. 57.}

On crossing Lolo Pass, one Nez Perce turned back to avoid hindering his partners, but shortly thereafter, three tribesmen from the friendly Flathead nation joined the venture.\footnote{Ibid.}

Unfortunately, the remainder of the endeavor was one of tragedy. Before the delegation reached its destination, October 1, 1831, two Indians had died of disease. The people of St. Louis accorded the visitors a warm welcome, but it was found nearly impossible to communicate effectively. Captain Clark, then a resident of St. Louis, was overjoyed to gather again with the people who had welcomed him 25 years earlier, but he had forgotten what little he had learned of the Nez Perce and Flathead languages. The desire of these tribes to enlist a missionary was not understood fully. Meanwhile, three more Indians of the delegation succumbed to diseases and only one, a Flathead named Rabbit-Skin-Leggings, returned to his people to tell of failure.\footnote{Ibid.}
Seen in the larger sense, however, the remarkable quest bore fruit that was to nourish the Nez Perce culture on the one hand and, strangely, to help destroy it on the other.

In 1836, two missionaries, Marcus Whitman and Henry Spalding, and their wives introduced agriculture, technology, education and religion in a manner that endeared them to the Nez Perce and neighboring tribes to the west. Indeed, the Nez Perce appeared eager to receive instruction in Christianity and many accepted conversion. The impress of this influence was understood well by General Howard who penned the following account of the tragic end of the work done by the Whitmans:

When Mr. Spalding, a remarkable Protestant missionary, whose name to-day is a household word with the Christians of the tribe, came, in 1836, to the Nez Perces, Old Joseph and his band were induced to cross over to the mouth of the Snake and settle for a time near Lapwai, to cultivate a farm there, and send their children to Mr. Spalding's school. The sudden massacre of Dr. Whitman and his family, by the Cayuses, in 1847, caused the Spaldings to leave the country in haste.

Whitman, representing the Presbyterian, Congregational and Dutch Reformed churches, and his beautiful wife, Narcissa, had gained the deepest admiration of the Indians until circumstances changed their

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58 Paul C. Phillips (ed.), "The Oregon Missions as Shown in the Walker Letters, 1839-1851," Frontier Omnibus (Missoula: Montana State University Press, 1962), p. 101. Phillips spelled this name Spaulding, making it obvious there is some confusion. Other authorities drop the "u". Which is right is difficult to ascertain, for it is entirely possible that Phillips is correct. A monument erected on the Continental Divide near the Green River reads: "Narcissa Prentiss Whitman. Eliza Hart Spalding. First White Women to Cross This Pass July 4, 1836." In personal letters which Phillips edited, such as correspondence by Dr. Whitman, the "u" is dropped also. Undoubtedly Phillips was aware of the problem, having rendered the name two ways in the same article. The town in Idaho is spelled Spalding.


60 Howard, op. cit., p. 6.
relationship.\textsuperscript{61}

First, the Cayuse tribe was poor in comparison with the Nez Perce and disease, which the missionary was helpless in controlling, swept through the band. Second, Mr. Spalding had blundered diplomatically with the Nez Perce, as shall be described shortly. Finally, and most important, a vagabond deserted by a passing wagon train for causing trouble managed to ignite Cayuse feelings against the Whitmans. This individual, Joe Lewis, a half breed from Maine, convinced the tribe that Dr. Whitman was poisoning the sick--those dying of measles--to procure their land.\textsuperscript{62}

It should be noted also that the Whitmans were less than successful in their ceaseless efforts to instill Christian principles with the Cayuse.\textsuperscript{63}

Although Dr. Whitman realized danger was imminent, he had little expectation, apparently, that two prominent chiefs would enter the mission on the pretense of obtaining medicine and then carry out the plot that left the Whitmans massacred and mutilated before the eyes of their children.\textsuperscript{64}

Although Spalding faced no such danger with the Nez Perce, he, too, had made mistakes which had divided the nation. At the outset, Spalding had distributed food, clothing and tools indiscriminately without regard for tribal custom or asking for repayment. He did expect

\textsuperscript{62}Haines, \textit{op. cit.}, p. 101.
\textsuperscript{63}Thompson, \textit{op. cit.}, p. 24.
\textsuperscript{64}Ibid., pp. 26-27.
protection, support and acceptance of his doctrine, of course, which
the Nez Perce would not give in return for an assortment of gifts. 65

This shortsightedness hurt Spalding's prestige and, when the
Whitman massacre occurred, he and his family decided to leave.

The two missions at Waiilatpu and Lapwai were closed for 14 years
as a result. Many of the Christian Nez Perce retained the faith, how­
ever, and continued the agricultural pursuits taught them. In 1862,
Spalding and his second wife reopened Lapwai and, consequently, hundreds
of Nez Perce were baptized. Many accepted Christian names, as in the
case of Tu-ela-kas who became Joseph 66 and whose son, the renowned chief,
was to bear the same name.

Other missionaries of other faiths arrived in the 1860's, but
their efforts to combat disease, the confusion caused by various inter­
pretations of Christianity, and the impact of the mining invasion doomed
the diplomatic era of golden relations. 67

65Haines, op. cit., p. 79.

66Beal, op. cit., p. 17. According to the personal recounting
of the war by Chief Joseph, his name was In-mut-too-yah-lat-lat, mean­
ing Thunder-traveling-over-the-mountains. Joseph claimed that his
Christian name was first given to his father by Spalding. But many
Nez Perce had two or more Indian names, which had led to much confu­
sion.

67Ibid.
CHAPTER II

PRE-WAR TREATIES AND COUNCILS

As early as 1853, seven years before the mining invasion of Idaho, there were sufficient settlers in the Northwest to create a new territory. Congress approved the splitting of the "Old Oregon Country" to form Washington Territory that year. Major Isaac I. Stevens, 34, of the U. S. Army, was appointed governor, a position which included serving as Secretary of Indian Affairs in that domain.1

American policy, even before the Revolutionary War, has been to negotiate formal treaties with each Indian nation to avoid or resolve land disputes. In 1855, many such documents were contracted with tribes from coast to coast, including the Walla Walla, Cayuse, Yakima, Flatheads and Blackfeet in the Northwest.2 That the federal government should negotiate similarly with the Nez Perce nation for the first time in 1855 was by no means unusual. Unlike subsequent treaties with that nation in 1863 and 1868, the initial agreement arose from no great controversy. Yet the basic issue—to establish a reservation exclusive of white settlement—remained foremost in all Nez Perce treaties.

When approximately half of the Nez Perce nation revolted in 1877,


newspapermen and government officials, including congressmen and advisers to the President, studied Nez Perce treaties and related events to determine the cause of the difficulty. As will become evident in later chapters, the government was finally to accept the blame for its failure to uphold the obligations which, in the case of the Treaty of 1863, were forced upon the Indians.

Treaty of 1855

On May 23, 1855, Governor Stevens and an entourage comprising approximately 100 aides and military personnel gathered along a tributary of the Walla Walla River. There a camp was established to greet delegations from the several Indian tribes asked to attend.

The first to arrive the next day were approximately 2,500 Nez Perce. Each of the several tribes was represented by a chief, which included Looking Glass (father of the warrior of 1877), Spotted Eagle, Old Joseph, James, Red Wolf, Timothy, Eagle-from-the-Light and Lawyer. Then came Cayuse, Yakima, Umatilla and Walla Walla tribesmen, for a total of more than 5,000 Indians. During the protracted negotiations that followed, the council ground was filled with gaiety from outward appearances. Indians danced, courted, gambled on races and spun yarns. But as the treaty negotiations became heated over details of apportioning lands, a plot was inspired by the Cayuse, murderers of the Whitmans, to overwhelm the small white delegation by force. When word of this reached Nez Perce chiefs—presumably to gain approval—the

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3 Beal, op. cit., p. 25.  
4 Ibid.  
5 Howard and McGrath, op. cit., p. 49.
lodges of that nation were quickly moved into the midst of Stevens' camp. This action not only thwarted the Cayuse scheme, but demonstrated Nez Perce good will toward the whites which assured tranquillity during the remainder of the talks.⁶

Negotiations between the white men and the Nez Perce went reasonably well until an outburst by Chief Looking Glass halted the talks with Governor Stevens for a short time. This chief, arriving on the scene late because of a buffalo hunt, accused his people of selling out tribal land for government annuities. Although the position by Looking Glass was correct in many ways, the Nez Perce rejected it in separate council and negotiations were resumed with the whites.

Article 1, establishing general boundaries for a 5,000-square-mile reservation, began with the following declaration which, although common to Indian treaties, was to cause serious misunderstandings later: "The said Nez Perce tribe of Indians hereby cede, relinquish and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit: . . ."⁷

While the intent of such a declaration is clear, a definition of such words as "right," "title," and "interest" becomes academic when soldiers demand tribes to move homes and belongings, first, from land protected by Nez Perce warriors for uncounted centuries and, later, from land protected by this treaty. In effect, the government extracted from the Nez Perce their title to lands owned, if that word is applicable,

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⁶Beal, loc. cit.
⁷Beal, op. cit., pp. 27-29.
on the quid pro quo that this transfer of ownership would entail govern­mental management, improvement, supervision and protection as stated in succeeding articles.

Article 2, which further delineates boundaries, specifies that no white settlement would be allowed on the reservation, except for personnel employed by the Indian Department.

It stipulates further that any substantial improvement made by an Indian—be it cultivation, fencing or construction—would be valued accordingly, and equal compensation would be paid to the Indian involved.

While this and other inclusions designed to aid the financial lot of the Indian deserve praise, for the transition to white ways is rarely easy, the Nez Perce were already a relatively rich nation and became more so through prosperous trading with miners, settlers and the military. Because the treaty was not ratified by Congress until 1859—a delay later deplored by government officials as inexcusable—annuities totaling some $200,000, plus promises to spend $60,000 for improvements, did not begin to materialize for the Nez Perce until late in 1860, five years after the treaty was signed.  

This delay abrogated Article 4 wherein the annuities were proffered as follows:

For the first five years after the ratification of this treaty, ten thousand dollars each year, commencing September 1, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand each year, and for the next five years, four thousand each year.  

Technically, then, the treaty became inoperative on September 1,

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8Chalmers, op. cit., pp. 24-25.
9Kappler, op. cit., p. 704.
1856, because the financial commitment of the government was not fulfilled as agreed.\textsuperscript{10}

The remaining articles of the treaty made provisions for schools, a hospital and access for public highways through Nez Perce environs. This is not to suggest, however, that white settlers would be tolerated without permission of the Indians. Article 10 allows one white, William Craig, to retain his land holdings on the reservation in accordance with the laws binding the Indians because the latter had expressed the desire that he do so.\textsuperscript{11}

As noted in the previous chapter, this treaty incorporated fairly the tribal dominion of the Nez Perce in establishing a reservation. A general good will between the contracting parties prevailed, with one important exception, and when the Stevens delegation departed eastward to make similar agreements with Plains Indians, he discharged his military escort and was accompanied by a Nez Perce guard. Heading this escort were Looking Glass, who temporarily had disrupted the council talks, and White Bird, who was to become a persuasive voice in Nez Perce affairs during the war 22 years later.\textsuperscript{12}

The one exception to good will was Old Joseph's refusal to join the 56 other Nez Perce chiefs and chieftains who signed the Treaty of 1855. Although he was overwhelmingly outvoted, the position he took in refusal, recounted by his son, the great warrior in later years, was to have far greater impact on Nez Perce affairs than did the treaty:

\begin{footnotes}
\item[10]The Nation, August 2, 1877 (see Appendix).
\item[12]Beal, \textit{op. cit.}, p. 27.
\end{footnotes}
Mr. Spaulding took hold of my father's arm and said, "Come and sign the treaty." My father pushed him away and said: "Why do you ask me to sign away my country? It is your business to talk to us about spirit matters . . ." Governor Stevens urged my father to sign his treaty, but he refused. "I will not sign your paper," he said, "you go where you please, so do I; you are not a child, I am no child; I can think for myself. No man can think for me. I have no other home than this. I will not give it up to any man. My people would have no home. Take away your paper. I will not touch it with my hand."

My father left the council. Some of the chiefs of the other bands of the Nez Perces signed the treaty, and then Governor Stevens gave them presents of blankets. My father cautioned his people to take no presents, for "after awhile," he said, "they will claim that you accepted pay for your country." Since that time four bands of the Nez Perces have received annuities from the United States. My father was invited to many councils, and they tried hard to make him sign away his home. His refusal caused a difference among the Nez Perces.13

This "difference" which young Joseph mentioned about his father and other chiefs became the first major split in Nez Perce unity that was to divide the nation into parts, one peaceful and the other at war, in 1877.

Treaty of 1863

With the illegal mining invasion of 1860, the settlement which resulted and the failure of the government to uphold either the financial or territorial obligations of the Treaty of 1855, tensions mounted swiftly. Mills and buildings promised were not constructed; payments were not met; whites who had taken Indian wives abandoned them and their children; Southern sympathizers agitated that the federal government was about to collapse; and the sale of several thousands of dollars of Nez Perce horses for use in the Yakima War, 1856-58, was not paid by the

13Brady, op. cit., pp. 52-53.
government.\textsuperscript{14}

William Purvine wrote for the \textit{Oregon Statesman}:

If open hostilities have not commenced with the Nez Perces, it is not because they have not been outraged to that degree when "forebearance ceases to be a virtue." In return for the continued friendship in time of want, and generous acts of hospitality always so readily extended towards the whites by the Indians, they now reap an abundant harvest of every species of villany and insult.\textsuperscript{15}

On June 21, 1862, the \textit{Washington Statesman} carried an account of the murders of three Nez Perce tribesmen by drunken miners.\textsuperscript{16} Pleas for justice were ignored by the whites and pressure was put on Indian agents to negotiate with the government. These attempts failed completely in 1861 and 1862 because Nez Perce leaders were no longer in accord about signing papers with the United States. For lack of better terminology, the tribes to the south headed by Old Joseph in the Wallowa area are referred to as "Lower Nez Perce"; those to the north headed by Chief Lawyer are called "Upper Nez Perce." The split in unity in 1855 became a chasm during the long-awaited negotiations of 1863.\textsuperscript{17}

Because the Civil War prevented the government from paying annuities in 1863, a commission, headed by Calvin H. Hale, then Superintendent of Indian Affairs in Washington Territory, was appointed to negotiate a new treaty with the Nez Perce. The major dispute, however, was not over money, especially among Joseph's tribes which refused to "become wards of the government" by accepting annuities. The real issue

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\textsuperscript{14}Howard and McGrath, \textit{op. cit.}, p. 70.
\textsuperscript{15}[Salem] \textit{Oregon Statesman}, April 28, 1862.
\textsuperscript{17}Beal, \textit{op. cit.}, p. 30.
was land.

The meeting at Lapwai, May 15, 1863, was totally unlike the one eight years previously when amiable relations and a gay setting tended to lessen the heat of debate. The talks were conducted at Fort Lapwai, built the previous year, where four companies of the First Oregon Cavalry were garrisoned.\(^8\)

The preamble characterizes the Treaty of 1863 as "being supplementary and amendatory" to the Treaty of 1855, indicating that the latter remained in effect.\(^9\)

Article 1 provided for cession of lands to the government as stated in the earlier treaty with the exception that new boundaries would be located. Article 2 spelled out the changes, lopping off some 4.5 million acres of the southern portion of the reservation where Joseph's tribes were located.\(^10\)

Moreover, this article allowed individual tribesmen at personal discretion to sell allotments of land, determined by survey, to whites. This provision trampled tribal ethic of long standing, because land was considered community property, as noted in the previous chapter. It also guaranteed settlement of reservation lands in violation of Article 2 of the Treaty of 1855, which stated:

\begin{quote}
All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent. . . .\(^21\)
\end{quote}

\(^8\)Howard and McGrath, op. cit., pp. 70-71.
\(^9\)Kappler, op. cit., p. 843.
\(^10\)Real, loc. cit.
\(^21\)Kappler, op. cit., p. 703.
Article 4 of the Treaty of 1863 noted that because the government had failed to comply "as yet" with the first treaty, a new schedule of payments would go into effect. The remainder of the treaty expanded somewhat the annuities promised originally, despite the Civil War debt.

Regardless, the Lower Nez Perce still refused any federal "gifts" and what money did reach the reservation by way of improvements was, in large measure, embezzled by unscrupulous whites. A report by Superintendent Kendall for the government after an inspection tour in 1862 stated, in part:

Not far from sixty thousand dollars have been expended by the agent heretofore in charge of this tribe. I regret to say the visible results of this liberal expenditure are meagre indeed.

The buildings erected by Mr. Cain for the agency were mere shells hardly fit for human habitation. The want of comfort displayed can only be accounted for on the ground that the agent did not make the reservation his headquarters and consequently felt little if any interest in the matter.

I sought in vain to find the first foot of land fenced or broken (to plough) by him or his employees. The only product that I could discover consisted of three tons of oats in the straw piled up within a rude uncovered enclosure of rails to raise which must have cost the government more than seven thousand dollars. Even this property was barely saved from the hands of departing employees who claimed it as the result of their private labor.

As I witnessed the withdrawal from this meagre pile of the rations for my horse, I could hardly fail to sigh from the thought that every chomp of his jaws devoured at least a dollar's worth of government bounty.\(^{22}\)

While this evidence is not conclusive as to the conduct of white employees on the reservation, similar evidence was brought to light in newspaper articles late in the war when a specific explanation of the causes of ill feeling were scrutinized.

In view of the numerous breaches of faith by the government, it

\(^{22}\)Chalmers, op. cit., p. 24.
is no less than amazing that 52 Upper Nez Perce signed the Treaty of 1863. Only one Lower Nez Perce, Wap-tas-ta-mana, signed.\textsuperscript{23} Old Joseph had refused to attend the parley and, after learning the terms set forth, roundly denounced Chief Lawyer for selling out the Wallowa country to the south without authorization from Lower Nez Perce tribes.\textsuperscript{24} Actually, Lawyer had fought to preserve as much of the reservation as possible and forced white negotiators to compromise their original demand to reduce the total area from 5,000 to approximately 500 square miles.\textsuperscript{25} Nevertheless, such compromise as finally documented did not appease the lower tribes which bore the brunt of this "thief treaty."

It is generally agreed and should be obvious that the commissioners were wrong in concluding a treaty for the Nez Perce nation with only half the tribes. Old Joseph's reaction was vehement. He not only tore his copy of the treaty to shreds, but he destroyed his long-treasured New Testament. Consequently, his bands turned to a Dreamer cult for religious solace, based on the teachings of Smohalla. This individual was subject to catalepsy, and his thinking--sometimes likened to Freud--centered on the meaning of dreams. Although he was a persuasive orator who rose to prominence at a time of great confusion for the Nez Perce, General Howard who met him said: "He is a large-headed, hump-shouldered, odd little wizard of an Indian, and exhibits a strange mixture of timidity and daring, of superstition and intelligence."\textsuperscript{26}

\textsuperscript{24}Brady, \textit{op. cit.}, p. 53.
\textsuperscript{25}Beal, \textit{op. cit.}, pp. 30-31.
\textsuperscript{26}Howard and McGrath, \textit{op. cit.}, pp. 81-82.
Others have described Smohalla as an "Indian Moses," a somewhat questionable comparison, because of his promise that "an Indian would rise up to drive out every white person and would raise to life all the dead Indians." Belief in an after life was prevalent among the Indians and, while the Dreamer cult did not expand beyond the Northwest, it gained numerous converts throughout the region. Apparently this religion is still extant and is practiced by many Indians.

The Upper Nez Perce continued as Christian.

_Treaty of 1868_

Generally regarded by scholars as unimportant, this treaty—actually an amendment of the Treaty of 1863—was a prelude to the confusion which was to ensue during the 1870's.

Article 1 reiterates the policy of moving the Lower Nez Perce to the new reserve, "provided, however, that in case there should not be a sufficient quantity of suitable land . . ., then those residing outside, or as many thereof as allotments cannot be provided for, may remain upon the lands now occupied and improved by them. . . ."

This stipulation suggests two things. First, the government had not yet enforced the provision of Article 2 of the Treaty of 1863 which required the Lower Nez Perce to abandon the Wallowa country and move northward to the new reserve, usually referred to as the "Lapwai Reservation," within one year. Second, and of greater significance, the government recognized the fact that a mass relocation to the Lapwai

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27 Ibid. 28 Ibid. 29 Kappler, op. cit., p. 1024.
Reservation would be impractical, because there would not be sufficient land for every male over 21 years of age to be allotted 20 acres.\textsuperscript{30} The intent of land distribution to individual tribesmen was to domesticate these Indians, to end their nomadic habits of hunting, to make them farmers and ranchers. Evidence of this is apparent in the treaties of 1855 and 1863 where monetary reward was promised to individuals who built fences, cultivated fields, erected buildings or, in any similar manner, improved the land apportioned them.

Despite this altruism, the treaty policy as documented in the U. S. Senate Reports is a contradictory one, as already shown, and matters were only made worse in the 1870's when two conflicting executive orders were issued by President Grant in an obvious attempt to rectify the matter. The first, issued June 16, 1873, was inspired by a report made the previous month by the Commission on Indian Affairs which concluded: "If any respect is to be paid to the laws and customs of the Indians, then the treaty of 1863 is not binding upon this band. If so, then Wallowa Valley is still part of the Nez Perce reservation. If this is the case, the Government is in equity bound to pay white settlers for their improvements and for the trouble, inconvenience and expense of removing from there."\textsuperscript{31}

The presidential order of 1873 intended to put this recommendation into force, requiring that white settlers, who had violated federal treaty obligations by their presence on Nez Perce lands, move off at government expense. This might have been a great victory for

\textsuperscript{30}Ibid.

\textsuperscript{31}Avant Courier [Bozeman, Montana], August 23, 1877.
the Lower Nez Perce in particular, the Nez Perce nation in general, had
the executive order been carried out. It might have resolved the basic
issue which led to the uprising of 1877. Unfortunately, Congress re­
fused the pleas of the Secretary of the Interior to allocate an estimated
$67,860 necessary to pay the settlers. While this may seem an exorbi­
tant sum to settle a matter for a distant nation of Indians—especially
when viewed in terms of the value of the dollar in those times—it
would have been a small cost when compared to the federal expenditure
of $931,329 for the military campaign of 1877. This latter figure
does not include expenses incurred by the various state militias or
take into account damage to property.

Because the measure failed in Congress, an executive order was
issued June 10, 1875, rescinding it; thus, the one hope of the Lower
Nez Perce—to annul the land provisions of the Treaty of 1863—died.

Meanwhile, the government was having difficulty changing the
nomadic habits of the Nez Perce. Young Joseph, who had become chief
of the lower tribes upon his father's death in 1871, expressed his
sentiments to Agent John B. Monteith who, on April 28, 1874, wrote to
Edward P. Smith, commissioner of Indian Affairs: "For a year past I
have tried to prevail upon Joseph to cease his homadic habits and settle
down in the Wallowa Valley. . . . His answers invariably have been, 'My
father made the tracks for me to go in, and I intend to walk them.'"

32The Nation, August 2, 1877 (see Appendix).
33Beal, op. cit., p. 247. 34The Nation, loc. cit.
35Eugene B. Chaffee (ed.), "Nez Perce War Letters to Governor
Mason Brayman," State Historical Society of Idaho Reports, 1929-1936
(Boise, 1930), p. 38.
This explains that the Nez Perce were not cooperative with the government during the period of amnesty of the presidential order of 1873 when it was thought that the land provisions of the Treaty of 1855 were reinstated. Had Joseph moved all his people into the Wallowa district which he claimed as tribal domain, it may be speculated that the second executive order which ended the period of amnesty might not have been issued. As evidence, a considerable controversy arose over what Joseph's attitude was toward all treaties, including that of 1855. Gov. L. F. Grover of Oregon, who strongly opposed the initial presidential order which revoked the land stipulations of the Treaty of 1863, made an issue of Joseph's failure of cooperation to move all his bands to Wallowa. Despite a rebuttal by Henry C. Wood, assistant adjutant general to the commander of the Department of the Pacific, to this assertion on the grounds that all the treaties negotiated with the Nez Perce were unfair, pressures increased against the Indians of Joseph's tribes who were then commonly called "non-treaty Nez Perce."³⁶

Joseph appealed to Agent Monteith to present his case to the President, but this was denied.³⁷ The problem for the government from 1875-77 was moving the non-treaty Nez Perce to the Lapwai Reservation against their will without bloodshed. Major Wood, named a commissioner, continued to plead the cause of the Nez Perce without avail and, in January, 1877, the Department of the Interior issued orders to Agent Monteith to effect this move, by force if necessary.³⁸ The execution

³⁷Beal, op. cit., p. 35.
³⁸Howard and McGrath, op. cit., p. 105.
of these orders fell on Gen. O. O. Howard, a famed Civil War commander, who had met in council with the Nez Perce more as a diplomat than a soldier during two years of talks. Pressure was put on him by newspapers to take decisive action immediately. An editorial in the Walla Walla Statesman proclaimed: We have a right to demand that no half way measure be adopted by the officer in command. Send out a large force at first, and not in small details, and let the question be settled forever. Similarly, an editorial in the Portland (Oregon) Daily Oregonian expressed the opinion:

The case of Joseph is in many respects similar to that of Captain Jack, out of which the Modoc massacre arose. . . . The government should act with promptness and energy. . . . Temporizing will only make matters worse. Having determined upon a policy to be pursued toward this defiant band, the way to prevent its number from increasing [un]till it becomes formidable is to break its power at once.

On January 13, 1877, Gen. William Sherman ordered Howard's command to occupy the Wallowa country, and a series of talks was conducted between the various commissioners and the chiefs of the Lower Nez Perce tribes. What has been described as "the final council" was begun on May 3 of that year. One of the best accounts of that session, related by Yellow Wolf who was 21 at the time, but discredited by Chief Lawyer of the Upper Nez Perce who blamed Joseph for the war, was as follows:

At Lapwai Howard asked Joseph if he had anything to say. Joseph answered: "I will hear what you have to tell the chiefs.

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39Beal, op. cit., pp. 254-255. Howard served in six major battles during the Civil War and achieved the rank of major general.
41Daily Oregonian [Portland, Oregon], February 28, 1877.
My brother [Ollokot] and I came to listen. You must not hurry. White Bird and Toohoolhoolzote will be here tomorrow." But General Howard would not wait. He talked short. Said the Indians would have to do as ordered. Agent Monteith read a paper and said we had to go on a small reservation. Ollokot made a short talk. He wanted to wait for the Salmon River chiefs before anything was done.

General Howard now said, "If you do not come on the reservation, my soldiers will put you there."

This hurt the Indians.\(^3\)

Shortly thereafter, General Howard and Toohoolhoolzote broke into an argument which, more than anything else, was a show of diplomatic force on both sides. Yellow Wolf recalled this by quoting General Howard's impassioned rejoinder: "I am the man to tell you what you must do! You will come on the reservation within time I tell you \([30\, \text{days}]\). If not, soldiers will put you there or shoot you down."\(^4\)

The general then commanded his men forcibly to escort Toohoolhoolzote to the guardhouse.

In a newspaper interview after the war at Bismarck, N. D., Chief Joseph said simply: "Howard, in our councils, talked harsh; said we must move. His language pierced my heart as a knife."\(^5\)

The result of the ultimatum by Howard was successful in that the Nez Perce chiefs agreed to move as ordered. The elderly chief, Toohoolhoolzote, was released from the guardhouse. Howard justified this action later by saying: "My conduct was summary, it is true, but I knew that it was hopeless to get the Indians to agree to anything so long as they could keep this old Dreamer on the land and defy the agents of the

\(^3\) McWhorter, op. cit., pp. 37-38.

\(^4\) Ibid.

\(^5\) Avant Courier [Bozeman, Montana], December 13, 1877. The interview in Bismarck, N. D., was conducted on November 22, 1877, and reprinted in the Avant Courier.
Thus, the Nez Perce gave in to the threat of force, a strong testimonial that they did not desire hostilities with the whites. The relocation of Joseph's people was begun as agreed, but circumstances arose that prevented its completion. Chief Joseph pleaded with the general for more than 30 days to make the move because his stock was scattered and the waters of the Snake River, which would have to be forded, were at flood stage. General Howard refused, saying: "If you let the time run over one day, the soldiers will be there to drive you on to the reservation, and all your cattle and horses outside of the reservation at that time will fall into the hands of the white men."\(^{147}\)

In addition to abandoning much of their stock, the Nez Perce lost considerable possessions during the difficult river crossing, in order to comply with the ultimatum. A rendezvous was planned at the campground called Tepahlewam at the head of Rocky Canyon so the tribes could rest and organize for the trek to Lapwai. But this stopover during the journey was often described as a "fatal pause" because it provided an opportunity for tribesmen, angered deeply, to vent their feelings collectively. Six leading chiefs—Joseph, Ollokot, White Bird, Toohoolhoolzote, Looking Glass and Hahtalekin—agreed, however, that a war with the United States would be senseless, and no evidence suggests that special preparations for fighting were made, as was charged later by newspapers.\(^{148}\) Joseph's wife was expecting a child that month, which

\(^{146}\)Beal, *op. cit.*, p. 42.

\(^{147}\)Brady, *op. cit.*, p. 60.

\(^{148}\)Chalmers, *op. cit.*, p. 52.
only added to his concerns. Joseph and his brother, Ollokot, left the
camp, recrossed the Salmon River nearby, and butchered cattle in prepara-
tion for the journey.

While the two chiefs were away, a horse ridden by two young
braves stepped on camas bulbs that a woman had been gathering. Her
husband, Haymoon Moxmox, insulted them, saying: "See what you do!
Playing brave, you ride over my woman's hard-worked food! If you so
brave, why you not go kill the white man who killed your father, Eagle
Robe?"\(^{49}\)

This inflamed young Wahlitits. He enlisted the help of two
cousins and, at daybreak of June 13, 1877, headed for white settlements
along the Salmon River. The raiding party returned to the camp the
following day with the news of having killed four whites. Reaction
was varied. White Bird and the elders advised against such demonstra-
tions on the grounds that war had to be averted. Wahlitits retort was:
"Why do you sit here like women? The war has begun already."\(^{50}\) When
Joseph learned about what happened, he was shocked and rode to camp
immediately. But he was too late to stop 16 braves and Yellow Bull,
a chieftain, who joined the renegades for a second foray of slaughter.
Although the exact count is uncertain, more than a dozen settlers were
murdered by these Indians who obtained whiskey at a store owned by
Samuel Benedict.\(^{51}\)

The first newspaper account of the murder by a Nez Perce Indian

\(^{49}\) McWhorter, *Hear Me, My Chiefs!*, p. 190.

\(^{50}\) Brady, *op. cit.*, p. 62.

\(^{51}\) Beal, *op. cit.*, p. 47.
appeared three weeks later, as follows:

The Nez Perces give the following version of the cause of the Idaho outbreak: One of the head men of the Nez Perces had long held back the turbulent spirits who were clamorous for war. He was at a trading post for the purpose of buying a gun, which the trader refused to sell him, saying that he was a bad Indian. The Indian said, pointing to the sun, "Before the sun goes down I will make you sell me a gun." The trader replied, "Before the sun goes down I will put you out of this store;" and he advanced toward him as if to put his threat into execution. As he was advancing the Indian shot him in the head, and his partner, hearing the disturbance and coming up, was also shot dead. The Indians then went to the rear of the store and clubbed the trader's wife to death. On the way to their camp they killed four other persons.52

How and from whom this account was obtained was not explained, but the inaccuracies in it are numerous and it conflicts with the explanations given by the Nez Perce chiefs after the war, as already cited. Apparently the source tried to justify the various murders by explaining that the entire affair began over an argument at Benedict's store. Much to his credit, Joseph, who was not involved in the affair in any way, said in 1879:

I would have given my own life if I could have undone the killing of white men by my people. . . . When my young men began the killing my heart was hurt. Although I did not justify them, I remembered all the insults I had endured, and my blood was on fire. Still I would have taken my people to the buffalo country without fighting, if possible. I could see no other way to avoid war. We moved over to White Bird Creek, sixteen miles away, and there encamped, intending to collect our stock before leaving; but the soldiers attacked us and the first battle was fought.53

The shameful murders by the Nez Perce were the result of broken Treaties, white invasion, murder, conflicting executive policy, and a

52Avant Courier, July 12, 1877.
53Beal, op. cit., p. 49.
dozen other grievances. The massacre was also the sole justification for a senseless war which was, for the most part, fought in Montana by whites who had little interest in Nez Perce affairs.
CHAPTER III

NEWSPAPER CHARACTERIZATION

The outbreak of hostilities with the Nez Perce in 1877 attracted immediate national attention. The New York Tribune, for instance, published prominent, front-page accounts each day between June 18 and 24, as the first reports of hostilities were telegraphed from the West.

The alarm among Idaho settlers was by no means localized, and a series of questions needed answers. How serious was the outbreak? Which tribes were involved? Was a general uprising of several Indian tribes imminent? What forces were available to control and suppress the fighting? What damage to life and property had resulted?

As important as each of the questions was, there remained one basic question which, as shall be seen, required months to answer fully: what caused the outbreak?

Journalistic opinion ran rampant with this question. Some papers cursed the Indians; others the government; still others, both.

The problem of immediate concern throughout the war was obtaining factual information concerning the various events unfolding somewhere in the wilderness of two territories. Most eyewitnesses—settlers, volunteers, soldiers—were not trained, unbiased observers. Indeed, the journalists of the frontier were little better in many instances because some editors lacked professional training and because
most editors were caught up in the passions surrounding them.¹

The most accurate information originated from various officers after battlefield situations had been assessed carefully. But their reports did not reach telegraph stations until long after fighting had ceased in the particular battles described. This meant that before and during the development of a military clash, editors had to do considerable guesswork, piecing together information as it came in, to give the public some idea of what had happened.

Editors struggled constantly for fresh news from any quarter at such times and, when it came from creditable sources, their gratitude was unbounded. The Weekly Missoulian, its Missoula offices approximately 150 miles from the scene of the Big Hole battle, began a report of that important conflict: "We are indebted to Mr. Eugene Lent, a former compositor in this office, and a gentleman of unquestioned bravery, coolness, intelligence and veracity, who left Gen. Gibbon's entrenched camp with official dispatches, on Saturday the 11th., for the following account of the Big Hole fight. . . ."²

The problem of accuracy was compounded by the problem of relaying the information from point to point over great distances. The following news story published on the front page of the New York Tribune, the first account by that paper about the Nez Perce outbreak, indicates clearly the complexity of routing the dispatch:


²Weekly Missoulian [Missoula, Montana], August 17, 1877.
An Uprising in Oregon

San Francisco, June 17—A dispatch from Portland [Ore.] says: A dispatch received from Lieut. Wilkenson, now at Wallulsa[sic], conveys the startling news of an uprising of Indians, and states that they were murdering the whites at Mt. Idaho[sic], which is situated 60 miles from Lewiston.3

The remainder of this account by Lt. Wilkenson is sketchy at best and the editors apparently inserted at the end that "it is, however, thought the reports have been exaggerated."

Not only did the uprising not occur in Oregon as the headline indicated, but the next day, June 19, 1877, the Tribune relayed the news that "Young [Chief] Joseph and his squaw were killed during the fight at Cottonwood Creek [Idaho].4 The account explained that this news reached Lewiston by stage, suggesting that it was the fault of the observer and not the press. Joseph was not killed.

While the telegraph should be regarded as the life line for both the military and the newspapers in 1877, it was a mixed blessing for the latter in the technical sense. Hugh McQuaid, part owner of the Helena Independent during the Nez Perce conflict, recalled 24 years afterward that "there was only the government telegraph line in the territory then, and it was not open for the use of civilians at all times. The military was using it almost continuously and it was only by good luck that our correspondents could get something on the wires, and then they had to condense."5

Nevertheless, important news telegraphed from the various stations

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3New York Tribune, June 18, 1877.
5Helena [Montana] Independent, undated.
in Idaho and Montana could be published the next day in San Francisco or New York. Moreover, these urban centers, particularly New York, received and sent numerous dispatches to Washington, D.C., with great speed. This gave newspapers such as the New York Tribune a decided advantage over the press on the frontier because it received both the news of the war and the reaction by the government to that news within a matter of hours.

By way of contrast, The New North-West of Deer Lodge, Montana, and the Weekly Missoulian were but 80 miles apart and it required two days by stage to convey local news. More horses and drivers were added toward the end of June, 1877, however, so that this "line" could be spanned in a single day. Because of this system between frontier towns, it is not surprising that the first news of the Nez Perce uprising was not published in Missoula until June 29, eleven days after it appeared in New York. Part of this can be attributed to the fact that the Missoulian was a weekly at the time. The wire report from San Francisco, however, reached the telegraph station at Helena on June 19 and was published by the Helena Weekly Herald on June 21. The Deer Lodge paper ran the story the next day, June 22. Apparently the stage from Helena to Missoula, a distance of 112 miles, required at least three days travel time over mountainous terrain, or else the story also would have appeared in the Missoula issue of June 22.

This time lag over comparatively short distances meant that frontier towns in general and pioneer editors in particular were, for all practical purposes, isolated from the necessary flow of information.

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6The New North-West [Deer Lodge, Montana], June 18, 1877.
so vital to a military campaign. The problems this created can easily be imagined. One noteworthy example among many of this informational vacuum for frontier editors was reflected in an editorial brief run in the Missoulian on August 10, 1877, noting that no word had been received from Colonel Gibbon about making contact with the Indians. It was explained that the forms of the paper had been kept open to the last possible minute in hopes that some news of the pursuit by the soldiers might be published.⁷ Actually by the time of publication, the Big Hole battle was concluded. The Indians were again on their way southward and Colonel Gibbon's command was attending the wounded and burying the dead.

The editor of the Missoulian, Chauncey Barbour, noted in his comments of August 10 that "if anything important arrives it will be issued in an extra." So far as is known, the Nez Perce conflict was the first time during 13 years of Montana journalism that extras were used extensively.⁸ These appeared as leaflets, not entire pages, usually carrying but one story. Both daily and weekly editors resorted to this practice and no small importance was attached to them. As shall be explored in depth in a later chapter, the extra published in Missoula on July 28, 1877, and reprinted the following day in other towns as distant as Helena—a remarkable feat because the stage normally required three days of travel time—helped create a long and bitter newspaper war which,

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⁷Weekly Missoulian, August 10, 1877.

⁸Librarians at the Historical Society of Montana ascertained that the first extra in territorial history appeared July 18, 1865, in the Montana Post of Virginia City. It was titled "Highway Robbery and Murder!!" Although larger than leaflets published during the Nez Perce war, it is not believed that these extras were used to any extent until 1877.
strangely enough, reversed much of the strong sentiment expressed editorially against the Nez Perce. Reason would suggest that the Nez Perce threat, imagined or otherwise, to communities and ranches throughout Montana Territory would above all else weld journalistic opinion into common accord. The matter was by no means that simple, particularly after editors such as Barbour had opportunity to witness the conduct and understand on a first-hand basis the hopes of the Nez Perce of avoiding a fight.

An impartial review of the frontier editors themselves is extremely difficult, for these were not impartial men. Nor was the frontier existence a simple, happy-go-lucky experience as it is too often regarded by many today who ponder the complexities of co-existence with other nations. Missoula, for instance, was literally surrounded by the Flathead tribe which, as noted earlier, had a long history of amiable relations with the Nez Perce. This relatively isolated community with a population of 441, according to the census in 1877, had a defensive force of 135 soldiers and volunteers capable of being mustered at Fort Missoula which was still under construction. When it became apparent that the town was almost in the direct path of the Nez Perce retreat, the editor of the Missoulian could be expected to react with alarm. This situation was extremely atypical in the normal cycle of frontier events, certainly, and it is important not to characterize various individuals in the hours of crisis only.

Although the limitations of this study make research into Idaho

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journalism superficial, the editor of the *Lewiston Teller*, Alonzo Leland, deserves mention.

Idaho Territory during the 1860's endured growing pains similar to those that pervaded the formation of government in Montana about the same time. Corruption, graft and theft befell such young communities as Lewiston at a time when the Nez Perce problems with treaties were growing. By 1876, Alonzo Leland unleashed criticism against these Indians with unabating vehemence, and he continued this policy through 1878 and into 1879.

Once hostilities had erupted in June of 1877, Leland not only assailed the Indians with the pen, but took to the field with volunteers. During the second foray of the war, which amounted to an extremely confused skirmish and resulted in a court martial over the question of bravery, Leland was wounded.

Two weeks later, in an extra, Leland rebuked a comment by Joseph that he was "not to blame in this war, that he was forced into it" by stating: "he did not speak for the rest of the hostiles."

Because of the proximity of Lewiston to Lapwai where final negotiations were conducted between the government and the Indians before the outbreak, an intensive study of Leland's role would be enlightening. One scholar wrote: "Leland had the outstanding quality of a real

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12 *Beal, op. cit.*, p. 69.

campaigner—he dramatized his position. In his own way, he practiced sensationalism; he helped to build his own war."

Many of the antiquated hand presses used by pioneer journalists in Montana in the 1860's and 1870's had been carted in pieces over the Bitterroot Mountains from Idaho. In fact, most Montana editors depended on western sources for supplies. During 1877, all the major Montana papers were located in the western half of the Territory.

Among the most respected editors in Montana Territory was James H. Mills, who started his career as editor of the first pioneer paper, the Montana Post. He became part owner and editor of the New North-West in Deer Lodge in 1877. Mills served as Secretary of Montana for five years and helped to improve the educational system during later years.

In 1876, Mills and his partner, Harry O. Kessler, on the New North-West, gambled on the anticipated prosperity of Butte placer claims known since 1864 and established the first paper in that community, the Butte Miner. This venture had recondite, pecuniary motives—as opposed to any particular interest in the community of Butte—and Mills sold out eventually to the copper magnates, William Clark and Marcus Daly.

During the Nez Perce campaign, Mills was something of a magnate in his own right, as a result of his journalistic and political prestige.

14 Donner, op. cit., p. 94.
15 Housman, op. cit., p. 32.
17 Housman, op. cit., p. 1145.
Gov. B. F. Potts appointed the editor Adjutant General of the Montana Militia for the specific purpose of resisting the Indians. It may be assumed immediately that such appointment would compromise Mills' supposedly impartial position as a newspaper editor and that he would become a stooge of political influence. The following letter by Mills to the governor, July 12, 1877, indicates not only an embarrassment about publishing the news of the military appointment, but also an egotism in suggesting to the governor how to run the affairs of state:

Deer Lodge, Montana

Your favor of the 11th covering order appointing me Adjutant General of the M M is to hand. Thank you. It would be a trifle of a joke if it were published now but occasion may arise when there will be necessity for it and work to do—I had to scold a bit today [in the newspaper] about the shape in which the Territories are in cases of the kind now threatening us. If you were given discretionary authority it might save trouble with telegraph lines down and no authority to act and incur a dollar of expense in fighting for the United States. . . . It seems to me your standing with the President and Sherman would procure your request favorable consideration. . . . I think you had better order 40 stand [rifles] to Philipsburg, 40 to New Chicago Company, and 20 to Bear Mouth, send the form of bond required from Companies, if it is your duty to go into these details and order that the secretary [Mills] shall determine their acceptance and I will see they are good bonds.19

Because Mills was the secretary of Montana, this and other letters he wrote to the governor give the impression the editor was in Washington, not Deer Lodge. Especially touchy was his intimation that Potts was in the favor of the President, because in April and May of 1877 there was a powerful move under way to impeach the governor on charges of maladministration. Mills was very much a part of the scandal which erupted


19Ibid., p. 7.
among Republican factions and the issue became so controversial that the case was taken to Washington for presidential consideration. The following excerpt from an editorial in the New North-West explains the situation in part:

Among these letters given to the President is the sworn disposition of I. R. Alden, clerk of the Supreme Court of Montana, charging Potts with withholding fees collected and long due to D. W. Middleton, clerk of the Supreme Court of the United States. There is also a letter of Potts copied from the records of the Department of Justice stultifying Potts' endorsement of James H. Mills for Secretary of Montana, whose appointment was recently made, but afterwards withdrawn by the President. In this letter Potts characterizes Mills as a mudslinger at the administration and as abusing the Attorney-General roundly. Potts further remarks: "I think it bad enough to be abused by our political enemies, but when men who live by the favor of the administration abuse us, they should be compelled to draw their sustenance from some other quarter." It is believed that Governor Potts will be suspended or notified that his resignation would be accepted.20

This denouncement of an editor by a governor in grave difficulty would have lacked impact, probably, had Mills been solely on a newspaper payroll. His remarks to the governor's charge in the remainder of the editorial were conciliatory because of his own precarious position.

As it turned out, on May 19, 1877, the President cleared the charges preferred against Potts and, at the same time, reinstated Mills as secretary.21 This was by no means the anticipated outcome, evidenced in the editorial of May 4, and the outbreak of hostilities with the Nez Perce less than a month later was to be a proving ground for the reputations of both men. As shall be seen, the governor faced a personal crisis during the Fort Fizzle affair near Missoula when the Nez Perce "invaded" Montana Territory. Mills' reputation as an editor was to be

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20 New North-West, May 4, 1877.
21 New North-West, May 25, 1877.
tested by the outcome of the same affair when a newspaper war erupted over the conduct of white defenders.

An example of the feeling that ran against both Mills and Governor Potts, who were considered the directors of territorial policy during the Nez Perce war, appeared in an editorial in the Bozeman Times, a paper edited by E. S. Wilkinson, who did a remarkable job at remaining reasonably objective in the majority of his viewpoints toward controversial matters that embroiled other journals:

ADJUTANT GENERAL MILLS

This high-toned and factorum to the Governor, no longer condescends to his course and action in person. He finds admiring contemporaries in other parts of the Territory to defend him from justifiable attack from others. The editor of the [Helena] Independent, acknowledges the superiority of Capt. Mills and proclaims himself a voluntary striker for that sublime minon of Governor Potts. That is all right. It is fitting that the small should bow down to the great and do them homage and service. Of course the article mentioned must be copied by the Madisonian, the other admirer of the Territorial Government, composed of Potts and Mills. Now, since the two organs of the two hundred and fifty pounds averdupois of bone and muscle and the thimble full of brains that runs our government have come to the rescue [meaning the editors], we would advise Capt. Mills to stand aloof from the contest, wrap his dignity in his cloak, say nothing, and leave it to his voluntary henchmen to do his work!22

The reasons for this personal criticism will become evident in the review of the Fort Fizzle affair when the tide of editorial opinion against the Nez Perce ebbed and began a turbulent flow in the opposite direction.

Chauncey Barbour was a close associate and friend of Mills. Although the Missoula editor had not gained the recognition in Montana affairs that the latter had, he was to play an outstanding role in the

Nez Perce war because of his proximity to historic events in that campaign.

That the two editors knew each other well and depended on one another for small favors is apparent in the following letter written July 6, 1877, by Barbour to Mills:

Missoula, M.T.

Dear Sir: I wish you would send me another oyster can of ink by the cart Thursday. . . . I do not know how we stand on our ink trades; maybe you do...

All is quiet along the Bitter Root. The people were under a panic when you were here, but a reaction set in and many of the people are laughing at their scare. We are, perhaps, in as great danger yet as we ever were. The danger is that the Nez Perces may come or be driven into this country, and it is almost a sure thing that a large number of our Indians [Flatheads] will join them in such case. . . .

My last paper was very unsatisfactory to me, and must have been to outsiders who were looking for a statement of the feeling among our people, their alarm and grounds for alarm and their movements in this emergency.

Fraternally yours,
(Chauncey Barbour)

P.S. Printers drunk.23

This casual, very humble approach—observant and articulate—characterizes Barbour's writing, both in personal correspondence and his journal. In his invaluable history written in 1885, Leeson said of Barbour, who still resided in Missoula at the time: "Chauncey Barbour, the former editor of the paper, is said to be one of the closest observers and best editorial writers in the territory."24

The Missoulian, which had started only seven years before the Nez Perce outbreak as the Missoulian and Cedar Creek Pioneer, was relatively unknown compared with the Helena and Deer Lodge papers.25


25Ibid.
This was to change when the Fort Fizzle affair cast that paper in the limelight. Barbour's editorials started the newspaper war, or were the basis for it, and in a letter to Governor Potts, he wrote:

Was glad to receive your kind and friendly letter. I felt myself in the most trying position in the last issue of my paper, I ever was in in my life. There was so much of unreason and vituperation that I felt it my duty to stand against the current if it swamped me. And it is gratifying to me today to say that I have compelled a sober, second thought, and that scores of good men have taken me by the hand and thanked me for what they are pleased to term the able manner in which I have performed an intelligent duty.  

Ironically, Barbour's major contender in this newspaper fracas was his old friend, Mills. Because Mills and Governor Potts were close allies throughout the war, as noted, it may seem strange that both these contending editors were in the good graces of the governor. This will be clarified when the stand that Barbour took is examined closely.

Governor Potts became very much involved in the newspaper war, but with another paper, the Helena Daily Herald.

Founded in 1866 by Col. James L. Fisk who had led a historic expedition to Montana, the Herald became the first daily in the Territory the following year. Colonel Fisk became interested in mining ventures and sold out to his brothers, Daniel W., Andrew J. and Robert E. The latter headed editorial policy, evidenced by the fact that only his name appeared on the masthead during the Nez Perce war. Not only was the Herald the largest paper in Montana—served by four steam presses and special machinery for folding papers—it also had the service of the


27 Leeson, op. cit., pp. 327-328. The only other daily in Montana Territory at the time of the Nez Perce war was the Helena Independent.
telegraph at hand.

"The Daily Herald was started August 1, 1867, and reached a circulation of over 400 within the first month," said Judge Cornelius Hedges of the Montana Supreme Court who was also an associate editor of that paper. "Few cities of 25,000 inhabitants can boast of as complete a printing establishment as the Herald now possesses. . . ." 28

The Herald, like its competitor, the Helena Independent, issued a weekly edition which, for the most part, was similar editorially. Editorials run in the daily editions often were reprinted in the weeklies.

R. E. Fisk, who served as chairman of the Territorial Republican Committee of Montana, was the power behind the move to impeach Governor Potts. He journeyed to Washington in May, 1877, when the case went before a presidential hearing. When the editor learned personally from President Hayes that Potts had been exonerated, he composed a letter to the President reiterating the charges and demanding reconsideration of the case. 29

Throughout the Nez Perce campaign, Fisk criticized Governor Potts relentlessly. When Gen. William T. Sherman visited Helena during the week of August 22, 1877, Governor Potts was so distraught about the editorial policy of that paper that he managed by means not explained to censor the Herald. 30 This incident will be reviewed in detail later.


29 Helena Daily Herald, May 22, 1877.

30 Helena Daily Herald, August 22, 1877.
but it serves to point out one festering newspaper condition during the Nez Perce war.

Of the eight Montana newspapers reviewed for this study, three editors—Mills, Barbour and Fisk—stand out for the divergent roles they played in the events of 1877. As a rule, editors of other Montana papers aligned themselves for or against the stands these individuals took.

Thomas A. Sutherland, editor of the *Portland [Oregon] Standard* and the only accredited news correspondent for metropolitan dailies personally to report the Nez Perce war, deserves mention. His illuminating dispatches of three battles and other occurrences were rushed by courier to the nearest telegraph station for transmission to the *New York Herald* and the *San Francisco Chronicle*.31

A controversy greater than the one of the Fort Fizzle affair broke out early in the campaign and lasted long after the termination of the war regarding General Howard's conduct as a military leader. The following news account, explaining Sutherland's activities and his attitude toward the general, appeared in the *Missoulian*, August 10, 1877:

Thos. A. Sutherland . . . made us a pleasant call Wednesday. He has been campaigning with Gen. Howard from the opening of the war, and came with them over the Lo Lo trail. Mr. Sutherland speaks highly of the General as a soldier and gentleman, and the reason why the Indians have not been crushed before this are not Gen. Howard's fault.32


32*Weekly Missoulian*, August 10, 1877.
At no time did Sutherland criticize Howard, as Montana editors were wont to do, but he did express considerable consternation over the conduct of civilian Indian fighters who, as will be seen, were ordered to organize by Governor Potts and Secretary Mills against the wishes of the military.  

The only other correspondents who had any connection with the Nez Perce campaign were Jerome B. Stillson of the New York Herald, Charles S. Diehl of the Chicago Times, and John F. Finerty of the Chicago Times. While each gained a national reputation for his coverage of the Sioux War led by Chief Sitting Bull, their only coverage of the Nez Perce war occurred when Gen. Nelson Miles fought the terminating battle with Chief Joseph near the Bear Paw Mountains. Diehl and Stillson, who were involved with the Nez Perce for less than a week, then ventured north into Canada where they interviewed Sitting Bull for one of the most famous press dispatches in the history of Indian warfare.

There is little doubt that the events of the Sioux conflagration, such as the Custer massacre, June 25, 1876, had considerable bearing on the general attitudes of Montanans toward the Nez Perce uprising. In an editorial, R. E. Fisk displayed something akin to a persecution complex over this matter by writing:

Not only the Indians that naturally belong to Montana are restive and threatening, but there seems to be a tendency to drive all the hostiles of every tribe from all quarters of the compass into Montana. The Sioux are on our east, the Bloods and Piegan on our north, the Nez Perces to the west, and there

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33 Knight, loc. cit.


35 Knight, op. cit., p. 297.
are rumors of fears of the Bannacks to the south. It almost looks as if by general consent of all but ourselves, Montana has been selected as the final battlefield with all the untamed savages on the continent.36

The Sioux events brought out another point which was to become evident during the Nez Perce crisis--the speed displayed by the Indians in transmitting information. In a letter to Frank H. Woody, Chauncey Barbour, editor of the Missoulian, remarked: "The Custer massacre occurred June 25, and the news reached here July 3; but the Indians [presumably the Flatheads] knew of it before the telegraph had brought the news."37 Similar remarks about Indian communications were made by such military personnel as Capt. Charles C. Rawn, commander of Fort Missoula, concerning the Nez Perce, in a letter dated August 2, 1877, to Col. John Gibbon.38 Barbour wrote also to Governor Potts, June 29, 1877, stating that,

... a great many rumors (are) floating in the air, many of which are born of terrified imaginations; but it is certain that our Indians [Flatheads] are fully advised of all that is transpiring across the Coeur d'Alene mountains, and we are completely in the dark...39

Indeed, Montana newspapers had no great advantage in gathering and broadcasting information which originated at distant and remote battlefields. Nez Perce intelligence was remarkable, but not infallible. When it failed--as happened before the Big Hole and Bear Paw fights--those Indians suffered immeasureably, as will be seen.

36Helena Daily Herald, August 16, 1877.
37Leeson, op. cit., p. 868.
38Rothermich, op. cit., p. 389.
The Montana press, in its own right, was remarkable in many ways when compared with contemporary newspapers. All had a similar format, whether weeklies or dailies. Each appeared as a four-page folio resembling somewhat current issues of the *London Times*, if that paper were of comparable size. Although a number of ads usually were run on the front page, the Montana papers were conservative typographically. Few headlines of any size were used, except for stories of extreme importance. And then these headlines rarely, if ever, were larger than 24-point type.

A literary approach was characteristic of all the papers studied, evidenced by the fact that front-page stories were devoted to topics such as poetry, features on foreign lands, human interest, and the latest fashions. Important local and national news usually was run on the second page, space permitting, with the editorials. In many instances, the editorials and news were interspersed on the page in such manner that it is difficult to determine which is which. Editors were not above rewriting or condensing news accounts and adding personal opinion, as will become evident.

Typographical errors appeared rather infrequently, on the whole, which is noteworthy in editorials especially. On occasion an editorial or editorials would fill nearly the eight columns of a page. These were written in a scholarly fashion, often employing French or Latin phrases to emphasize a point.

Housman, in his study of pioneer journalism in Montana, noted that this intellectual approach can be attributed to the influence of men like Dana, Greeley and Bennett. Although the "Golden Age of
Journalism" was waning in the late 1870's, the mannerisms and articulation of that era were deeply ingrained in the thinking of Montana editors.\textsuperscript{40} Included with this was the concept of "personal journalism"; something in which these individuals reveled, sometimes to the point of ruining the reputations of military personnel, government officials and each others.

\textsuperscript{40}Housman, \textit{op. cit.}, p. 10.
CHAPTER IV

THE WAR: PHASE ONE

The Idaho Campaign

News of the first series of Nez Perce murders committed by Wahlititis and his two cousins on June 13, 1877, reached Fort Lapwai the next day. By 8:00 p.m., June 14, General Howard sent out two companies of cavalry, comprising 99 soldiers commanded by Capt. David Perry.  

The contingent rode through the night over muddy trails and halted at Grangeville, about 70 miles southeast of Lapwai, to rest after an almost continuous 24-hour ride. Incensed citizens of that community urged Perry for immediate, decisive action, but when the troops departed the next evening, only 11 volunteers joined the march, bringing the total force to 110 men. 

At daybreak on June 17, the mounted contingent descended to the creek running through White Bird canyon, a tributary of the Salmon River, about 16 miles south of Mt. Idaho and Grangeville, where Joseph, Ollokot and White Bird had camped. According to Alvin Josephy, Joseph may have had as many as 150 warriors, half of whom may have been too drunk on stolen whiskey to participate in the fighting that was to

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1Beal, op. cit., pp. 50-51.

2Ibid.
ensue. No reference to drunkeness can be found elsewhere, and it is generally agreed by scholars that Joseph had approximately 60 warriors, as he claimed, to engage in the fighting. Looking Glass and other chiefs had separated from Joseph's bands, and were headed for the Clearwater River at the time. As will be seen, the deployment of Joseph's and White Bird's braves, their accuracy in fire, and the conduct of the battle suggests that all were very sober.

Meanwhile, Joseph's wife, Ta-ma-al-we-non-my, was expecting her child any moment. And the Nez Perce were fully aware that the troops had arrived, for during the night a soldier had struck a match to light his pipe and an Indian scout had spotted it. Joseph's anxiety at dawn that day was by no means small.

Although it is not recorded in military records, a truce party of six Indians led by Wettiwetti advanced toward the soldiers with a white flag and shouted, "What do you people want?" This Indian party had been sent by Chief Joseph to learn General Howard's intentions, for there remained some hope that the military force came to demand that the tribesmen responsible for the murders be turned over for trial. But as the Indian delegation neared, a U. S. scout named Arthur Chapman

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3Alvin M. Josephy, Jr., The Patriot Chiefs (New York: The Viking Press, 1961), p. 236. This account of the battle at White Bird canyon states that Joseph's child was born before the battle, which is not correct.

4Brady, op. cit., p. 64.


6Howard and McGrath, op. cit., p. 140.

7Beal, loc. cit.
fired twice. Unhurt, the six Indians returned the fire and killed the
trumpeter, John Jones. Thus began the war.

A sentry named Mox-Mox, who had been posted on a ridge above the
Nez Perce camp, brought word of what had happened to Joseph. Ollokot
suggested immediately a plan that would have been suicidal—to move
westward and ford the Salmon River.

Joseph is said to have refused, claiming that the soldiers' horses would scatter at the sound of firearms. He ordered White Bird
to deploy along the southern ridge of the canyon. Joseph's warriors
were posted behind rocks and logs along the center and northern portions
of the canyon. This formed a "C" shape defense approximately four miles
east of the camp.

Captain Perry, having made no assessment of the strength or
whereabouts of the Nez Perce, moved down the widening canyon from the
east in columns of fours. Lt. W. R. Parnell, who was in charge of
approximately half of Perry's men, recounted after the battle that "it
was bad judgment and certainly not tactical to put the entire command
on the line, leaving no reserves whatever in either troop, and, to
increase the danger of such a fatal error, the men were in the saddles
in an exposed position, while the Indians were on foot . . . taking
cover."

In the confusion which followed, Perry's entire column rode
headlong into what should have been an obvious trap. Ironically, that

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8 Chalmers, op. cit., p. 62.
9 Fee, op. cit., p. 130.
10 Brady, op. cit., p. 102.
same morning, General Howard penned a note to Perry at Lapwai warning about such a situation. 11

When the firing broke out, the soldiers were flanked on both sides by well-positioned Indians. A dozen soldiers fell, wounded or dead. And, as Joseph had predicted, many who returned the fire were thrown from their horses as the animals reared. Panic and a disorderly retreat were the result. 12

Perry, meanwhile, found himself nearly helpless in issuing battle commands because the trumpeter was dead. By running among his men and shouting commands above the din of fighting, he tried vainly to regroup. 13

Joseph, having routed the soldiers and volunteers from their position, sensed victory, but realized he had not beaten them. His was still the inferior force in numbers and equipment, for although the majority of Indians had modern firearms, a few had to fight with bows. 14

As the troops scattered toward higher ground, making a renewed fight probable, Joseph ordered a herd of Indian ponies, a few of which were ridden by warriors, through the center and to the rear of Perry's wavering lines. This tactic exposed the military force to an effective and deadly fire from all sides. 15 The soldiers retreated in two widely separated columns through the surrounding mountains, pursued by the Nez

11 Fee, op. cit., p. 140.
12 Chalmers, op. cit., pp. 63-64.
13 Howard and McGrath, op. cit., p. 148.
14 Beal, op. cit., p. 58.
15 Brady, op. cit., pp. 102-104.
Perce until they reached safety at Mt. Idaho. Thirty-three soldiers—one-third of the original force—had been killed, and a large number wounded. Reports of the Nez Perce loss varies, but it is agreed that no Indians were killed and as many as four were wounded. Actually the Nez Perce found that one life had been added to their tribe during the battle. While rifles were cracking, Joseph's wife gave birth to a daughter.

Although the Nez Perce had gained a decisive victory in the initial onslaught, Chief Joseph realized he was in no position to engage General Howard and he began the retreat. Five days after the battle at White Bird canyon, General Howard had assembled eight companies comprising 400 regulars and 100 volunteers. His battalion left Fort Lapwai on June 22, flanked by two Gatling guns—the forerunner of the machine gun—and trailed by a howitzer. This heavy equipment proved to be a hindrance in mountain travel, and when Joseph learned that Howard was encumbered by a cannon, the retreat was directed over some of the most difficult terrain in Idaho—Lolo pass, the old buffalo trail, which had tested the endurance of the Lewis and Clark expedition 72 years earlier.

Meanwhile, Captain Perry was criticized severely by newspapers for his conduct during the battle. Newspapers, such as the New York Herald, claimed that Lieutenant Parnell, who was awarded a commendation

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16 Lewiston Teller, June 23, 1877. This paper reported that four Nez Perce were wounded. The Indians claimed only two casualties.

17 Fee, op. cit., p. 137.

18 Ibid., p. 140.

19 McWhorter, Yellow Wolf: His Own Story, p. 17.
for bravery in the retreat, saved the soldiers from annihilation. Parnell denounced the Herald and its correspondent in no uncertain terms. When the war was ended, Captain Perry, then a colonel, demanded a Court of Inquiry to review charges made against him by the press. This was done, and he was cleared.

The initial dispatches which were sent throughout the nation by the San Francisco Chronicle on June 19 and have been cited already, created a feeling of considerable alarm. But the New York Tribune ran a remarkable story two days later after a consultation with the Bureau of Indian Affairs in Washington. It reported, in part:

CAUSES OF THE OUTBREAK

Treaty Obligations Violated by White Settlers
Joseph's Aversion to Reservation Limits
History of Negotiations

Washington: June 20—Reports and correspondence on file in the Indian Bureau threw abundant light upon the cause of the Indian War in Idaho. It is the old story of aggression by the whites on lands which the savages believed to be by right their hunting grounds. . . .

The article explains in some detail the numerous and sordid violations of trust by whites, particularly regarding the treaties, but the editorial published the same day took an opposite viewpoint:

Short, unhesitating, decisive war against the Indians who have taken to the war-path in Idaho will be kindness to their race by discouraging such outbreaks in the future. The farce of making treaty obligations with these savages as if they were a foreign nation, has borne its natural fruit. It gives as usual the pretext to the Indians for beginning the conflict, and the delays which enable them to concentrate their forces.

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20 Brady, op. cit., p. 110.
21 Ibid., p. 121.
But when frontier towns are revaged and settlers are murdered, all question as to which side violates treaties is out of order.\textsuperscript{23}

G. W. McCrary, secretary of war, issued a concurring statement, printed the following day, June 22, in the \textit{Tribune}, stating: "The Indians estimate the power of the Government by the number of soldiers they see in the country they inhabit; and believing they can master three or four warriors to the United States one, they are emboldened to begin hostilities."\textsuperscript{24}

Beyond any question, this was not the \textit{cause for the Nez Perce outbreak}. When General Howard had resorted to a show of force during the final council by incarcerating Toohoolhoolzote and serving a 30-day ultimatum to move to the Lapwai Reservation, the Nez Perce had no choice but to back down.

Meanwhile, the tide of opinion swelled against the Nez Perce as other minor battles were fought in central Idaho. In a news account, the \textit{Helena Daily Herald} noted that nine companies of infantry left Atlanta, Georgia, for Idaho on July 13, 1877.\textsuperscript{25} Some 100 men also were mobilized in San Francisco. Another news report in the \textit{Herald} the same day indicated that President Hayes would call out the militia because "the available military is inadequate to suppress the savages."\textsuperscript{26} This never happened, as will be seen, and it was against the policy of the administration to organize militia. When Gov. Mason M. Brayman of

\textsuperscript{23}\textit{Ibid.}
\textsuperscript{24}\textit{New York Tribune}, June 22, 1877.
\textsuperscript{25}\textit{Helena Daily Herald}, July 14, 1877. None of these troops reached the destination because of a national railroad strike.
\textsuperscript{26}\textit{Ibid.}
Idaho learned of the White Bird canyon defeat, he wired the War Depart­
ment forauthority to organize militia. Secretary McCrary denied his request, but Brayman decided to arm Idaho citizens anyhow. The only citizens who received weapons lived in cities such as Boise, well removed from Nez Perce danger. This policy rankled Alonzo Leland, editor of the Lewiston Teller, who expressed the hope that General Howard would drive the hostiles to Boise where war supplies were being kept. 

The Avant Courier of Bozeman, Montana, made the unusual suggestion that Governor Brayman arm 20,000 "friendly" Indians—the Paiute, Bannock and Shoshoni—to quell the Nez Perce. Perhaps it was fortunate for Idaho that this policy was not adopted, for no Indian tribe had proved itself more friendly to the government than the Nez Perce. Moreover, such an idea was contrary to Secretary McCrary's policy, noted in the New York Tribune editorial, which stated that armed Indians in superior numbers were dangerous Indians.

While this was happening, Joseph had moved northward and westward along a circuitous route some 50 miles through valleys and across rivers. His bands passed along Cottonwood Creek, about 15 miles north of Oran­genville, before swinging northeastward to the Lo Lo trail. General Howard's command, which had a shorter distance to march, stopped for a day at Cottonwood Creek to await word from scouts about the whereabouts of the Nez Perce. The Lewiston Teller accused General Howard of halting to preach and distribute Bibles, because it happened to be a Sunday.

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27 Beal, op. cit., p. 62.
28 Avant Courier, June 28, 1877.
29 Howard and McGrath, op. cit., p. 157.
General Howard marched southward toward White Bird canyon in search of the Indians, and on reaching the mouth of the creek on June 28, 1877, was attacked by a small band of Nez Perce snipers who fired from the west bank of the Salmon River. Considerable effort was required to get horses, mules and unwieldy equipment to the opposite shore. As it happened, none of the Nez Perce was caught and General Howard failed to realize that the sniping episode was a ruse by Joseph to gain time.30

Howard learned from scouts that Chief Looking Glass still was camped on the Clearwater River, so he detached two companies commanded by Capt. Stephen Whipple to make a surprise attack with Gatling guns.31

On arrival at the Nez Perce camp at daybreak, July 1, the troops deployed and a scout was sent forward to request a parley. He returned with word that Looking Glass did not want to become involved with the war and that the soldiers should leave his people in peace. The scout was sent out a second time, but on the way he shot and wounded an Indian. Rifle fire burst from the hillside where the soldiers waited, killing a woman, her child and another youth.32 Although several Indians were wounded, the Nez Perce made good their escape and rode to join Joseph's bands. The village was plundered and burned by Whipple's men. Like Joseph, at no time did Looking Glass desire war, and he did everything possible to prevent it. But the Lewiston Teller printed a different version:

30bid., pp. 159-160.

31Beal, op. cit., p. 67.

32Ibid.
Baird reports that the Clearwater Indians under Lookingglass had turned loose and plundered George Dempster's place between the Middle and South forks of Clearwater and driven off all the stock of the settlers. . . . This confirms [Chief] Jim Lawyer's statement made in Indian Council yesterday at Lapwai as to the purposes of Lookingglass and his forty men. Baird says these Indians told two Chinamen near them on Clearwater that they had declared war against the whites and would commence their raids upon the inhabitants within two days. When this news reached Mt. Idaho a force of 20 volunteers started immediately for the Clearwater. No news from them when Baird left. General Howard was notified and said that he would send a detachment of regulars to scour the country in that direction this morning.33

While the facts of this account are erroneous, the report obviously stirred the people of Lewiston to action and, in turn, may have been the reason Howard sent Whipple's detachment to engage Looking Glass. Had the fallacious report by Baird not been published and had the people of Lewiston left military affairs to the military, it is possible Looking Glass would have been by-passed and General Howard would have had to contend only with Joseph to gain victory. As it was, all the Lower Nez Perce tribes unified in the war against the government when the "sneak" attack on Looking Glass became known. When the next battle broke out on the Clearwater River, July 11, Joseph claimed that his fighting force swelled from 70 to 250 warriors.34

Just prior to the Clearwater battle, three minor engagements occurred as Chief Joseph maneuvered to divert Colonel Whipple's command which had pursued Chief Looking Glass northward to Cottonwood Creek. Joseph succeeded in covering the retreat of Looking Glass and, in the only decisive skirmish of the three fights, killed one officer and ten

33Lewiston Teller, June 27, 1877.
34Beal, op. cit., p. 245.
cavalrymen. One Indian was killed.35

In this skirmish, and in the one that followed at "Misery Hill," volunteers—including Alonzo Leland, editor of the Lewiston Teller, who who was wounded—became disgruntled over the conduct and attitude of the military. The Nez Perce had effectively harassed and demoralized the whites. Leland and other citizen volunteers retired from the field in anger.36

General Howard, meanwhile, moved his main force from the Salmon River and joined Colonel Whipple. Outnumbering Joseph's warriors two to one, Howard marched swiftly eastward along the Clearwater River and, to his surprise, reached the Nez Perce camp near the junction of the south and middle forks on July 10. Without being discovered by the Indians, breastworks were established near the river. At dawn the next morning, howitzer shells burst into the Nez Perce camp and the Indians deployed hastily. The warfare was fierce; Joseph's men charged repeatedly and nearly turned the right flank of the soldiers. Howard, however, maintained excellent discipline—reminiscent of his action at Gettysburg in the Civil War—and brought the full potential of his command to bear as Joseph led the several assaults to point-blank range.37

When darkness fell, the soldiers, cut off from the river by Indians, spent a night without water. Several Nez Perce braves—discouraged by the effectiveness of Gatling guns—defected before the


36 Beal, op. cit., pp. 70-71.

37 Howard and McGrath, op. cit., p. 174.
battle was renewed the morning of July 12.\(^{38}\)

The Indians failed in subsequent attempts to turn the flanks of the soldiers. They were on the defensive for most of the day and, unable to cope with the superior firepower of the soldiers, withdrew from the field slowly. Although General Howard had failed to capture the Indian camp, which might have been possible during the opening surprise attack, the victory was his. Approximately 23 Indians were killed, 40 wounded, and 40 taken prisoner. Howard listed his casualties as 13 killed and 27 wounded—two of whom died later.\(^{39}\)

**Invasion of Montana**

General Howard did not follow up the Indian retreat as they crossed the Clearwater in skinboats and established another camp on July 13. This policy of lagging behind throughout the campaign gave rise to the name "General Day After Tomorrow" among the Nez Perce. But Joseph facilitated the delay of the soldiers the next day by halting Howard's column with a truce party. It was midafternoon before the general realized he was being tricked. Nevertheless, when the command had marched north about 20 miles and was about to enter the western end of Lolo trail, General Howard camped his men at the village of Kamiah for two weeks to rest, await reinforcements and supplies, and to organize.\(^{40}\) This delay was to intensify the press criticisms of Howard

\(^{38}\)Beal, *op. cit.*, p. 74.

\(^{39}\)McWhorter, *op. cit.*, p. 323. Heated dispute arose over the number of Indian casualties in this battle after the war when the Nez Perce set the figures at four killed and six wounded. Howard's claim of taking 40 prisoners during the battle was not true. This group surrendered to him later.

\(^{40}\)Beal, *op. cit.*, pp. 77-78.
Howard Overtakes Joseph and a Bloody Fight Ensues.

Two Officers and 11 Soldiers Killed and 24 Wounded.

Thirteen Indians Killed and a Large Number Wounded.

The Hostiles Dispersed and the Troops Pursuing.

Fight between General Howard's command, 400 men, and Hostiles under Joseph, 300 strong, discovered in Deep Creek Canyon, mouth of Cottonwood, on South side of Clearwater, took place on the 13th inst. The Indians lost 13 killed and a large number wounded. The military lost Capt. Bancroft and Lieut. Williams, and 11 enlisted men killed and 24 wounded.

The hostiles were finally flanked, and they broke and fled, making for the Snake river country.

The Indian camp and much plunder fell into the hands of the soldiers.

The fighting is represented as most determined on both sides.

Howard is following the fleeing savages and expects soon to capture or kill them all.
because Joseph's people had reached Montana, 150 miles east, before the general left Kamiah on July 30.

The press criticism of General Howard predated the Clearwater battle and it seemed to become louder with every move he made or failed to make. The Missoulian reprinted from the San Francisco Bulletin an editorial which stated, in part:

We find it stated in the Oregon papers that two months ago Gen. Howard had Chief Joseph entirely in his power, could have held him and forced him to go upon the reservation. Instead of this the General permitted him to roam around the country on the pretext of gathering up his stock, when in fact he was preparing to take the war-path. . . . This Indian trouble should operate as another lesson in teaching the authorities to discard the temporizing policy. . . . There are within the radius of 200 miles from the scene of the outbreak at least 52,000 Indians.4

Obviously this assessment about the beginning of the Nez Perce fighting was incorrect, but the initial criticism of General Howard and the government concerned the failure of negotiations conducted with the Nez Perce. Apparently the editors did not understand why the negotiations had failed so often. This is demonstrated in Chauncey Barbour's editorial in the same issue of the Missoulian when he wrote: "There is a great deal of sickly sentimentality abroad about the difficulty of changing an Indian's nature and habits."42 Barbour put the blame on the government for the "temporizing policy" and stated that this was the cause of the outbreak. He added that "no good can ever come to the Indian so long as the authorities treat him as a freeman and put no abridgment upon his liberty."

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41Weekly Missoulian, July 13, 1877.
42Ibid.
This editorial was to start a chain reaction of Montana newspaper controversy which became intensive when the Nez Perce outmaneuvered and outsmarted volunteer defenders. James H. Mills made the following observations about this editorial after the newspaper war had festered for four weeks:

In the Missoulian of July 13th, in the leading editorial entitled "The Temporizing Policy," appeared the following infamous utterance: When an Indian agent sees that the money and blankets provided by the government are dissipated in gambling or are bartered for whiskey and gewgaws and trinkets, he is worse than an infidel if he does not see to it that this money and property goes where it will do the most good—in his own pocket."

The New North-West, having some friendship for the Missoulian and its editor, but regarding the above as dishonest, disreputable and atrocious and trusting it was written by one "simple and unschooled" and which Mr. Barbour would take the first opportunity to repudiate, denounced it. No retraction was made. It is such infernal scoundrelism as advocated in that paragraph that instigates and is responsible for nine-tenths of the atrocities on the frontier and which has drenched the American settlements in blood while our more honest Canadian neighbors lived in peace with the Indians.

Two important points were made in this rebuttal concerning the early phase of the war in Montana. First, Mills indicated the influence newspaper opinion had at the time, especially when incorrect. Second, the "temporizing policy" which had been indelibly affixed to General Howard's name had been carried to extremes. But this was to be only the beginning of the press controversy over the general's actions.

While the Nez Perce were making the arduous passage through the Bitterroots, editorial opinion in Montana papers swelled to flood stage against them. R. E. Fisk wrote for the Helena Daily Herald: "It is deplorable to have grasshoppers from the East and Indians from the
West raiding us at the same time. But three days later, on July 27, Fisk predicted that the Nez Perce would "arrive in condition to need hospital care rather than meditating new campaigns."

The Missoulian took a different view, however, when townspeople questioned the need for defenses. Barbour wrote:

Some of our good friends here are skeptical as to the need of protection in Missoula county. Although living on the frontier some of them entertain the Eastern notion that there is such a thing as good Indians, and friendly Indians, and Indians who keep faith with the whites. They forget that most of our Indian wars have been with just such Indians and that Indians are more dangerous in war the more they have been brought in contact with the whites.

During the various battles in central Idaho, Montanans were not particularly concerned about the fighting being carried to their territory because it was believed General Howard would suppress the Nez Perce there. The New North-West during this period went so far as to praise these "physically fine Indians" who, Mills wrote, "are well-to-do, dress better and have better stock than any other Indians that come into our country and barring the times when disreputable white men furnished them whiskey, they have never made any serious trouble in traveling through Montana."

These remarks were to be quickly forgotten by Mills later when, as an editor and Secretary and Adjutant General, he was instrumental in initiating the defense policies of Montana. The first change in his

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1† Helena Daily Herald, July 24, 1877.
2† Helena Daily Herald, July 27, 1877.
3† Weekly Missoulian, July 29, 1877. This article appeared as a news story, not an editorial, under the headline "Missoula Post."
4† New North-West, June 22, 1877.
ROUTE AND BATTLES DURING NEZ PERCE RETREAT

FORT LEWISTON
WHITEBIRD
SALMON RIVER
BIG HOLE
SAL MON RIVER
DEER LODGE
CAMAS MEADOWS

BEAR PAW
LOW ISLAND
FORT BENTON
GREAT FALLS
FORT SHAW
HELENA
DEER LODGE
CLINTON CANYON
STURGIS

0 10 20 30 MILES

Rolf Olson
viewpoint about the war was directed not so much at the Nez Perce, but at the conduct of the military. Two weeks after the above-mentioned editorial, he wrote:

The later news from Idaho is not indicative of an efficient campaign against the Indians. General Howard has been severely censured by the press as an incompetent commander and he has certainly done nothing so far to leave any other impression. He moves his six hundred or eight hundred men with all the laborious slowness of an army corps, camps over against a hundred or two Indians, sends stilty dispatches about trapping them and capturing great caches and meantime lets the handful of Indians walk around him and drive his "trap" into rifle pits.48

Mills was referring here to the Clearwater battle, and he went on to criticize Captain Perry's "cowardly" action in the three minor skirmishes just before that battle. And he no longer depicted the Nez Perce as "good, friendly Indians" who for years had traveled the buffalo trail through western Montana without incident. He wrote that "murder, destruction and outrage are depopulating fair valleys and covering the frontiers with the bones of those sacrificed to savages."49

The next day, July 14, a press dispatch which had been routed through Portland, Oregon, and San Francisco was published in the Helena Daily Herald confirming the fears that the Nez Perce had escaped and were on their way to Montana.50 But to confuse matters, Fisk denied this report in an editorial the same day by stating:

We are not fully prepared to believe that the hostile Indians are now fleeing from the troops on the west side of the mountains and making their way towards the Bitterroot Valley. They have thus far been victorious in nearly every encounter with the military, and seem to be even more active and smart than the soldiers in concealing their whereabouts, routes of retreat, and direction of attack.51
On August 2, 1877, the Bozeman Times ran the following editorial four days after the Fort Fizzle affair had ended and the Nez Perce had started down Bitterroot Valley in western Montana:

**CONTRADICTORY**

It is difficult to reconcile the contradictory reports concerning the Nez Perces Indians, from Missoula and Idaho. Each claim that Joseph is in their vicinity. We publish all the accounts just received as they came, and if our readers can understand them, all right. We cannot. They are worse jumbled up than Bogert's report of the whereabouts of Sitting Bull. . . .

The major concern throughout this important period of opinion formation by Montanans who anxiously awaited definite news of Chief Joseph's whereabouts and disposition was self protection, which is certainly understandable. Yet, surprisingly, newspaper opinion was not solidified on this by any means. Fisk, who was nearest the telegraph in the Territory and had good access to news from Idaho and New York, wrote an editorial on July 14 for the Helena Daily Herald stating that the Nez Perce "would be foolish to leave the sanctuary of the mountains and attempt to cross the open plains of Montana where all the troops at Forts Shaw and Ellis would surround them on every side."  

Mills, editor of the New North-West, did not support this viewpoint and, as Secretary of the Territory, he officially issued a report to newspapers throughout the nation than an invasion of Bitterroot Valley was anticipated and people were preparing. He termed the situation "very grave" and "very serious." The Butte Miner, largely owned

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52 Bozeman Times, August 2, 1877.
53 Helena Daily Herald, July 14, 1877.
54 New York Tribune, June 30, 1877.
by Mills, concurred with the secretary and stated that when the Indians were confronted with a defensive force, the only way to conduct peace negotiations would be to disarm the Nez Perce and force them "to put their women and children under the protection of the whites, to serve as hostages . . . to keep them on their good behavior."

The Missoulian, however, reprinted as a news story an editorial by the Benton Record of Fort Benton, Montana, stating: "The Benton Record does not like the Peace Policy. It says: 'The pious hypocrites who have so long fattened at public expense are still permitted to carry on this system of plunder to the disgrace of the nation and against the protests of an outraged people.'"

Chauncey Barbour's appraisal in the lead editorial of the Missoulian the same day was as follows:

IS THERE DANGER?

Because we doubt an Indian's peaceful intention or his truth is no reason why we should become the aggressor. A collision, if it comes, will come in its own good time, and it should not find us in a state of unreadiness from our indulging in the fatal delusion that an Indian is truthful, and peaceably inclined and altogether lovely.

The importance of these views in assessing the imminent danger, whatever it could be, was the general agreement by editors that a military force, undefined as to whether it should include militia, be ready for any eventualities.

Apparently the people were not as alarmed as the editors were,

55 Butte Miner, July 24, 1877.
56 Weekly Missoulian, July 20, 1877. President Grant had been responsible for the "peace policy" during the 1870's, according to Dr. Verne Dusenberry, anthropologist, Montana State University.
57 Ibid.
even in Missoula where the "danger" was greatest. The Missoulian ran an editorial titled "Apathy Among Settlers," stating that:

... from gloomy apprehensions two weeks ago, there has been a reaction to a state of apathy that may not be well for us. ... Our danger lies in telegraph communications being interrupted when we need it. In such case the Indians would be on us before we could concentrate our forces.  

A report from Washington was published in the Helena Daily Herald the next day, however, stating that the Cabinet had convened to consider the Nez Perce outbreak. The news account concluded: "This latest outbreak is considered as serious as any of late years. The government will use every resource to give a final stroke to the Indian troubles." What was meant by "every resource" was to become highly controversial during the Fort Fizzle affair.

The second major consideration—the first being the matter of defense—by editors in Montana was an assessment of the causes of the outbreak.

Without question, the series of murders perpetrated by Nez Perce braves in Idaho was the recurring reason, and perhaps a very understandable one, throughout the war in Montana Territory. But the pioneer editors realized that such a massacre by formerly friendly Indians did not occur because it was simply decided to kill whites. The facts of the outbreak were not immediately available, of course, and the first reactions were shock and dismay, as evidenced in the Missoulian:

As a tribe they have been noted for their friendship for the whites. ... Considering the intelligence of this tribe, the accumulations of property they have made, and the habits

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58 Weekly Missoulian, July 13, 1877.
59 Helena Daily Herald, July 14, 1877.
of civilization they have taken on, if the question had been asked one month ago, "What Indians are most likely to make war on the whites?" the Nez Perces would have been the last named of all the Indians bordering on either side of the Coeur d'Alene mountains. The fact of an uprising of these Indians is sufficient to shake our confidence in the friendliness of any Indians.  

But having asserted this, Barbour still had not explained either the causes of the war or the reasons his faith in former friends had been shaken, so in another editorial in the same issue he struck on some imaginative ideas which, to his credit, he was to repudiate later.

First, in unusually eloquent terms, he dwelled on the normal, human love for land. He cited the Briton’s love for his "tight little isle," the German's pride in the Fatherland, and the Frenchmen's glow of enthusiasm at the mention of la belle France. "But," wrote Barbour, "with the Indian this sentiment becomes a passion." He then continued:

Another peculiarity of the Indian mind is that it fails to discriminate as to the causes of things or to place responsibility where it belongs. If some lawless white kills an Indian, the fault is not imputed to the offender, but to the white race; and if an Indian is slain for some wrongful act of his, the Indian mind fails to consider the justifiability of the act.  

Barbour and the other editors were not aware of the fact that approximately 22 Nez Perce had been murdered by white settlers—usually during drunken sprees—in the years preceding the outbreak. Pleas to the government for justice were ignored, as already noted. Were this history realized—as it should have been because Idaho, Oregon and Washington papers had access to much of this information, both in office files and from the non-warring Nez Perce, the Indians' sense of justice

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60 Weekly Missoulian, July 6, 1877.
61 Ibid.
62 Beal, op. cit., p. 47.
would not have questioned. Tribal jurisprudence among the Nez Perce from times antedating the Revolutionary War and before had a remarkable resemblance to that of western culture.

The following week when the Nez Perce were still approximately 100 miles from Missoula, Barbour modified his stand somewhat on the same topic by stating that "there are bad white men in every community." He reiterated the charge that "the Indian is no respecter of persons—he visits his vengeance upon the just and the unjust alike." But he ended the editorial by stating that "such [unjust] men [white or Indian] should receive the first cold lead that opens an Indian war."63

The next Friday, July 20, the New North-West quoted from the San Francisco Examiner one of the first journalistic analyses of the causes of the war:

THE INDIAN MOHAMMED

"Smohala the Dreamer" the Prophet Whom the Bloody Nez Perces Follow.

The original cause of the dispute with the Nez Perces may be said to date from the treaty . . . in June 1857. At that time Governor Stevens refused to recognize the hereditary chief of the Nez Perces, and practically elevated Lawyer, a cunning and tractable Indian, to the chieftainship.61

Thus far, this assessment is correct except for two facts. The treaty referred to was in 1855, and the time Chief Lawyer of the Upper Nez Perce received preferential consideration by Governor Stevens was in the signing of the Treaty of 1863, as noted in Chapter II. Without further explanation about any of the treaties, the account contended

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63Weekly Missoulian, July 13, 1877.

61New North-West, July 20, 1877.
that:

... it is a most inspiring hope or idea to the average savage that he shall yet see the day when he can glut his never-dying revenge upon the white man, exterminate the race, and again redeem himself and his people the lands from which the whites have driven them.

To thoroughly indoctrinate his believers, Smohala impresses upon them certain cardinal duties. They must be "wild Indians," they must not practice any of the arts of civilization, but live as their fathers lived before the coming of the whites. They must not tolerate the approach of the white man, hold no intercourse with him, accept no favor from him, enter his house, or deal with him except for fire-arms, powder and lead. ... It is to this exclusively savage doctrine young Joseph has committed himself. ... He has a haughty scorn of white men, and despises those of his own race who will consent to be at peace and submit to them. With him are the allied renegades, or "wild Indians" of the various other tribes of that broad region, and no doubt there are nearly a thousand of them all. ... They have been for years preparing for war, and the country is entirely favorable to their hostile purposes.65

Although this may have been an editorial in the Examiner, it was printed in the New North-West as a news story. The effects it had can be easily imagined. Other Montana papers ran the same story as it circulated, and headlines on other news stories appeared in condemning phrases, such as: "The Idaho Savages," "Red Murderers," and "Escaping Hostiles." This account tended to confirm the fears expressed earlier in the Missoulian that there might be a general uprising among Flatheads, Pen d'Oreille and Kutenais tribes to the north with whom Nez Perce had intermarried.66

The first "scare" that Missoula experienced came approximately July 20 when a dispatch reached there from San Francisco, advising:

In this emergency [Nez Perce about to arrive in Bitterroot Valley] there is no need of leaving homes, or any foolishness on the matter. We have military organizations with arms in

65 Ibid.
66 Weekly Missoulian, June 29, 1877.
their hands. Let videttes be posted on the Lo Lo trail, to
give settlers timely warning of approaching danger, after
which there will be plenty of time to fort up.67

When the Nez Perce hordes did not materialize as expected, the
people of Missoula drew a sigh of relief. Then the "apathy" set in
which Barbour warned against. Also, other papers in the Territory
became confused, as already noted, especially after the following
editorial comment in the Helena Daily Independent:

The Indian Scare

We have the pleasure of announcing to the reader that Joseph
has decided not to come to Montana to hunt buffalo; he has con­
cluded to remain in Idaho and find Gen. Howard, if possible,
who has been slander ing him by circulating the report that he
had run away.68

When the Nez Perce crossed the border into Montana Territory four
or five days later, the question of what to do had not been answered for
or by Montanans. The government had taken no positive stand; what
troops were available remained at Fort Shaw 149 miles northeast of Missoula
or as distant as the scene of the Clearwater battle had been from
Missoula. No territorial policy had been established yet as to whether
Montanans should "declare war," establish defense measures, or do noth­
ing. Governor Potts was in a predicament despite the fact that Chief
Joseph was considered to have had astonishing success in the campaign
against the government. Contradictory advice came to Potts from govern­
mental and military organizations and in personal correspondence and
newspaper accounts from editors.

At this critical moment, Montana newspapers played a decisive
role in the affairs and outcome of the Nez Perce campaign.

67Weekly Missoulian, July 20, 1877.
68Helena Daily Independent, July 22, 1877.
CHAPTER V

THE WAR: PHASE TWO

Fort Fizzle Affair

Militarily the Fort Fizzle affair was not of great importance, for no battle was fought. Strategically, however, the events during those final days of July, 1877, were the prelude to what might be considered the most significant engagement of the war, the Big Hole battle of August 10-11, 1877.¹

The first definite news concerning the intended route being taken by the non-treaty Nez Perce reached Capt. Charles C. Rawn, commander of Fort Missoula, on July 22. A half breed named Tom Hill, who had been held and released by the Nez Perce, overtook Rawn’s scouts returning to Missoula over Lolo Pass after an attempt to locate the Indians.²

Captain Rawn telegraphed the news to his superiors and, on July 25, rode out with 30 troops to erect defensive fortifications on the east side of the pass. Eight miles west of Bitterroot Valley and the confluence of Lolo Creek with the Bitterroot River in Montana, Rawn’s men erected log breastworks, piled three high, and dug trenches at the

¹Scholars do not categorize the Nez Perce campaign into segments, such as "Phases" in the chapter headings, as is done in this study. Until the Big Hole battle, the Indians had not been hurt seriously. As will be seen, the damage to life and property in the Big Hole conflict was to be the turning point.

²Howard and McGrath, op. cit., p. 194.
narrowest point of Lolo canyon. From this position, the captain rea-
soned that riflemen could command the valley and both opposing slopes
which were steep and lightly timbered.3

The Nez Perce, meanwhile, moved down Lolo Creek and camped near
hot springs two miles above Rawn's blockade of the trail. Lewis and
Clark dubbed these springs "Traveler's Rest," and it was an appropriate
name so far as the Nez Perce were concerned. Wounded were bathed and
tired feet soothed after the difficult passage through the Bitterroot
Mountains. Many horses had been crippled or lost in the crossing--
several of which were mercifully shot later by General Howard's men--
but it has been estimated that the Nez Perce herd still exceeded
3,000.4

The following day, July 27, a meeting was arranged with Captain
Rawn about half way between the two encampments. In a report to the
Assistant Adjutant General, Department of Dakota, on September 30, 1877,
Captain Rawn recounted this first council as follows:

On the 27th of July, I had a talk with Chiefs Joseph, White
Bird and Looking Glass, who proposed if allowed to pass unmol-
ested, to march peaceably thru the Bitter-root valley, but I
I refused to allow them to pass unless they complied with my
stipulations as to the surrender of their arms. For the
purpose of gaining time for General Howard's forces to get
up, and for General Gibbon to arrive from Ft. Shaw, I appointed
a meeting for the 28th...5

This delay suited the chiefs who knew that General Howard presented
no immediate threat (he had not departed from Kamiah Village in central
Idaho). It would provide time for their people to rest and the best

3Rothermich, op. cit., p. 390.
4Beal, op. cit., pp. 87-88.
5Rothermich, loc. cit.
escape. This latter matter was uncertain for three major reasons.

First, while it may seem contradictory to much of what has been said, unity among the Nez Perce had weakened and undercurrents of demoralization had set in. Some of this can be attributed to weeks of fighting and running. But scholars agree that Chief Joseph himself was heartsick, and for good reason. His wife and child had to be left behind in Idaho. He already had lost the one thing he was fighting for--his homeland. According to Beal, 40 of his people had defected along the Lolo trail; these were the same 40 that Howard claimed he had captured in the Clearwater battle. Also, a band led by Chief Red Heart that was returning from a buffalo hunt refused to join its fleeing brothers. Moreover, the Nez Perce chiefs did not agree about a destination in Montana Territory. Joseph had deferred when this matter was discussed earlier at a camp called Weippe on Lolo Trail. Looking Glass, whose bands represented the majority, suggested strongly that they head for "Old Woman's Country" along the Yellowstone River basin in Crow country of Montana. The two chiefs argued and Joseph is reported to have said: "This is your fight, not mine." None of the chiefs wanted a fight, for little could be gained.

The second reason for uncertainty in policy matters was the disposition of Montanans, both Indian and white. The Flathead Indians, long close allies of the Nez Perce, sent word that they refused to join the conflict against the whites and would resist any attempt to traverse their country. The basic reason for this was that Chief Charlot of the

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6Beal, op. cit., pp. 78-80.
7Tbid.
Flatheads wished to do everything possible to maintain good relations with the whites, despite treaty difficulties similar to those of the Nez Perce.  

Chauncey Barbour, editor of the Missoulian, had attempted to contact Chief Charlot unsuccessfully on June 29 and, subsequently, wrote several letters to Governor Potts informing him that a general uprising was imminent. On July 15, he wrote:

... there are restless young men from all tribes, lured by the prospect of plunder, who are operating with the Nez Perces. I have reliable information that some Flatheads passed over into the Nez Perces country this spring. ... There are some of our people who are trying to persuade themselves that the Flatheads and Pen d'Oreilles will not war on the whites—-that the Catholic religion has the effect of making an Indian lamb like. There are some who affect to believe that Charlos will not lie.  

Despite a denial of a general uprising by Gen. Philip Sheridan, who had been kept informed on this matter by General Howard, Barbour continued to instill fears about the Flatheads. After an incident among those Indians involving the shooting by whites of a subchief named Adolph, Barbour made an editorial statement, reprinted in the New York newspapers, that "the Flatheads assembled and expressed their determination to come down and clean out Missoula."  

He credited Charlot and and Father D’Astie, a Catholic missionary, for having prevented such

8 Howard and McGrath, op. cit., p. 195. Charlot, chief of the Flatheads, refused in 1872 to sign a treaty that would force his bands to move onto the reservation south of Flathead Lake. James A. Garfield, commissioner of Indian affairs and later president, forged Charlot’s signature to the treaty. Garfield admitted this later.


10 Weekly Missoulian, June 29, 1877.

11 Weekly Missoulian, July 13, 1877.
a plan. Yet his letter two days later to Governor Potts discredited both Charlot and the Catholics, as noted.

Surprising as it may appear, the Nez Perce continually refused help at this time from disaffected Indians from other tribes. Acceptance of such help would damage chances of reaching a peaceful settlement with the whites over their major concern—the homelands. The chiefs believed nothing should be done to aggravate the whites and everything possible done to renew their friendship of long standing.¹²

This raised the third major concern regarding the matter of uncertainty in policy. How could the Nez Perce best avoid a conflict with Captain Rawn without being trapped? The answer would come only through careful negotiations.

Before reviewing these, it is important to understand the thinking on both sides, for this was the golden opportunity for calling off the fighting.

Because of Joseph's general demoralization at this time and because Chief Looking Glass had been forthright in formulating a general goal for the flight, the latter was regarded the chief by the Nez Perce. Joseph was indisputably the war chief—the difference explained in Chapter I. Moreover, Looking Glass was the logical leader at this point, because he was known personally by settlers in the Bitterroot Valley, having stayed at several ranches there while traveling to and from buffalo country. Indeed, Mrs. Eliza Derry, a practical nurse, had administered first aid to his bands at her homestead on numerous occasions.¹³ Looking Glass was, therefore, the chief chosen to negotiate

¹²Howard and McGrath, op. cit., p. 204. ¹³Ibid., pp. 338-339.
with Captain Rawn. He and the Nez Perce in general regarded the whites of Idaho and those of Montana as separate. With Idaho people they had been in constant turmoil for years, and with Montanans, who were 100 miles distant, they had been extremely friendly. As Yellow Wolf put it: "Montana people are not our enemies. The war we leave here in Idaho."\(^\text{14}\)

The people of Montana Territory were equally confused on this issue, and were to become more so as events unfolded. The immediate reaction, however, was one of great fear. Except for an extra issued on July 28 crying "Help! Help!!" for volunteers, the Missoulian did not publish that week. The following week, the editor explained: "When the news came in last week of Indians on Lo Lo, it would have been a difficult task to hold the compositors of this office as it is now for the Governor to strip the county of arms. Hence no paper that week."\(^\text{15}\)

As a precautionary measure, the women and children of Missoula and surrounding areas were crowded inside Higgins and Worden's store in Missoula. One unidentified woman made such a hasty buggy ride from an outlying ranch that it was not until she joined the others that she realized her bonnet, decorated with ribbons, was on backward.\(^\text{16}\)

Owing to the fact that the combined tribes of the Flathead, Pend'Oreilles and Kutenais had a total population of 1,970 people; the Nez Perce, 750 (including women and children who were capable of handling firearms); and Missoula fewer than 500, it is not surprising that the latter had cause for fear, especially if the newspaper editorials were

\(^\text{14}\)McWhorter, Yellow Wolf: His Own Story, p. 112.
\(^\text{15}\)Weekly Missoulian, August 3, 1877.
\(^\text{16}\)Howard and McGrath, op. cit., p. 196.
accurate regarding a general uprising. Governor Potts relayed these fears to Washington, as evidenced in a somewhat erroneous editorial in the Cincinnati Weekly Star:

Reproduced message to Governor "Pettiss" [Potts] from Postmaster Dickenson of Missoula:

They [the Nez Perce] will come into the head of the valley and clean it out, and if the Flatheads don't join them they will clean them out too. The Flatheads have driven all their horses out of the valley and their squaws and children are going up to Lot [Lolo] Fork. A Nezperces chief told Major Whaley that the Nezperces were going to clean out Bitter Root Valley, and that the Flatheads would join them. . . .17

This editorial serves to show that Governor Potts relied heavily on the opinions of the people in Missoula in keeping the government informed, despite the fact that no reliable information had been obtained from the Flatheads.

On July 13, Governor Potts sent a telegram to President Hayes requesting authority to form a militia of 500 volunteers to meet the Nez Perce when they entered Montana Territory. Secretary McCrary sent back a hazy reply stating that General Sheridan, then in Chicago, was carefully watching the situation. Both he and Gen. Alfred Terry, commander of the Department of Dakota Territory which included Montana, deemed such a move unnecessary.18

To confuse matters, the Helena Daily Herald ran a news story with an erroneous headline:

THE HOSTILES

Available Military Inadequate to Suppress the Savages

18Beal, op. cit., p. 96.
The President Will Call Out the Militia

New York, July 13—The Tribune's Washington special says: . . . If the case continues to look as serious as at present it is not improbable that the President may call upon the States to furnish militia for the suppression of the war.\(^1^9\)

As can be readily seen, the difference between "will" call out the militia in the headline, and "may" call out the militia in the last sentence of the story, is an important difference. Contrary to the news account, the position taken by the government in refusing authorization to Governor Potts to organize militia was that the military forces in Idaho and Montana were sufficient to suppress the Nez Perce.

Gen. Irwin McDowell, with headquarters in San Francisco, sent a telegram, which was reprinted in the Helena Weekly Independent, to Governor Potts asking what aid could be given by Montana militia in arresting or detaining the Indians.\(^2^0\) The governor replied that he had no authorization to form militia and that all Montanans could do in the emergency was to defend their homes and property.\(^2^1\)

Three days before the governor sent that telegram, Secretary Mills, editor of the New North-West, sent a letter to Charles S. Warren of Butte stating that if a company of men were organized, an adequate supply of breech-loading rifles would be issued to them. In effect, on July 20, the editor, without authorization, countermanded the orders issued by the Secretary of War and received by the governor.

\(^1^9\)Helena Daily Herald, July 11, 1877.
\(^2^0\)Helena Weekly Independent, July 26, 1877.
\(^2^1\)Beal, op. cit., p. 96.
one week earlier. The Butte company, headed by Maj. William A. Clark, who later became the copper magnate, was ordered by Mills on July 30 to proceed quickly to the Big Hole River where a battle was anticipated. 22

Meanwhile, the governor, having no idea that Mills had authorized the formation of a volunteer company, went to Missoula. Captain Rawn assured the governor that militia would be of great benefit to the small force of regulars then at the fortifications on Lolo. The governor acquiesced, and on July 26 issued a call for volunteers. But a strange thing happened which is rarely mentioned by scholars.

When a special stage carrying the proclamation reached Bear Mouth, it appeared that the message must have been placed in the express box. To have this box opened, it was necessary to return to Deer Lodge. But when opened there, no proclamation was found. While the facts are by no means clear, the volunteers were called—not by the governor's proclamation—but by a note from Mills. 23 Why the proclamation was missing is uncertain. How Mills got the information to write his note is uncertain, also. But it may be suggested that the governor's proclamation would have been embarrassing to Mills in Butte where, without authorization, he authorized formation of a company of militia.

The governor issued a second proclamation on July 31 and, on the same day, wired Major Clark to organize a company of militia. Clark's men, acting on Mills' orders, already were on their way toward Big Hole

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22 Leeson, op. cit., p. 137.
23 Ibid., p. 138. In a telegram to Ben. R. Dittes, July 26, 1877, Mills stated that the governor's proclamation was verbal. This is possible, but very unlikely in view of the evidence.
A PROCLAMATION.

Gov. Potts Calls for Volunteers

PROCLAMATION:
IN THE FIELD, MISSOULA, JULY 26, 1877.

WHEREAS, Montana Territory is invaded by hostile Indians from Idaho and there and there being less than fifty United States soldiers to oppose said Indians, by virtue of the authority vested in me as Governor and Commander-in-Chief of the militia, I command that the organized volunteer militia of Missoula and Deer Lodge counties to report forthwith to the Commander-in-Chief of Missoula for temporary duty with the United States forces now serving against the Indians in Western Montana. Said companies will be armed and equipped for service in the field. The undersigned is without authority to bind the United States or the Territory of Montana or supplies furnished volunteer companies while serving in the field, but will use every effort to secure pay for supplies, etc., from the Territory or the United States. Officers will be designated to receive and account for supplies furnished.

Witness my hand.

B. F. POTTS,
Governor and Com-in-Chief. M. M.

[signed]
J. M. MILLER, Sec'y and Adjt.-Gen.

FIGHTING ON LO-LO.

The Indians Below Rawn's Position.

HELP! HELP!

Volunteers Flocking to the Lo-Lo Trail.

MISSOULA, M. T. JULY 28—4 p. m.—The Indians this afternoon threw a force below Capt. Rawn's position on the Lo-Lo trail and I fear a severe battle will be the result. The Deer Lodge company has gone to open communication with Capt. Rawn. The Philipsburg company of 16 arrived at Lo-Lo today. We need help and it must come soon or it will be too late. Send everybody that can be armed. No information from Gibbon. The Indians appear to be determined to force their way to the buffalo country against all opposition. The situation is very critical and those moving this way must look out for Indians on the road for they may break our lines. A proclamation was issued July 26th, 1877, calling out all of the organized companies in Deer Lodge and Missoula counties.

[signed]

B. F. POTTS,

Another letter from Potts says the Flatheads are co-operating with Rawn, and Charles has already sent a number of warriors to Rawn's camp.

DEER LODGE, M. T. JULY 29, 7 a.m.
Capt. Clark's Company from Butte with 69 men, are just leaving for the front. Another Company of the same number are expected by ten o'clock.

The Deer Lodge reserves left last evening at seven, numbering 35 men.

The excitement is intense.
and had to be called back to Butte for the march to Missoula which the
governor had requested. Obviously Potts had no idea of what had transpiredbetween Mills and Clark, and by calling the company back, it missed
an opportunity to participate in the battle that occurred at Big Hole. Clark's command--comprising 35 men, two doctors and four wagons--reached the Big Hole basin two days after the battle had ended.

The second proclamation, abrogating orders from the government not to call out militia, met with enthusiastic response throughout the Territory and may be regarded as a declaration of war against the Nez Perce by Montana. Reprinted by most, if not all, the newspapers in the Territory, the document was as follows:

There are now in the Bitter Root valley certain Nez Perce Indians who have perpetrated theft, murder and outrage upon the citizens of Idaho. Although ordered from Gen. Sheridan's headquarters to be treated as hostiles, they were permitted to escape from Lo Lo Pass and encamp in the Bitter Root valley. These hostiles will soon attempt to pass through other portions of Montana.

Therefore, by virtue of the authority vested in me, I hereby call for 300 Montana volunteers to organize at once under general order No. 1, issued herewith and to report for duty at Deer Lodge forthwith.

The governor's statement makes it clear that the second proclamation of July 31 came after the Fort Fizzle affair had ended. Whatever became of the first proclamation of July 26 is a matter of conjecture, perhaps, but if Mills had any part in destroying it and substituting a letter in its place, as some evidence suggests, he did a great favor for the Nez Perce. The organization of volunteers during the Fort Fizzle affair was confused and disorderly at best, partly because there

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\(^{26}\) *Avant Courier*, August 9, 1877.
was no certain word from Potts that they were needed. Some small commands did reach Missoula before the Nez Perce departed, but they were too late to help Captain Rawn's inferior force, which was unreliable and mutinous at the critical moment when the Indians advanced. Volunteers from the Bitterroot Valley and Missoula--totaling some 100 men, or more than half of Rawn's command--departed "without leave" when they learned of the Nez Perce pledge for peace in the final negotiations. Rawn posted rear guards to prevent further desertions.27

The negotiations held with the Nez Perce between the two encampments on July 28, 1877, were, for both sides, of momentous significance in determining the course of the war. Governor Potts and Captain Rawn met with Chief Looking Glass and his interpreter, Delaware Jim. The only first-hand report extant by any of the negotiators about what happened was a brief summary written by Rawn two months later when his actions were being reviewed by the general staff at the Department of Dakota headquarters. Rawn wrote:

The meeting was had accordingly, but I submitted to him the same conditions as before, to wit: that if they wished to enter the valley, they must disarm and dismount, surrendering all stock. Looking Glass said that he would talk to his people and would tell me what they said at 9:00 AM the next day. Dis-trusting him, I would not agree to that hour but proposed 12'0. We separated without agreement. Nothing satisfactory having resulted from the conference, I returned to the breastworks expecting to be attacked.

In the meantime that portion of the volunteers, some 100 or more, representing Bitter-root valley, hearing that the Nez Perces promised to pass peaceably through it, determined that no act of hostility on their part should provoke the Indians to a contrary measure, and without leave, left in squads of from one to a dozen.28

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27 Howard and McGrath, op. cit., p. 200.

28 Rothermich, op. cit., p. 390.
It is very strange that Rawn made no mention of the fact that
the governor was in attendance; according to Beal a number of questions
were never answered by Rawn or Potts. What terms did the Nez Perce
make? Did Rawn agree to let the Indians pass without a fight? What
was the governor's attitude, remembering that he had issued the first
call for militia two days previously?^{29}

Possibly the best answers, rarely cited, were given by Chauncey
Barbour in several editorials run in the next issue of the *Missoulian*,
August 3, 1877. Regarding the negotiations, he wrote:

The only intelligent conclusion that can be reached is that
the Nez Perces, tired of fighting with Gen. Howard, has come
here for the purpose of surrendering. They know that they
must make their peace with the government sometime, before
they can resume their old habits of going to and fro through
this country on their annual hunting expeditions. They camped
on the Lo Lo three days on an open flat with their women,
children and horses about them. They would not have fought
in such position, but would have surrendered if attacked.
They continually expressed their friendship for the whites
of this section, and their desire for peace. They proffered
to surrender their ammunition. One of them came in and offered
to surrender eight lodges. They marched through an open coun­
try Saturday and camped that night with all that was dear to
them on an open plain. . . .^{30}

Speaking again about the negotiations on July 28 in another
editorial the same day, Barbour wrote:

The council was held, and Looking Glass proffered to surren­
der all the ammunition of the camp as a guarantee that the
Indians intended to go through the country peaceably. When
told that nothing but an unconditional surrender would be
accepted, he asked for another meeting at nine o'clock the
next day to give him time to consult with the other chiefs.
Capt. Rawn told him that any further communication he desired
to make must be made under a flag of truce at the fortified
camp.^{31}

^{29}Beal, *op. cit.*, p. 100.
^{31}Ibid.
This last sentence strongly suggests that Captain Rawn refused to come to terms with the Nez Perce offer to surrender ammunition and, as General Howard had done just before the outbreak of hostilities in Idaho, served an ultimatum which might be paraphrased: "We are at total war; any further negotiations you wish to conduct will be useless. If you come to our fortified camp tomorrow, it can be only to surrender unconditionally." Chances were that Captain Rawn was in no position to make such an ultimatum because his force was smaller than the Nez Perce.

At this time the volunteers deserted, and circumstantial evidence indicates Governor Potts was not in accord with Rawn and did nothing to halt the volunteers which he had called at the captain's request. Instead, Potts retired to the rear—for which he was censured severely by other papers later—because "he saw that the volunteers were under an experienced officer and taking their orders from him, and felt that he could be of more service in the rear forwarding reinforcements and directing a flank movement as soon as a sufficient force should arrive."

This explanation, undoubtedly given to Barbour by the governor, was superficial at best in view of the desertions. Apparently Potts wished to avoid open controversy with Captain Rawn, but at the same time wished to avoid a fight with the Nez Perce that would have endangered ranches in the Bitterroot Valley. This reasoning was to become Potts' one defense—and a valid one—in the press controversy which erupted over the conduct of the whites at Fort Fizzle.

When dawn broke on July 29 and Captain Rawn awaited word from the Nez Perce, "anticipating their surrender," what happened was

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32 Ibid.
unexpected. At 10 a.m. the Indians moved to within a half mile of Rawn's position, ascended the north slope, circumvented the bewildered soldiers, and then descended to the Lolo trail again approximately a half mile behind the breastworks. The tactic was one of considerable daring, for Nez Perce women and children were exposed.

At 11:30 a.m., approximately one hour after the passage of the Nez Perce, Captain Rawn detailed 45 mounted troops to follow up the escape and arrest any stragglers. According to Barbour's chronicle of this, when three of these troops caught up with the Nez Perce rear guard, Chief Looking Glass "waved his hat, and came up and exchanged friendly greetings."33

At 12:15 p.m., according to the same account by Barbour, Captain Rawn retired from the breastworks—already dubbed "Fort Fizzle" by volunteers—in skirmish deployment. He sent Lt. W. J. Stephens of the Missoula volunteers and 50 men to pursue the Indians while he returned to Missoula. Stephens' force came to the Nez Perce camp being constructed for the night and found that his men were welcomed. Barbour wrote: "Looking Glass came forward to meet them, and renewed his friendly protestations. The greater part of the force with Stephens were from Bitter Root and were disposed to let Mr. Looking Glass and his people go in peace. Lieut. Stephens returned to town."34

Contrary to Barbour's claims that the Nez Perce would have surrendered if attacked, Rawn's men would have been annihilated had they fired at the Indians. Indeed, Governor Potts—interviewed by a correspondent from the Avant Courier when he was returning to Deer Lodge

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33Ibid.  
34Ibid.
--praised Rawn for this decision because the outcome would have been
disastrous both to the defenders and nearby settlements. The governor
reiterated his position taken before calling for militia that his
obligation was to protect Montanans, not defeat Joseph.\textsuperscript{35}

Unfortunately for the governor, he had to endure a major portion
of the criticism that arose later in the newspaper war over the Fort
Fizzle affair when, in fact, the entire policy—from the calling out
of volunteers to the passage of the Indians—was determined by Captain
Rawn. Rawn's personal conduct during the critical moments was less
than admirable militarily. When a volunteer, W. B. Harlan, informed
the captain that the Nez Perce were going around, he rebuked him by
saying there were too many "God Almighty's" around camp.\textsuperscript{36}

Editorial Opinion Shifts

Until this time, few complimentary words were used by editors
to describe the Indian participants of the war. As already noted,
opinion was at "flood stage" against the Nez Perce. Two articles,
published at approximately the same time in distant communities, mark
the historical moment that the tide shifted.

The first article, published in the \textit{Nation} on August 2, 1877,
explained in detail and gave to the public for the first time a full,
accurate account of the causes for the war.\textsuperscript{37} Titled "Responsibility
for the Idaho War," it was published by many Montana newspapers two or

\textsuperscript{35}Avant \textit{Courier}, August 9, 1877.
\textsuperscript{36}Beal, \textit{op. cit.}, p. 100.
\textsuperscript{37}\textit{The Nation}, August 2, 1877, pp. 69-70.
ESCAPE OF THE HOSTILES.

THEY PASS WITHIN GUN­SHOT OF RAWN.

DEER LODGE, July 29.—A courier from Missoula arrived at 11:30 a.m. A letter from Governor Potts says that Joseph and his band passed Capt. Rawn's entrenchment yesterday late in the afternoon and although they passed within gunshot, not a gun was fired at them. A letter from Knowles and Dixon says: The Indians are going out by way of the head of Bitter Root and Big Hole. They are about 400 strong, well armed but probably short of ammunition. Co. A and Co. B from Butte were ordered back to Deer Lodge. Sec. Mills says—will have 300 men in Big Hole valley by noon to-morrow.

Volunteers are now leaving the town by all kinds of conveyances for Big Hole Basin.

A Fight with the Hostiles.

Several Killed and Wounded on Both Sides.

Gen. Gibbon's command overtook and fought the Nez Perce in the Big Hole. Several of the command, officers and men, are killed and wounded, and a number of the Indians killed.

Gen. Gibbon telegraphs for a surgeon to be sent to him.

Joseph's Band Escaping by way of Henry's Lake.

DEER LODGE, July 29.—A letter from old Beaverhead Station says: Thirty or forty lodges of Indians are camped forty miles south of that place, on the road from Franklin to Montana.

There are about 125 Indians and are riding large American horses. It is supposed to be the advance guard of Joseph's band escaping by Henry's Lake.

The Indians Going Out by the Head of the Bitter Root.

A Courier from Missoula arrived at 11:30 with a letter from Gov Potts. It says Joseph and his band passed Capt. Rawn's entrenchment yesterday late in the afternoon, and although they passed within gunshot not a gun was fired at them. A letter from Knowles and Dixon says the Indians are going out by the head of the Bitter Root and the Big Hole. They about 400 strong, well armed but probably short of ammunition.

Company A and Co. B, from Butte, were ordered back to Deer Lodge.

Secretary Mills says he will have 300 men in the Big Hole Valley by noon to­morrow. Volunteers are now leaving the town by all kinds of conveyances for Big Hole bridge basin.
three weeks later.\textsuperscript{38} (The text of this article appears in the Appendix).

The second article, published in the \textit{Missoulian} the day after the aforesaid article appeared in New York, was a personal tribute by Barbour who at last had a first-hand understanding of Nez Perce character in the face of great difficulty. It was as follows:

The movement of the Nez Perce last Saturday was one of the most brilliant strategically of modern warfare. It was, of all others, the move that nobody expected them to make. Its audacity was stunning. It will ever stand as a monument to the bravery of that people that they moved, with their horses and women and little ones, through an open country that was swarming with armed men.\textsuperscript{39}

But this was not all Chauncey Barbour, who only a few days before had criticized the character of the Nez Perce mind, had to say that day in his editorial columns. It should be noted again that the tide of editorial opinion was just beginning to shift concerning the Nez Perce. Meanwhile, a storm was gathering swiftly over the sea of troubles that the young Territory was already experiencing with the Fort Fizzle affair. Barbour wrote:

"S" writes for the \textit{Independent} concerning the Indian escape last Saturday a remarkable article, which only shows how ridiculous a man can make himself by writing about something he knows nothing about. He states that the Indians stampeded square over Rawn's rifle pits; that the Indians were turned by the Deer Lodge company--32 men--and that they broke south. \ldots We wish to detract nothing from the bravery of the Deer Lodge Company, but will state that it was nearly two o'clock when they reached the lower Bitter Root bridge, and that the main body of Indians had crossed \ldots nearly two hours before; that the Deer Lodgers saw no Indians except those who were posted on the bluffs to guard the retreat; that they did not break at the sight of the thirty-two men, but proceeded very leisurely \ldots moving only twenty miles in the next four days, so that they might overtake them if there was any disposition to do so. Bless you unsophisticated soul, Addison; you are too easily imposed upon.\textsuperscript{40}

\textsuperscript{38}\textit{Avant Courier}, August 23, 1877.
\textsuperscript{39}\textit{Weekly Missoulian}, August 3, 1877. \textsuperscript{40}\textit{Tbid.}
With this, the newspaper war was beginning to thunder about the Fort Fizzle confusion, certainly, but this was only the beginning. To recollect, already in question was the reputation of General Howard. Moreover, as noted in Chapter III, the reputation of Governor Potts had been assailed by editors, and was to be again. The full fury of the storm was not felt until after the Big Hole battle, so it will be reviewed then.

The Turning Point of the War

As the Nez Perce moved southward through Bitterroot Valley, trading with anxious settlers but causing no harm as promised, the people of Deer Lodge, 80 miles east of Missoula, fled to the penitentiary and locked themselves inside. On July 31, 1877, Chauncey Barbour wrote a letter to the governor stating that word had reached him that "75 bucks were raiding Stevensville . . . ." Although this report was untrue and Barbour was just passing along what he heard, the editor expanded his comments to the governor concerning the lack of military leadership. He wrote:

I hear from Indian sources that they intend to go down to the Big Hole by Twin Bridges. I am glad you are going to give them a game. There is the best place to strike them. You don't want any military, or any one to hold your men chafing and tell them to "wait," "wait" until the hostiles are gone. Take command yourself, and don't let good men be humiliated by imbeciles or cowards.

Strangely, the governor was confronted again with the question of whether to use militia as a defensive force for the protection of lives and property or to engage offensively in an attempt to accomplish

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**Howard and McGrath, op. cit.,** p. 203.

**Phillips, op. cit.,** p. 12.

**Tibid.**
what the military had not done—crush the Nez Perce.

On July 29, the reaction to news accounts about the Fort Fizzle affair prompted the citizens of Helena to call a "war meeting" at International Hall. According to a report of this meeting in the Helena Daily Herald, the participants reviewed what had happened in Lolo Canyon, dismissed Rawn's actions by concluding that he believed they were "friendly Indians, or the Captain would not have allowed them to pass without bringing on a fight right there," and decided to raise a company of cavalry, one of artillery and one of "mounted infantry."

What the difference between cavalry and "mounted infantry" might be was not explained, but according to the news article, signed by five prominent citizens, a committee was appointed to solicit funds for this venture. The problem of paying for a militia campaign was one of the major considerations facing the governor. Because General Sheridan and the Secretary of War had refused authorization for organizing a militia, the Territory could expect no financial help from the government. By the time the governor returned to Helena from Missoula, the militia movement was already strong there, in Butte, and, as noted, in Deer Lodge. Then a curious editorial blunder occurred which may have aided the public cry for offensive action in the war.

Gen. William T. Sherman, the immediate superior of General Howard, arrived in Bozeman, Montana, and sent a telegram to Governor Potts. The general refused to sanction the call for volunteers, but he praised

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Helena Daily Herald, July 30, 1877. See Figure 4 for the extra published July 29 calling this "war meeting."
the "readiness of citizens" and added that he thought the cost of local operations—presumably in Missoula—would be paid eventually by Congress. The Helena Daily Independent interpreted this telegram to mean there was little or no question about receiving federal funds for militia. The story appeared, in part, as follows:

UNCLE SAM TO THE RESCUE

The dispatch from General Sherman to Governor Potts, which we publish, in another place, indicates that the General Government will pay the damages and save the Territory from an enormous expense. . . . The spirit of General Sherman's dispatch confirms this, and shows that he fully appreciated the necessity, and was willing, as far as he could, to provide for the emergency. On July 30, the Helena Daily Herald debunked the military by writing: "How easy an Indian force, whether seeking pillage or only escape, could pass around, through, and by our untrained troops. So far as infantry goes, except to defend the larger towns or some fortified position, they are as useless as boys with popguns. Even mounted and well-armed soldiers need skillful leadership to be of any account."

On the following day, July 31, Governor Potts made his second appeal for volunteers. Apparently he had made no decision about how the militia would be used—offensively or defensively. The predicament was explained in an extra published by the New North-West on August 3, which stated, in part:

The circumstances of the past week have prevented a regular issue of the New North-West this day. . . . Under the call for 300 volunteers by the Governor's Proclamation, three Butte companies, 150 or 160 strong, remained in camp until Thursday

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45 Helena Daily Herald, August 4, 1877.
46 Helena Daily Independent, August 4, 1877.
47 Helena Daily Herald, July 30, 1877.
morning. A company of 30 or 40 men were in readiness to move in an hour from Deer Lodge. Philipsburg, Cable, New Chicago, Bear, Bear Mouth, Yreka, Pioneer and Yamhill had fully 75 men ready for instant service, and tenders of companies of 50 men each were telegraphed from Helena and Pony on condition of being armed. The request of Governor Potts, Delegate [Martin] Maginnis and Judge Knowles to the War Department for authority to organize and move this force to co-operate with the U. S. troops was, however, answered adversely...

Two telegrams, dated August 1 and 2, were quoted in full, stating that the President, the Secretary of War and General Sheridan agreed that "it will not be necessary for the Governor to call out 300 volunteers to intercept the Indians."

In view of the pressure on the governor from Montanans and the newspapers to take positive action, and the directives by the military and the government not to, it would appear he was in an inexorable dilemma. But what may have stirred Governor Potts to decide to use volunteers for offensive warfare was a letter written by Col. John Gibbon who had left Fort Shaw on July 28 with a small force of regulars. On arrival in Missoula, August 2, he enlisted a command totaling 146 men, including 34 Missoula volunteers. He wrote to the governor as follows:

As soon as I can get my command here, probably day after tomorrow, I propose to move up the Bitterroot after the Nez Perces & fight them if they will stand. It is all important that the passes behind them leading into the Big Hole basin be occupied at once, and as I learn from Capt. Rawn that you are moving some companies of militia in that direction I have to request that you will give instructions to have such passes occupied as soon as possible. Please give instructions also to have no negotiations whatever with the Indians, and the men should have no hesitancy in shooting down any armed Indian they meet not known to belong to one of the peaceful tribes.

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48New North-west, August 3, 1877.
49Howard and McGrath, op. cit., p. 206.
This directive to "shoot and ask questions later" may be regarded as the death warrant of many Nez Perce, including women and children, at the Big Hole, for until Colonel Gibbon arrived there no blood had been spilled on Montana soil. The assertion in this letter that militia was already moving toward the Big Hole was true, but the governor had not authorized this. Secretary Mills, as noted earlier, had given the command to Major Clark on July 30. Subsequently, Governor Potts called them back for service in Missoula and, in the confusion, this company of militia did not reach the scene of the Big Hole fight until two days after it had ended.

On August 3, the day after Colonel Gibbon had written his letter and was busy organizing men in Missoula, Chauncey Barbour expressed his views to the governor in a letter concerning the plans being made. He wrote, in part: "The whole force, nearly 150 men, will move on them Saturday, and try and hold them until Howard gets up. The Indians will mock them."51

Exactly when the governor decided the militia should take offensive action by aiding Colonel Gibbon is not certain, but the fact that the latter had enlisted volunteer help in Missoula already makes the question academic. As Gibbon moved down the Bitterroot Valley, he recruited a handful of additional volunteers. But many valley residents argued against his plan to attack the Nez Perce on the grounds that the Indians had been friendly. Gibbon was plagued with desertions along the way. When General Howard, who still was crossing the Bitterroot Mountains, learned that Gibbon’s command now comprised 163 men, he remarked that at

51 Ibid.
least 100 additional soldiers would be needed.\textsuperscript{52}

Because of the delay in issuing the second proclamation, as already noted, the companies in Butte and Helena were not under arms until August 4 or 5. In Butte at 7 a.m. that Sunday, August 5, "a council of war was held within the hour to swear men in for duty."\textsuperscript{53} But none of these men saw action during the Big Hole battle. Had they been organized at the time of the first proclamation, which mysteriously disappeared, the Big Hole fight might have been far more disastrous for the Nez Perce. The events of the battle, which have been well documented, are as follows.

On August 8, the Nez Perce--having crossed Lost Trail Pass at the southern end of Bitterroot Valley and camped on the banks of Ruby Creek in the relatively open, rolling country of the Big Hole basin twelve miles west of Wisdom, Montana--stayed up late in the night dancing and playing the "stick game" common to Northwest tribes. Little serious concern was given to an attack by whites, so no scouts or guards were posted as had been the routine during the flight through Idaho Territory.\textsuperscript{54} The camp comprised 89 tepees lined approximately a half mile along the southern fringe of willows bordering the creek. It was by no means a well-chosen, defensive position--such as had been the case at White Bird and Clearwater canyons--for directly to the north lay a wooded slope, hidden from view by the willows, which afforded an easy route for undetected approach by soldiers. The whereabouts of the

\textsuperscript{52}Beal, op. cit., pp. 108-110.

\textsuperscript{53}Leeson, op. cit., p. 138.

\textsuperscript{54}Howard and McGrath, op. cit., p. 206.
Indians had been ascertained by a small detachment of soldiers led by Lt. James Bradley on August 7.\(^{55}\)

When this news reached Gibbon, whose force was laboring over Lost Trail pass, he ordered his command forward on foot, leaving 20 men to bring up the wagons and howitzer (which had been obtained at Fort Owen, near Stevensville). The unmounted force reached the edge of the trees, 1,200 yards from the Nez Perce camp, at approximately 2 a.m. on August 9 without discovery by the slumbering Indians. The whites deployed in the vicinity of the Indian ponies which had been picketed on the hillside to graze. The wait for dawn commenced; the men cursed softly as they endured the cold.\(^{56}\)

At approximately 3:30 a.m. when the first glow of light promised warmth from the east, Indian women emerged from the tepees to stoke the campfires. About this time an aged Indian, Natalekin, rode from the camp to check the horses. As he blundered into the waiting whites, four shots dropped him from the mount, and the battle was begun.\(^{57}\)

The soldiers rushed the camp, wading through the creek and crashing through the willows. Some of the Nez Perce were half awakened by the shots nearly three-quarters of a mile distant, but most did not perceive what was happening until the whites leveled their firearms at tepees.

Colonel Gibbon had given the order, "We don't want any prisoners."\(^{58}\)

\(^{55}\) Beal, \textit{op. cit.}, p. 110.

\(^{56}\) Brady, \textit{op. cit.}, pp. 165-173.

\(^{57}\) Beal, \textit{op. cit.}, p. 116.

\(^{58}\) Ibid., p. 114.
The reaction by Yellow Wolf was as follows:

I grabbed my moccasins and with the others ran out of the tepee. I had only my war club. . . . Men and women were lying flat on the ground listening. I saw one woman . . . I heard her call out, "Why not all men get ready and fight? Not run away!"

I did not know her. When I heard this, it convinced me she was right. Minthon, a younger boy than I, was also convinced. He gave me his gun. It had but one shell. . . . I saw a man running this way. It was not nearly daylight. He came close and said, "Wahchumyus (Rainbow) is killed!"59

As the Indians scattered for cover, the whites took possession of the camp. The first soldier killed was Lt. Bradley who had located the Nez Perce two days earlier. Tepees not made of hides were set ablaze and women and children, many still huddled inside, were shot or bludgeoned with rifle butts. One 18-year-old girl who survived had her teeth knocked out and later was called In-Koko-Lio (girl with broken teeth).60 An aged Indian, too old to run for cover, was shot repeatedly as he sat smoking on a buffalo robe. "He did not feel the shots," said Yellow Wolf. "After the battle, he rode horseback from there."61 A woman, her newborn child, and the midwife were found later in one tepee; another woman and her two children in another— all dead.62

Chiefs Joseph, White Bird and Looking Glass rallied their scattered warriors by shouting commands in different sectors. After a series of fierce charges and counter charges by both sides, Gibbon's command was forced to retreat. He regrouped on a knoll approximately a half mile northwest of the Nez Perce camp and his men dug rifle pits

59 Chalmers, op. cit., p. 129.
60 Beal, op. cit., p. 137.
with trowel bayonets. Meanwhile, the Indians reoccupied their camp, tended to the wounded, buried their dead and packed what belongings that remained.

Wrote Gibbon later: "Few of us will soon forget the wail of mingled grief, rage and horror which came from the camp... when the Indians returned to it and recognized their slaughtered warriors, women and children." 63

That afternoon, Indian marksmen kept the whites pinned down with an effective fire which mortally wounded one officer and wounded another for the second time. The cannon and a supply wagon with 2,000 rounds of ammunition arrived about a half mile west of Gibbon's position. The Indians promptly captured both. Because the Nez Perce could not operate the howitzer--which would have been lethal against Gibbon's tightly grouped men--they destroyed it by removing the wheels and hammering the muzzle out of shape. 64

The fighting continued throughout the day—the warriors set fire to the grass at one point in hopes of routing the whites, but the wind shifted--while the Indian withdrawal commenced. No further attack was mounted against the whites during the night or the next morning by the rear guard left to harass Gibbon's command and learn if reinforcements arrived. From the afternoon of August 10 to the late morning of August 11, no more than 12 braves, under the leadership of Ollokot, kept the soldiers and volunteers in their trenches. General Howard arrived with a small detachment at 9 a.m. on August 11, too late to do more than ask

63Howard and McGrath, op. cit., p. 215.
64Brady, op. cit., p. 66.
Gibbon, who was wounded in the thigh, how he felt.  

Gibbon's casualties were listed at 29 dead, 140 wounded. The Nez Perce toll is uncertain, but a year after the battle, Chief White Bird listed the dead at 87, 53 of whom were non-warriors. But this was only a fraction of those who died of wounds during the flight. In later years, Chief Joseph set the total figure at 208. Most of these Indians were killed outright or fatally wounded during the initial hour of fighting. Yellow Wolf, who had taken part in capturing the howitzer and keeping the whites pinned in the trenches, claimed that the only "bravery" shown by the whites was during the morning when "killing women and children, crushing new born babies' heads while in the mothers' arms [and] shooting men who had no guns!" After this, he said, "they lay too close in dirt holes to know when we left!"

The question is unresolved about which side won the Big Hole battle. Because of the severe Nez Perce losses, there is little doubt that Gibbon's smaller force won military plaudits in executing a well-timed, devastating blow with comparatively few casualties. Seven of his men were awarded the Congressional Medal of Honor. The press throughout the nation saluted Gibbon and the 3rd Montana volunteers—the first universal expression of its type about a military leader since the opening of the conflict. But, as will be seen, General Howard was

66 Beal, op. cit., p. 129.
68 Chalmers, op. cit., p. 149.
Independent Extra

Big Hole Battle.

Gibbon Makes a Desperate Fight and is Overpowered.

LOGAN & BRADLEY KILLED

Gibbon and three Lieutenants Wounded.

"Help! Help!! Send us all the Relief you. We are Cut off from Supplies."

FIRST DISPATCH.

BIG HOLE, August 9, 1877.

To Governor Potts—

Had a hard fight with the Nez Perce, killing a number and losing a number of officers and men. We need a doctor and everything. Send us such relief as you can.

JOHN GIBBON,

Col., Commanding.

SECOND DISPATCH.

BIG HOLE, August 9, 1877.

To Governor Potts—

We are here near the mouth of Big Hole Pass, with a large number of wounded in want of everything. Food, clothing, medicines and medical attendance, send us assistance at once.

JOHN GIBBON,

Colonel U. S. A.

To Governor Potts:

We had a hard fight and took the village, but were finally driven back with heavy loss. Captain Logan and Lieutenant Bradley are killed. General Gibbon and Lieutenants Coolidge, English and Woodruff are wounded—English seriously the others slightly. The troops are entrenched and the Indians leaving.

When the messenger left, Gen. Gibbon said: I want an escort sufficient to protect the wagons which are going in to relieve us. Load the wagons as light as possible.

The Indians cut me off from my supplies.
Further Particulars of the Desperate Fight

100 INDIANS KILLED.

Most Desperate Indian Fight on Record.

BIG HOLE BATTLE.

FIGURE 7
condemned as "incapable" for failing to arrive in time to assist.

But in the cold light of history—recognizing the bravery of both sides and heeding the careful analyses of the numerous events by qualified scholars—one question remains unanswered above all others about this turning point of the war. The question has been dealt with superficially in several studies, but no general conclusions have been reached. The question: Why was Chief Joseph lulled into the false security of thinking that it was unnecessary to post scouts or guards around the Big Hole encampment?

Scholars note that he was warned by a medicine man, Pile of Clouds, the eve of the battle that "death is on our trail!" He requested the chiefs to gather and told them:

While I slept, my medicine told me to move on; that death was approaching us. Chiefs, I only tell you this for the good of our people. If you take my advice you can avoid death, and that advice is to speed through this country. If we do not there will be tears in our eyes.  

This points to the fact that the chiefs were confronted with the problem. The general explanation for the lack of action is that General Howard was still a considerable distance north, Montanans had shown considerable friendliness, and there was fun in camp at the time.

It could be dismissed at this, except for two statements made by Chief Joseph and Yellow Wolf in later accounts. Joseph's brief description of the Fort Fizzle affair and the Big Hole battle was as follows:

Finding that we were outnumbered [by Howard at Clearwater], we retreated to Bitter Root Valley. Here another body of soldiers came upon us and demanded our surrender. We refused. They said, "You cannot get by us." We answered, "We are going by you without fighting if you will let us, but we are going by

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70 Howard and McGrath, op. cit., p. 205.
you anyhow. We then made a treaty with these soldiers. We agreed not to molest any one and they agreed that we might pass through the Bitter Root country in peace. We bought provisions and traded stock with white men there. We understood that there was to be no war. We intended to go peaceably to the buffalo country, and leave the question of returning to our country to be settled afterward.

With this understanding we traveled on for four days, and, thinking that trouble was all over, we stopped and prepared tent-poles to take with us. We started again, and at the end of two days we saw three white men passing our camp. Thinking that peace had been made, we did not molest them. We could have killed, or taken them prisoners, but we did not suspect them of being spies, which they were. That night the soldiers surrounded our camp.

The important remark here was, "We then made a treaty with these soldiers." Joseph referred to the July 28 negotiations between Captain Rawn, Governor Potts and Chief Looking Glass when, it was reported by the Missoulian, the Nez Perce offered to surrender their ammunition to secure a peaceable passage. More likely, the negotiators reached a verbal agreement that there would be no shooting by either side. This probably was agreeable to the governor whose purpose was to defend life and property and let the military defeat the Indians. It justifies why he retired to the rear and made no attempt to stop the desertions of volunteers who, apparently, were equally satisfied there was no need for fighting. But before going on, Yellow Wolf gave this interpretation of the events of July 28 after explaining the policy endorsed by all the chiefs that no fighting was to be done in Montana.

These were instructions from the chiefs [he said]. Strong laws, nor were they broken. The chiefs thought the war ended. To be no fighting in Montana. But not so, the Montana people. They did not regard the peace made with us there at Lolo Pass. Because of that lie-treaty we were trapped. Trapped sleeping, unarmed.  

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71 Brady, op. cit., p. 65.
72 Chalmers, op. cit., p. 127.
Assuming that a verbal "treaty" had been made, it would explain why Rawn did not order his men to fire as the Indians passed above him. Or, if he realized that too risky, why he failed to move his main force from the breastwork until two hours after the passage. Or, more important, why he did not move on the Indians the following day when Missoula had additional volunteers from Deer Lodge and small communities nearby when the Nez Perce had camped only eight miles south of Lolo Canyon.

As will be seen, such an alleged treaty (never publicly declared by Captain Rawn or Governor Potts) also would explain why the latter sent a telegram to Helena ordering additional militia which he supposed might be heading toward Missoula to "halt."

The correspondent from the Bozeman Times, in Deer Lodge at the time, sent this report to his paper:

Today [July 31], upon the call of Gov. Potts for 300 men, nine of the sixty of the Cavalry Company, which had organized yesterday, responded. When they got ready to start for the west side, a telegram was received from Gov. Potts calling a halt, so nobody went. There was quite a stir on the streets to-day, and squads of men could be seen on main street discussing the Indian question.73

More will be said about this incident in regard to the newspaper war, but it should help support the hypothesis that no offensive action was planned by Governor Potts or Captain Rawn for two reasons. First, the Secretary of War and the President had advised against it and had refused to authorize the organization of militia. Second, because of the inferior force available to white negotiators on July 28, a verbal treaty was entered into with the Nez Perce to avoid an immediate conflict which would endanger Bitter Root dwellers. Once this agreement

73 Bozeman Times, August 9, 1877.
had been made, the two white negotiators chose to keep it secret because of the tremendous pressure on them by newspapers and the people to take action. Nevertheless, Captain Rawn and Governor Potts apparently had agreed also to honor their obligation to the Nez Perce without losing face.

If this were the case, it is apparent also that Secretary Mills had not been informed about the "treaty." Whatever intrigue he was involved in, if any, easily could have brought on a fight because he had ordered, without consulting the governor, a company of militia to the Big Hole area before any word had been received about Colonel Gibbon's plans.

In the final analysis, Colonel Gibbon probably was responsible for breaking the treaty because, after writing his intentions to the governor on July 27, he proceeded to Missoula where, between August 2 and 14, he undoubtedly had opportunity to discuss the entire matter with Captain Rawn. What Rawn may have said to him may never be known. But, there was nobody with authority in Montana to counter plans made by Gibbon. The governor had no voice in military affairs and Captain Rawn was outranked. Because of Colonel Gibbon's attitude toward the Nez Perce, it is doubtful that he would let a subordinate officer's agreement with those Indians stop a campaign. But is also is possible that Captain Rawn said nothing, hoping Colonel Gibbon's command would not catch the Nez Perce, as Chauncey Barbour predicted in a letter to the governor on August 5. 74

Once Colonel Gibbon had obtained 34 volunteers from Missoula, and

started down the Bitterroot Valley to fight, the additional volunteers he accumulated at such places as Fort Owen were a trifling number because of the general friendly feeling toward the Indians. This was not, to be sure, universal. But the thought undoubtedly occurred to those settlers that it would be foolish to shed blood.

The strong opinion against the Nez Perce—which already was beginning to shift, as noted—still was largely centered in Helena, Butte and Deer Lodge. The people of Deer Lodge locked themselves in the prison as the Nez Perce were moving southward approximately 70 miles to the west when, in reality, the Indians presented no threat whatever. But because of the plan executed by Colonel Gibbon and because of the pressure on the governor to help crush the Indians, he finally sent the militia toward Big Hole for offensive action. Of course, those men failed to arrive in time.

The breaking of the alleged treaty had one other facet which was summed up by Joseph:

The Nez Perces never make war on women and children; we could have killed a great many women and children while the war lasted, but we would feel ashamed to do so cowardly an act. We never scalp our enemies, but when General Howard came up and joined Gibbon, their Indian scouts dug up our dead and scalped them. I have been told that General Howard did not order this great shame to be done.75

The scalping incident was confirmed and was "the beginning of the most wanton, persistent and insatiable vandalism upon a battlefield known in western America," according to Beal.76 As shown in Chief Joseph's statement, the breaking of the peace treaty by a surprise

75Brady, op. cit., p. 66.
76Beal, op. cit., p. 127.
attack on women and children changed the character of the war. Yellow Wolf explained that in their rage, the Indians without reason killed a prominent Bitterroot citizen who had been taken prisoner after the soldiers had been driven to the knoll.77

After the Big Hole battle, the Nez Perce pillaged ranches and killed several whites. No longer were the Indians disposed to be friendly; for they had been hurt seriously. Their trail southward was spattered with the blood of the wounded. Yet, they were not beaten. The Nez Perce were to run, maneuver and fight for 55 more days and another 1,000 miles before the military could defeat them.

77Chalmers, op. cit., p. 140.
CHAPTER VI

THE WAR: PHASE THREE

Wilderness Escapade

Perhaps Colonel Gibbon's one major failure in the Big Hole fight was in not capturing or scattering the Nez Perce herd of horses when he had the opportunity on the morning of August 9, because the fleeing Indians were to give General Howard a "merry chase." Howard began the pursuit on August 13, 1877, accompanied by 50 of Gibbon's men. On arrival at Bannack, Montana, the next day, the general learned that the Nez Perce had murdered four settlers during a raid to secure all available horses so that Howard's command would not have fresh mounts. Meanwhile, the Deer Lodge volunteers, led by Major Clark, arrived.¹

The Nez Perce then followed a circuitous route over the Continental Divide via Bannack Pass. This maneuver was intended to trick Howard into thinking the Indians would head into Idaho, but the general perceived this, headed straight south for Yellowstone Park, and avoided being slowed by mountainous travel. As a matter of fact, the Nez Perce disagreed about their intended route. Joseph suggested continuing west into the remote Salmon River country of Idaho which, if done, would have made a military pursuit as difficult as the one over Lolo Pass. Chief Looking Glass apparently persuaded the chiefs to head eastward through Yellowstone Park.²

¹Beal, op. cit., pp. 145-146.
²Howard, op. cit., p. 225.
Herald Extra.

THE HOSTILES.

The Burning Homes of Beaverhead Settlers.

Several Families Reported Massacred.

PLEASANT VALLEY, August 13—7:30 p.m. — The driver and a passenger just in on the coach from the North report that a messenger came in from Horse Prairie when they left Lovell's Station this morning, and reported that Pierce Bros.' ranch was burned and the firing was heard in the vicinity. It is twenty miles to Lovell's.

The Deer Lodge coach reports some families massacred.

Herald Extra.

The Savages' Work on Horse Prairie.

People Killed and Stock Stolen.

PLEASANT VALLEY, August 14.—Pollinger sends the following:

Scouts from Horse Prairie report a squaw camp of Indians with some warriors and stock were at Horse Prairie diggings; on 13th run off 37 head of horses from Pierces corral, killing James Smith, Montague, and one man whose name is not known. Some five men are also missing, and are supposed to be killed. They also killed 5 Chinamen. The Indians were supposed to pass out through Bloody Dick's gulch, on to Medicine Lodge.
It was at this time that the impact of news about the Big Hole fight and its consequences for both the Indians and whites was being felt in Montana and elsewhere. General Sheridan wrote a letter to Washington on August 13, praising Colonel Gibbon and stating that he "inflicted a severe if not a disastrous punishment on the hostile Nez Perces."^ On August 15, the news of the Nez Perce murders at Bannack was published in the Helena Daily Herald, and stated that the people in Beaverhead were under arms.† When the Missoulian learned of this, the editor related what had happened at Bannack with what might have happened had there been a fight at Fort Fizzle. He wrote that the

... consequences of an attack upon the Indians while they were on Lo Lo can be readily seen now after the battle of Big Hole. Bitter Root valley would have been utterly stamped out.
... Even if the punishment had been greater on them than it was on Big Hole, the result could not have been avoided.⁵

The New North-West printed an article by S. F. Dunlap, a citizen volunteer, stating: "Why were they not vigorously pursued by General Howard? ... We [the volunteers] are suffering in the loss of time, our hay crop is going to destruction. ... We are spending money for scouts, fortifications, etc., and the rest of the country looks and mocks at our calamity."⁶

The Helena Weekly Independent noted further that "after laying over a day and two nights at Gibbon's battlefield, Howard only made 72

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¹Helena Daily Herald, August 15, 1877.

⁵Weekly Missoulian, August 17, 1877.

⁶New North-West, August 17, 1877.
miles in the next three days."

Nevertheless, General Howard had correctly assessed the route of the Nez Perce who had moved toward Yellowstone Park, and he intercepted them on the evening of August 18 on a broad, rock-strewn plain called Camas Meadows, approximately 18 miles east of Beaver Canyon and 40 miles west of Yellowstone Park along the Montana-Idaho border. The general was well aware of the newspaper criticism that was swelling against him, and with a fighting force of probably more than 500 men (approximately 350 of his regulars, 50 of Gibbon’s command, three or four companies of militia, and Indian scouts), it seemed that his long-sought victory was at hand. He knew the location of the Nez Perce camp fewer than 20 miles ahead on the prairie, and Nez Perce scouts had informed Chief Joseph of the predicament now facing his weary people. But, as Bancroft put it, "his people seemed made all of endurance." Joseph executed one of the most skillful and daring maneuvers in the annals of Indian warfare.

General Howard split his force, sending Lt. George Bacon and 40 cavalrymen ahead to block the passes into Yellowstone Park. On the evening of August 19, the general camped the major body on Camas Meadows in strict military fashion with guards posted and horses and other stock tethered nearby. Two or three Nez Perce scouts wandered right to the edge of camp at twilight. They were spotted by guards, but nothing was done to chase them off because, strange as it may appear, there was nothing unusual about this happening. Pursuing scouts on horseback

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7 Helena Weekly Independent, August 23, 1877.
Herald Extra.

HELENA, TUESDAY, AUGUST 21, 1877

The Fight of Howard's Advance With the Hostiles.


The Indians Capture 110 Pack Animals.

Lieut. Benson, 7th Infantry, Wounded.

Pursuit of the Indians Continued To-day.

[SPECIAL TO THE HERALD.]
HOWARD'S EXPEDITION CAMP CALLAWAY.
CAIMAS MEADOWS, IDAHO, AUGUST 20.

The hostiles fired into our camp at dawn, stampeding the pack mules and some horses. Three companies of cavalry followed them seven miles, and recovered part of the herd, which brought on a severe engagement. Reinforcements moved out and the Indians retreated.

Capt. Norwood's company gallantly held on advanced part, till relieved. One officer Lieut. Benson, Seventh Infantry was wounded, not severely. One soldier killed and seven wounded and several hostiles reported killed.

Col. Miller with two hundred and thirty Infantry overtakes us to-night. Pursuit continues to-morrow. Lost one hundred and ten mules and several scouts' horses.

GURNEY.

Herald Extra.

HELENA, THURSDAY, AUGUST 23, 1877

NEZ PERCE SQUAW CAMP AT HENRY'S LAKE.

Howard Expects to Strike the Hostiles To-Day.

Return of some of the Virginia Volunteers.

VIRGINIA CITY, AUGUST 23.—Two scouts from Fort Ellis got in here at 8 o'clock this morning. They report the squaw camp at Henry's Lake, but were breaking camp and moving toward the Geyser Basin, when they left yesterday morning.

Lieut. Leary, Howard's commissary, is here. He says when he left the front the Indians were fortifying at a place called the Lava Beds, and thinks that Gen. Howard struck them yesterday. Some of the men that went out from here got in this morning. Several of them went on with Howard.
in darkness would be foolhardy if other Indians were in the vicinity.

As darkness approached, four columns of 150 mounted men could be seen heading for the camp. Thinking it was Bacon's detachment returning, the sentry showed no alarm.

Meanwhile, the Nez Perce scouts crept into the camp and, with great care, began cutting the hobbles and tethers on military livestock. But before they had an opportunity to get past the first group of animals, the sentry issued his challenge, received no response, and fired. War whoops followed, and 150 Nez Perce rushed the camp.  

In the confusion—soldiers trying to get their pants, boots and rifles arranged in the dark as bullets whizzed—the animals that had been loosened were driven off by the Indians. Joseph's plan in the attack was to leave Howard without mounts. But as stated later by Suhm-Keen (Sam Tilden), the Nez Perce were dismayed about what they had captured. "I helped to guard those animals—those mules which they thought were horses in the dark," he said. Only one soldier was killed in the raid—the bugler who blew "Boots and Saddles."  

General Howard knew that the Nez Perce would have difficulty driving the mules with any great speed, so the following morning he sent out a detachment of cavalry, led by Maj. George Sanford, to pursue the raiders. An advance guard managed to recover a few straggling animals. Joseph had prepared for such an eventuality as a cavalry

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10 Howard and McGrath, op. cit., p. 228.


12 Chalmers, op. cit., p. 155.
attack, however, by deploying men ahead of the mule herd in a "U" shape. Sanford's command rode into the trap with three companies. As the Indians opened fire, his command was thrown into confusion and retreated. Seven soldiers were wounded or killed; two Indians were nicked by bullets.\(^{13}\)

The significance of the Camas Meadow raid was not so much the loss of life and livestock—which, incidentally, included a number of military horses—but that General Howard lost his greatest opportunity to defeat the Nez Perce when they had been seriously weakened by the Big Hole fight and he had been strengthened by additional men.

The general did not take to the pursuit again until August 27, when General Sherman, who was in Montana, ordered him ahead.\(^{14}\) Joseph already had gained three days travel. Howard, in traversing Yellowstone Park, was subjected once again to the perils of mountainous travel. In places, it was necessary to lower wagons down 200-foot cliffs with ropes.\(^{15}\)

Editorial reaction in Montana was not kindly toward the general and, as will be seen in the next chapter, strong suggestions were made to have him replaced as commander. One of the more temperate editorials appeared in the Missoulian:

> The press of Idaho have been fierce in their denunciation of Howard's military career in that region; but the papers of this Territory have been, with perhaps one exception [New North-West], disposed to treat him with fairness. His campaigning in this Territory does not compare favorably with that of Gen. Gibbon.

\(^{13}\)Beal, op. cit., pp. 159-160.

\(^{14}\)Howard and McGrath, op. cit., p. 233.

\(^{15}\)Ibid.
Howard's career during the rebellion does not inspire the belief that he is a feather-bed warrior, but he certainly has not shown a large amount of push here. He can put down adverse criticism better with his sabre than he can with his pen.\footnote{\textit{Weekly Missoulian,} August 24, 1877.}

On receiving orders on August 27 to move ahead, General Howard exchanged a series of four dispatches with General Sherman, who was returning from Yellowstone Park after a pleasure trip. Howard wrote that his "command is so much worn by over-fatigue and jaded animals that I cannot push it much further. . . . I think I may stop near where I am, and in a few days work my way back to Fort Boise slowly and distribute my troops before snow falls in the mountains." Sherman replied that Howard's men should pursue the Nez Perce to the death and suggested that Howard turn his command over to "some young, energetic officer."\footnote{Beal, \textit{op. cit.}, p. 167.}

So far as is known, this was the only instance in which any such suggestion was made to Howard by a high-ranking military officer. The decision that Howard be relieved was, of course, left entirely to him. Howard replied to Sherman:

\begin{quote}
You misunderstood me. I never flag. It was the command, including the most energetic young officers, that were worn out and weary by a most extraordinary march. You need not fear for the campaign. Neither you nor General McDowell can doubt my pluck and energy.\footnote{\textit{Ibid.}}
\end{quote}

General Sherman sent back a somewhat apologetic note, tempered, however, by the reasoning that "men of less age and rank are best for Indian warfare. They have more to make."
The Nez Perce, meanwhile, successfully penetrated the blockade of the Park set up by Bacon's cavalry without incident and intercepted two civilian expeditions.

The first party, consisting of 10 men and women who were led by George Cowan, were surprised at their camp near the Firehole River on the morning of August 24. Frank Carpenter, who later gave an extensive newspaper report of what happened, walked forward and shook hands with Yellow Wolf who was in charge of the five Nez Perce intruders. Yellow Wolf stated later that this gesture saved the tourists from an immediate massacre. Carpenter invited the warriors to a breakfast of pancakes and secured permission from Yellow Wolf to see Chief Joseph. But when Carpenter agreed to the Indian demand of giving them flour, bacon and sugar, George Cowan emerged from his tent and objected strongly. He made further protests about the manner in which the Nez Perce stared at his wife and sisters.\(^\text{19}\)

Meanwhile, some 40 or more warriors passed the camp after viewing geysers, and began teasing the tourists who loaded their wagons and headed hastily for the camp of Chief Looking Glass who, they hoped, would allow them to leave the Park unmolested. Along the trail, however, groups of young braves continued to harass the tourists in a spirit of cruel fun and the Cowan party, badly frightened, tried to escape. Bullets dropped Cowan and Albert Oldham from their saddles.\(^\text{20}\)

Oldham escaped into the bushes, wounded through the jaw. Mrs. Cowan rushed to her husband who lay wounded in the thigh. She pleaded


\(^\text{20}\)Howard and McGrath, *op. cit.*, pp. 237-238.
with the braves that surrounded her prostrate husband, but one stepped forward with a revolver and discharged it into his forehead. The Helena Daily Herald paid the following tribute to Mrs. Cowan which, according to Carpenter later, was well deserved:

A WOMAN'S COURAGE

It is only at rare intervals that womanly courage approaches in dramatic effect the brave act of Mrs. George F. Cowan, who surprised by painted savages in Wonderland the other day, tried to save the life of her husband by offering her own body as a shield to his. He was shot with her arms entwined about him, and expired in an embrace which she intended should sacrifice herself and spare him. As an example of lofty heroism and self-sacrifice, this act of Mrs. Cowan will hereafter be mentioned among the first. It deserves a prominent page in frontier history.21

Miraculously, however, George Cowan did not die. This was not reported in Helena until September 5.22 On August 27, the initial report by the Helena Daily Herald indicated that nine of the tourists in the Park at the time had been murdered.23 Actually, two were wounded in the Cowan scuffle and two were killed later in the other expedition led by A. J. Weikert of Helena. This latter group easily could have escaped without harm, but they waited until Nez Perce braves discovered their camp and shooting erupted as they fled.24

This brutal savagery cannot be dismissed by any means, but it is well to understand at this point that the Nez Perce were in full rebellion as they had never been before. The Avant Courier commented:

21Helena Daily Herald, August 29, 1877.
22Helena Daily Independent, September 5, 1877.
23Helena Daily Herald, August 27, 1877.
24Beal, op. cit., pp. 177-178.
Independent Extra

OFFICIAL DISPATCH.


Seven Men Killed and one Man and two Women Prisoners.

PORT ELLIS, August 27.

To Gen. Gibbon:

Schofield reports that he was on the top of Mount Washburn yesterday. Indians appeared in the Geyser basin on the 24th and struck the Helena and Radersburg parties, killing seven men and taking two women and one man prisoners. Just as he left Mt. Washburn yesterday the Indians attacked another party, killing nine; one escaped. The Indians released Mrs. Cowan, her sister and brother who reached Schofield’s camp yesterday. The main camp crossed the Yellowstone on the 25th. Warriors went back to fight Howard. White Bird and Looking Glass remained with the camp and Joseph went with the warriors. They say they are going to Wind river and Brown to get supplies. Schofield thinks they are going towards the Lower Yellowstone by Clark’s Fork. They crossed the river between Washburn and the lake; Schofield does not say just where. Will send a courier to Sturgis.

SIGNED

BENHAM.

Herald Extra.

HELENA, MONDAY, AUGUST 27.

MASSACRES IN THE NATIONAL PARK.

The Number of Killed,

Mrs. Cowan, Sister and Brother Taken Prisoners

They are Afterwards Released.

To General John Gibbon:

Lieutenant Schofield reports that he was on top of Mount Washburn yesterday. Indians appeared in the Geyser Basin on the 24th inst. They struck the Helena and Radersburg party, killing seven men and taking two women and one man prisoners. Just as he left Mount Washburn yesterday the Indians attacked another party, killing nine of them. One escaped.

The Indians released Mrs. Cowan, her sister and brother, who reached Schofield’s camp yesterday. The main camp crossed the Yellowstone on the 25th. The warriors went back to fight Howard. White Bird and Looking Glass remained with the camp and Joseph went with the warriors.

They say they are going to Wind river and Camp Brown to get supplies. Schofield thinks they are going to the Lower Yellowstone via Clark’s Fork. They crossed the river between Mt. Washburn and the Lakes.

Schofield does not say just where. Will send courier to Sturgis.

Signed

BENHAM,

Capt. 7th Inft.
THE HELENA PARTY SURVIVORS.

Most of them Escape and Arrive at the Springs.

Kenck and Foller the Only Ones Still Out.

Geo. Cowan Killed in His Wife's Arms.

HELENA, THURSDAY, AUGUST 30.

The Gyser Party Coming Into Virginia City.

HELENA, TUESDAY, AUGUST 28.

The Gyser Party Coming Into Virginia City.

To W. K. Roberts:
Your son and August Foller arrived here well. They know nothing of the fate of the others. Joe starts for home on to-morrow's coach.

W. H. ROGERS.
Herald Extra.

HELENA, SUNDAY, SEPTEMBER 2nd.

THE HOSTILES' ATTACK AT MAMMOTH HOT SPRINGS.

Richard Dietrich Killed.

Slaughtering Cattle and Burning Bridges.

Bozeman, September 2.

[SPECIAL dispatches to the Herald.]

Prof. Dietrich was killed at the Mammoth Springs. Donoe's advance guard found the body still warm.

The Nez Perces are still at East Fork, killing Beatty's cattle. They have burned Barlow's bridge and Henderson's ranch.

P. KOCH.

Independent Extra

COWAN ALIVE.

He is with General Howard's Command.

Whereabouts of Howard.

[Special to the Independent.]

Bozeman, September 5.

Two scouts just in from Howard's command say that Cowan is with Howard and is doing well and will recover.

He is shot through the thigh and in the side and wounded in the head.

Howard was fourteen miles this side of Yellowstone lake. This news is reliable.

LANGHOE.
News of a startling and heart-rending character reached us on Monday. Sixteen inoffensive pleasure-seekers were reported murdered in the National Park by hostile Indians. . . . Who is the cause of all this suffering? On whom does the responsibility rest? The cause of all our present troubles with the Nez Perces can be traced back directly to the General Government.

Such a statement at a time when "the Territory is again mourning for her dead" was remarkable for its insight. While Nez Perce opinion of the whites had soared to hatred, white opinion of the Nez Perce— even in such times as the Park killings— was beginning to be one of understanding. Only one Montana paper clung to the notion that the Nez Perce were savage killers—that was the Helena Daily Herald edited by R. E. Fisk. But even his opinion changed somewhat, as will be seen, when the full account of the Cowan party's release by the Nez Perce was related by Frank Carpenter:

White Bird lit a pipe, took a few puffs and passed it around the circle. Those who smoked it were in favor of letting us go. I watched them—oh, how eagerly. Never in my life did I experience such delight in seeing a person smoke! Twice the pipe passed around the circle. Four of the chiefs smoked the pipe, and three refused!

The council dispersed. White Bird informed me that myself and sisters should go home.

Carpenter's account is the only known first-hand report of a Nez Perce council in action during the war. Some scholars have contended that the chiefs did not reach important decisions by majority rule. In this instance they apparently did and, once the decision was reached, it was respected by their people.

One of the humorous aspects about newspaper coverage of the Yellowstone murders—estimated at first between nine and 16 persons—

25Avant Courier, August 30, 1877.
26Helena Daily Herald, September 8, 1877.
happened when Ben Stone, a cook for Weikert's party, returned to Virginia City and read his obituary written by a local friend, T. H. White. According to the death notice, Stone was about to be scalped the last time anybody saw him.27

As the Nez Perce moved eastward in the Park, Col. Samuel Sturgis, heading six companies of 360 troops, arrived from Clark Fork for the purpose of establishing a blockade of all passes into Montana Territory. Scouts informed Chief Joseph of the predicament: to the east was Sturgis, to the west, Howard, and to the north, the towering and impassable Absaroka Range. The southern border also was blocked by unfriendly Bannack Indians who, as noted, had been helping Howard as scouts.28

The New North-West, having learned of Sturgis' movements, confidently predicted that the Nez Perce were being trapped and would be brought to defeat:

In view of the bad effect their success and escape would have on other Indians, and in view of the evil they would probably hereafter do Montana, this concentration of forces, and the determination to destroy them, is in the highest degree gratifying. We are largely indebted for it to the presence of General Sherman in Montana, who has had the lion in him roused by the defiant progress of the Nez Perces and by personal attention to the movement of troops has raised up an army on the four sides of Joseph just when it seemed most probable that he was about to escape, scot free, except for the blow Gibbon struck him, and laden with booty, into the great open country of the hostiles. We wait now hopefully for news that the Nez Perces have been struck hard and fatally. They are too brave and dangerous a foe to escape, for their escape unscathed means still darker days for the border.29

The Nez Perce executed three plans designed to confuse the soldiers.

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27Helena Daily Herald (undated clipping).
28Beal, op. cit., pp. 187-188.
29New North-West, August 31, 1877.
First, military scouts traveling between Howard's and Sturgis' lines were hunted and killed. This, of course, hampered military intelligence and created considerable fear for anyone who approached the general vicinity occupied by the Indians. Secondly, the Nez Perce ran their ponies in numerous directions so that no well-defined trail could be followed as had been the case formerly. The trail they did take was superbly camouflaged. Thirdly, Joseph created a feint to the south which drew Sturgis' command away from the northern passes. So well was this executed that the exact route out of Yellowstone Park taken by the Nez Perce remains uncertain. General Howard wrote that the entire performance was an example of consummate generalship.  

The Nez Perce left the Absarokas on September 9 and turned northward in the general direction of Billings, Montana. This was the country inhabited by the Crow nation, the original destination suggested by Looking Glass. Not only did the Nez Perce find the Crows unwilling to help them, but these former allies joined Sturgis in the battle that was to follow. Because of the pressure put on the Nez Perce by Sturgis' command—enlarged by reinforcements to more than 400 cavalrymen, plus two cannons--the Nez Perce realized they had but one hope left. That was to head for Canada as the Sioux had done to escape fighting. This change of policy about the destination is believed to have ended the role of leadership played by Chief Looking Glass in tribal councils, mentioned earlier. He had been instrumental in planning and negotiating the "peace treaty" with Montanans at Fort Fizzle.

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30Howard, op. cit., p. 225.

31Bozeman Times, September 29, 1877.
which terminated with the Big Hole attack. He had persuaded his people
to travel to Crow country where, on arrival, they found themselves
unwelcomed.

Moreover, it may be speculated that if the Nez Perce had followed
Joseph's suggestion of heading westward into the remote and rugged Salmon
River country of Idaho, as noted earlier, instead of traversing Yellowstone
Park, it is possible that the war would have ended by default.

General Howard at no time tried to engage the Indians in mountainous
terrain, for he was at a disadvantage with heavy equipment. One of the
frequent reasons cited for Howard's slowness throughout the campaign
was that for every mount he had for his men, the Nez Perce had four or
five. In order to pursue the Nez Perce into the wilderness of Idaho—
still the largest in the U. S., excluding Alaska—he would have needed
substantial supplies and reinforcements which were not readily available
in western Montana.

The Nez Perce had demonstrated their ability to live off the land
during the difficult passage of the Bitterroot Range. Had they remained
in the wilderness until winter, then migrated to their homelands to the
north, it is possible that the war would not have been renewed for
several reasons. First, during the nineteenth century winter campaigns
were almost out of the question, especially in country as far removed
as Idaho Territory. Secondly, as already noted, the real causes of the
outbreak in June, 1877, were being understood finally, and editorial
opinion was shifting in favor of the Indians and against the government.
Third, the Nez Perce not only had showed friendship toward the whites,
but they had gained considerable respect for their conduct as diplomats,
strategists and fighters, as evidenced in editorials. No doubt negotiation
would have been reopened in the spring of 1878 and, in the light of what had happened the previous year, a more equitable solution reached for both sides.

Not until September, 1877, did Joseph emerge as "chief," a title which meant that he was no longer just the head military general, but was the chief executive as well. His people and horses were exhausted. General Howard had reported passing along the route many fresh graves of persons who died of wounds from the Big Hole fight. A Montana volunteer, J. W. Redington, who later became Assistant Adjutant General of Oregon, reported that the saddest sight he encountered along the trail was meeting up with an aged Indian, abandoned to die as was Indian custom in such cases, because the old warrior could not endure the pace set by his fleeing children.

He volunteered a wan smile at the sight of a human being... wrote Redington and made a feeble motion with one arm, pointing to his forehead... I could understand that he was inviting me to shoot him... and end his misery. Instead of accommodating him, I fed him half of the piece of bread I had found, which he ate ravenously. He seemed quite disappointed when I made a motion of flapping my wings to indicate that I must skidoo and be on my way.

Both Indians and whites suffered extensively, and it was because of the exhausted and weakened condition of his people that Joseph sought to avoid a fight with Sturgis who, having fresh mounts, made a determined pursuit, while General Howard followed more slowly.

Near Canyon Creek, a tributary of Yellowstone River which is

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32 Beal, op. cit., p. 194. Joseph's role was not one of absolute leadership, strictly speaking. As already noted, important policy decisions were reached by voting in council. But it is generally agreed that he was the architect of the plans that were adopted.

33 Glasgow [Montana] Courier, March 27, 1933.
approximately 30 miles west of Billings, the Nez Perce raided a roadhouse and stole a stagecoach which not only added some sorely needed amusement, but helped in hauling equipment over the rolling prairie they were traversing.  

When the Nez Perce entered the canyon, flanked on both sides by cliffs, Sturgis' command arrived after having made a forced march of 60 miles in one day.  

What Sturgis realized that day, September 10, was that he had been in pursuit of a detachment of warriors, not the main column of Nez Perce, for two weeks. This deception had allowed Joseph to travel nearly 100 miles without detection.  

According to an account by Theodore Goldin, a soldier, the colonel was as exhausted as his men and, on the morning of September 10, he decided to quit the chase. But as they were resting in camp, a scout came rushing back yelling, "Indians! Indians!"

Sturgis attempted to follow the Indians up the defile of Canyon Creek and ran into a crossfire from the bluffs. Joseph had detached a rear guard under the command of Looking Glass to cover the retreat of the main column. For reasons difficult to understand, Sturgis presumed he was in a general engagement with the entirety of Joseph's warriors. He ordered his 400 men to dismount—a tactical blunder described later by several soldiers—and proceed on foot to rout the sharpshooters.

As the fighting progressed, Maj. Lewis Merrill requested permission to

\[34\] Josephy, op. cit., p. 336.

\[35\] Brady, op. cit., p. 215.

\[36\] Howard and McGrath, op. cit., pp. 252-257.

\[37\] Brady, loc. cit.
charge headlong through the canyon to catch the main body of Indians, but Sturgis, viewing the entire episode from a half mile away, refused the request.\textsuperscript{38} As sunset neared, "only one warrior, Teeto Hoonod, was doing the fighting," according to General Howard. "His horse was hidden, he was behind the rocks holding a line of dismounted soldiers back."\textsuperscript{39}

Colonel Sturgis made no immediate attempt the next day to catch the Nez Perce, but his men rounded up some 400 horses that had been abandoned by Joseph in the escape. The report published in the Helena Weekly Independent about the battle was as follows:

Gen. Sturgis had a hard fight with the Nez Percies on the 13th. There were a good many killed and wounded and several hundred head of horses captured. His own loss was considerable. The Crows brought into the Agency one hundred and fifty Nez Percies on the 12th. Several hundred started out at once to assist Sturgis.\textsuperscript{40}

This account came from a Captain Benham in Bozeman. It was so completely incorrect as to warrant analysis. First, the dates were wrong; the fight occurred on September 10. Secondly, the Crows did make an attack on the Nez Perce rear guard on September 11, killing three Nez Perce, but there is no evidence to support the claim that 150 of the latter ever surrendered. In fact, the Crows were quickly chased off and, according to the Benton Record, one of their warriors who had been captured was physically beaten, then released.\textsuperscript{41}

\textsuperscript{38}Beal, op. cit., pp. 195-196.
\textsuperscript{39}Howard, op. cit., p. 264.
\textsuperscript{40}Helena Weekly Independent, September 16, 1877.
\textsuperscript{41}Benton Record, September 21, 1877.
Herald Extra.

HELENA, SATURDAY, SEPTEMBER 15

FIGHT BETWEEN STURGIS AND THE HOSTILES.

Many Indians Killed.

[SPECIAL TO THE HERALD.]

Bozeman, September 15.

Courier just arrived from the Crow agency with official dispatches, from Gen. Sturgis. He says, in substance: The Nez Perces flanked Sturgis and proceeded down Clark's Fork. He followed them two days and came upon them on the Yellowstone, about seven miles below the mouth of Clark's Fork, and fought them all night.

He reports that he captured several hundred horses and killed a great many Indians; he lost some soldiers. The Crows fought and captured 150 horses. The Nez Perces burned McAdam's mill and several ranches among others, Stones and Rouses.

P. K.

Independent Extra

JOSEPH'S BAND.

Sturgis Attacks them and has a Hard Fight.

The Indians in Full Flight and the Crows after them.

[SPECIAL TO THE INDEPENDENT.]

Bozeman, September 15.

The Nez Perces flanked Sturgis and went down Clarke's Fork, burnt three houses at Rouse's Point and the McAdam saw mill.

Sturgis pursued them for two days, overtook them and had a hard fight, lasting nearly all day, in which he killed and wounded a good many Indians and capturing several hundred head of horses. Don't know the extent of Sturgis' loss nor the extent of the damage done by the fleeing Nez Perces. They abandon a great many head of horses on the line of their flight. The Crows are harassing them and stealing a good many of their horses.

LANGHORNE.

FURTHER PARTICULARS.

Bozeman, September 15, 1877.

No Governor B. F. Potts—

Gen. Sturgis had a hard fight with the Nez Perces on the 13th. There were a good many killed and wounded and captured several hundred head of horses. His own loss was considerable.

The Crows brought into the Agency one hundred and fifty Nez Perces horses on the 12th. Several hundred started out at once to assist Sturgis.

BENHAM,

Captain Commanding.
ANOTHER FIGHT WITH
THE HOSTILES.

A Great Many Indians Killed
and all of Their Pack
Animals Captured.

The River Crows Driving the
Nez Perces Back on to
Sturgis' Command.

[SPOTTED BY P. K.]

BOWMAN, September 17, 1877

A courier just arrived with the following
additional intelligence: A second battle oc-
curred the morning of the 14th, on Canyon
creek, between Gen. Sturgis and the Nez
Perces. Sturgis had been reinforced by How-
ward's cavalry under Valverde. A great num-
er of Indians were killed and a great many
horses taken. The Crow's were triumphant,
having captured all the Nez Perces' pack
animals. They say the River Crows from the
Muscadero have cut off the Nez Perces, and
are driving them back upon Sturgis.

Sturgis' command, during the chase, had
been without anything to eat for two days,
and had given battle on the 14th on empty
stomachs. On the 15th, they were reached,
and he is now on the war footing again. In
the two fights, the Crows and soldiers have
captured 1,000 horses. Three hundred Crows
from the agency were to join Gen. Sturgis on
the evening of the 14th, when he would
again pursue the Nez Perces. Howard's in-
fantry is up within twenty-five miles of
Sturgis.

P. K.
Independent Extra

THE INDIAN WAR.

Another Battle With the Nez Perces.

A Large Number of Indians Killed and Many Horses Captured.

[SPECIAL TO THE INDEPENDENT.]

Bozeman, September 17.

Sturgis, assisted by Howard's cavalry under Sanford, had a fight on Canyon creek on the morning of the 14th. A number of Indians were killed and many horses taken.

The Crows got away with all the Nez Perces pack animals. They report that the river Crows from the Muscleshell have headed off the Nez Perces and are driving them toward Gen. Sturgis.

In the two fights the Crows and soldiers have captured nearly one thousand horses. The Crows have about four hundred Nez Perce horses at the Agency.

Over three hundred Crows were to join Gen. Sturgis on the evening of the 14th, when he would again pursue the Indians. Howard was 25 miles behind him.

MATT W. ALDERSON.

Herald Extra.

HELENA, MONDAY, SEPTEMBER 18.

LATEST FROM THE FRONT.

Sturgis In Pursuit of the Indians.

[FROM OUR OWN CORRESPONDENT.]

Bozeman, September 18, 1877.

A dispatch from Sturgis, dated Muscleshell Valley, September 15, says he followed the Indians thirty-eight miles on the fourteenth. Captured 300 horses, making 900 taken by him. Found five dead Indians. The Indian horses are completely worn out.

Four companies of cavalry and one battery from Howard's command have joined Sturgis. The Crows bring scalps and captured horses to the Agency daily—the end is near.

P. K.
neither side lost heavily in the Canyon Creek fight. Sturgis lost three men killed, 11 wounded. There has been considerable confusion about how many Nez Perce casualties resulted, but it is generally agreed that none was killed and three were wounded.\textsuperscript{42}

On September 29, the \textit{Bozeman Times} quoted a report by the Crow agent, George Frost, stating that the Crows had captured approximately 200 Nez Perce pack animals.\textsuperscript{43} This may explain the statement made by Captain Benham that 150 Nez Perce had been captured.

The significance of the Canyon Creek clash was that Joseph was successful in fighting off and again eluding the combined forces, totaling approximately 750 soldiers, of General Howard and Colonel Sturgis, without losing the life of a warrior. Such a feat is nothing less than remarkable, especially in view of the fatigued condition of his people.

Colonel Sturgis, whose men had been left short of rations and were exhausted by their two-week chase before the fight, did not renew the pursuit until five days after the battle. It appeared that Joseph had no opposition for the remaining 250-mile journey north to the Canadian border.

The \textit{Helena Weekly Independent} claimed that Sturgis fought several skirmishes with the Nez Perce along the Musselshell River, which runs northeastward approximately 50 miles above Canyon Creek.\textsuperscript{44} This report is not true. The Nez Perce saw no further action until they reached

\textsuperscript{42}Beal, \textit{op. cit.}, p. 197. Chalmers lists 21 Nez Perce killed (p. 181), but this conflicts with reports by Howard and Yellow Wolf.

\textsuperscript{43}\textit{Bozeman Times}, September 29, 1877.

\textsuperscript{44}\textit{Helena Weekly Independent}, September 27, 1877.
Cow Island, a fording place of the Missouri River east of Fort Benton, on September 23. Sturgis had lingered at his camp on the Musselshell, awaiting General Howard, who arrived September 20. A dispatch reached them that day stating that Col. Nelson A. Miles, commander of Fort Keogh on the Yellowstone River (since named Miles City), had left two days previously in pursuit of the Nez Perce with 375 men and two cannons.

Meanwhile, a dozen soldiers led by Sgt. William Moelchert from Fort Benton prepared breastworks at Cow Island landing to protect supplies regularly left there by river steamers. According to the Missoulian, which reprinted a dispatch from Fort Benton, "the Nez Perce crossed at Cow Island on the 23d. They attempted to approach the rifle pits in a friendly manner, but were ordered off by the detachment in charge of the freight."

What happened was one of the most humorous displays of courage offered against an overwhelming number of warriors. Nez Perce scouts walked up to Moelchert and asked for supplies. He refused, even when offered payment, although he did give them some bacon and hardtack. Not satisfied, the chiefs came forward and helped themselves. A soldier scribbled a note to the commander at Fort Benton as follows:

Rifle Pits at Cow Island
September 23, 1877, 10 A.M.

Colonel:
Chief Joseph is here, and says he will surrender for two hundred bags of sugar. I told him to surrender without the sugar. He took the sugar and will not surrender. What will I do?

Michael Foley

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45Howard and McGrath, op. cit., p. 269.
46Weekly Missoulian, October 5, 1877.
47Beal, op. cit., p. 203.
Whatever the reply might have been is not known, but Foley, who had acted as interpreter, took Nez Perce women to a supply dump and treated them to a feast. The stubborn defenders did not abandon the rifle pits, however, and the Indians made no attempt to charge them. That evening shots were exchanged, wounding two whites and one Indian, when the latter returned to pillage another stockpile. The Nez Perce found whiskey and, after a spree, set fire to an estimated 50 tons of supplies.\footnote{Oscar O. Mueller, "The Nez Perce at Cow Island," Montana, the Magazine of Western History, Vol. 14, No. 2, Centennial Edition, pp. 51-52.}

When the raiders departed the next morning, a detachment of 36 volunteers and one soldier headed by Maj. Guido Ilges and Lt. E. E. Hardin from Fort Benton, caught up with the Nez Perce rear guard. The Indians had attacked a wagon train, killing three teamsters. When precision shooting dropped a citizen from his saddle, Major Ilges retired his command from the field.\footnote{Helena Weekly Herald, October 11, 1877.}

As seemingly insignificant as the Cow Island encounters may appear, the episode is generally regarded as the prelude to disaster. The Nez Perce had delayed a day in their flight to Canada, which in itself was no problem and had been a considerable help in resting and strengthening for the final push to the border, approximately 75 miles north. But on September 24, Chief Looking Glass, who already had lost considerable prestige but who also had performed brilliantly in the rear guard action against Sturgis at Canyon Creek, was put in command of the column. He proposed a series of slow marches. This plan was vigorously
disputed by Lean Elk, the leader whom Looking Glass replaced. Lean Elk urged a rapid march as had been the policy for 1,200 miles. Joseph apparently agreed to the suggestion made by Looking Glass, because he admitted later that a feeling of security had set in with the knowledge that Howard and Sturgis were far behind. He said he had no idea that a "fourth army" (the other three were led by Gibbon, Sturgis, Howard) led by Colonel Miles was in pursuit. 50

On September 29, Nez Perce scouts killed several buffalo near Snake Creek, ten miles above the northern spurs of the Bearpaw Mountains and 40 miles south of the Canadian boundary. Scholars have contended that the Nez Perce thought they already had crossed the border, but this was not so. 51 Suhm-Keen, one of the last survivors of the Nez Perce war, recently clarified the statement by Yellow Wolf that the Indians knew they had not crossed the international boundary. He said, quoting Chief Looking Glass, "we are at least two suns ahead of the soldiers and only two suns from the 'Land of Redcoats,' so we can rest here awhile." 52 So a camp was built that afternoon, September 29.

The Nez Perce had delayed too long, and to compound the error, Chief Joseph, who apparently was not worried, failed to order scouts to check the progress of the soldiers. If he had, Colonel Miles would have been quickly discovered and left far behind in the race for the border. Joseph took the responsibility for this most serious tactical blunder, admitting that a precious victory was taken from his people

50 Brady, op. cit., p. 67.

51 Fee, op. cit., p. 250. This author stated that it was probable that the Nez Perce thought they had crossed the Canadian border.

52 Alcorn, op. cit., p. 70.
because there was not sufficient warning to make a final dash north. Critics of Joseph's generalship note that every time the Nez Perce suffered severe punishment in battle, the reason was that no scouts had been posted. During the Clearwater battle this was understandable because the tribes were still scattered and were attempting to unite when Howard attacked. Strong evidence suggests that the Nez Perce thought they were at peace with the whites until Colonel Gibbon awoke them one morning at Big Hole with a fusillade. The Nez Perce were doubly certain to keep an almost ceaseless vigil thereafter, making it nearly impossible for either Howard or Sturgis or both to form any "traps." R. E. Fisk, editor of the Helena Daily Herald, had made repeated predictions that an Indian flight across the open country of Montana would be quickly halted by soldiers. Time after time the Nez Perce had evaded well-designed and well-executed moves by the military. That the "Elusive Joseph" was brought to bay finally was as much a surprise to editors as had been his successful evasion.

The Surrender

According to John Finerty, correspondent for the Chicago Times, Colonel Miles made forced marches for three consecutive days before reaching the Bear Paw Range east of the Nez Perce position on September 29. Scouts located the Indian trail. At 8 a.m. the following day, Miles' command approached the Nez Perce camp and was discovered while still several miles distant by Indian buffalo hunters. When the colonel reached a bluff two miles from the camp, he contemplated his next move.

53 Chalmers, op. cit., p. 207.
Miles, having served in the Army of the Potomac throughout its bloodiest campaigns, and having witnessed the heaviest slaughter at the Death Angle of Spottsylvania, [wrote Finerty] is not a man who cares much about exposing his officers and men to death if an object is to be attained.54

Miles ordered his cavalrymen into battle formation and began an immediate assault. A few Nez Perce had mounted and were beginning to flee from camp, but the majority, who had been busy striking their shelters, milled in confusion attempting to gather belongings and catch scattered ponies. Realizing there would not be time to load and start moving the caravan, Joseph ordered his people into a defensive posture.55

Miles' attack—which he described later as one of great power—was approximately a mile from the Indians and moving at a brisk trot when Capt. Owen Hale was heard to exclaim, "My God, have I got to go out and get killed in such cold weather."56

Minutes later, on entering the depression formed by the Snake Creek drainage, orders were bugled for the charge. Suddenly military horses were running without riders; one of the first to tumble was Captain Hale. The Indians were now delivering volleys of well-aimed fire and the charge was slowing as the first soldiers reached the southwest corner of the camp.57

Joseph and a group of other warriors who were trying to recover horses on the bank of Snake Creek opposite the camp were cut off from their people as the first wave of cavalry struck. Joseph, unarmed, rode

54 Finerty, op. cit., p. 232.
55 Beal, op. cit., p. 215.
56 Howard and McGrath, op. cit., p. 271.
57 Beal, loc. cit.
headlong through a line of soldiers and reached camp safely, although
his horse was wounded and his clothes were ripped in several places by
bullets.\textsuperscript{58}

Several other warriors, including Yellow Wolf, continued round­
ing up their horses and encountered Cheyenne and Sioux Indians who had
joined Miles' command. According to Yellow Wolf, a Cheyenne chief
halted and assured him that his people would not fire on the Nez Perce.
But later, the narrator said, he saw the Cheyenne kill several Nez
Perce women who were some distance from the camp.\textsuperscript{59}

The fighting in the camp was furious but short lived, and the
soldiers retreated eastward to an escarpment. Twenty per cent of the
soldiers who had been engaged were killed or wounded.\textsuperscript{60} The Nez Perce
had unquestionably won the first round despite the surprise and being
outnumbered two to one, but they suffered heavily, too. Although the
number of dead and wounded are not known, Yellow Bull reported that
three chiefs--Pile of Clouds, Ollokot and Toohoolhoolsuit--were killed
in the first day of fighting.\textsuperscript{61} What disabled Joseph's people at this
point was the loss of the major portion of their ponies.

To avoid another blood bath, Miles changed his tactics and began
a siege that was to last four more days. Meanwhile, the Indians dug
trenches--the first time they had been compelled to do so during the
war--using cooking utensils for shovels. That night it snowed and both

\textsuperscript{58}Brady, \textit{op. cit.}, pp. 67-68.
\textsuperscript{59}Chalmers, \textit{op. cit.}, pp. 224-225.
\textsuperscript{60}Finerty, \textit{op. cit.}, p. 233.
\textsuperscript{61}Howard and McGrath, \textit{op. cit.}, p. 273.
sides, especially the wounded, still lying scattered, suffered terribly.

Said Yellow Wolf in recounting that tragic night:

A young warrior, wounded, lay on a buffalo robe dying without complaint. Children crying with cold. No fire. There could be no light. Everywhere the crying, the death wail. My heart became fire. I joined the warriors digging rifle pits. All the rest of night we worked. Just before dawn, I went down among the shelter pits... Wrapped in a blanket, a still form lay on the buffalo robe. The young warrior was dead...

Morning came, bringing the battle anew. Bullets from everywhere! A big gun throwing bursting shells. From rifle pits, warriors returned shot for shot. Wild and stormy, the cold wind was thick with snow. Air filled with smoke of powder. Flash of guns through it all. As the hidden sun traveled upward, the war did not weaken.

I felt the coming end. All for which we had suffered lost!62

The "big gun" was a 12-pound Napoleon howitzer, brought up with other supplies the morning of October 1. It changed the tide of the battle,63 according to some observers, but its accuracy was notably poor and the only persons killed in the Nez Perce trenches by it were a woman and child. Its effectiveness was primarily psychological.

It has been ascertained by numerous interviews that the first white flag shown on October 1 was by the soldiers and not the Nez Perce, as widely reported.65 From his position in the rifle pits to the north of camp, Yellow Wolf said he thought the soldiers did this because they wanted time to eat.66 But Colonel Miles wished a parley, and after several other displays of white flags, a cease fire was ordered. Miles and Joseph met about half way between their respective breastworks and

63Finerty, op. cit., p. 233.
64Beal, op. cit., p. 217.
65Ibid., p. 220.
66Chalmers, op. cit., p. 228.
the terms of a surrender were presented to the latter. Joseph wished to retain half of his firearms for hunting, but this was refused, and Colonel Miles took the chief prisoner, breaking the truce he had arranged. 67 Meanwhile, he sent Lt. Lovell Jerome to "reconnoiter" the Nez Perce camp to determine their strength. The Helena Weekly Independent reported this as follows:

During the truce Chief Joseph remained in Miles' tent and Miles sent some whites into the Indian camp to explore, one of whom was Lt. Jerome, of the 21 Cavalry. The Indians held him, when he attempted to leave, as a hostage for the return of Joseph.

In the meantime, on the afternoon of the 1st of October, the fight was renewed and continued during the night and all day of the 2d. An exchange was then effected--Lt. Jerome for Chief Joseph, and the fight went on. 68 Actually, the fighting had reached a stalemate and, according to Finerty, the correspondent, not a great deal happened after the exchange. 69 Miles issued a report, printed in Montana papers, that it "would cost many lives" to take the Indians by assault. "I may wear them out and eventually compel them to give up. They fight with more desperation than any Indians I ever met." 70

It was about this time that a news dispatch was sent to Washington and then reprinted in the New York Tribune with an erroneous headline. It was, in part, as follows:

GENERAL MILES'S VICTORY

The War Department has received a dispatch confirming of General Miles's fight with the Nez Perces. It is not

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67 Howard and McGrath, op. cit., p. 278.
68 Helena Weekly Independent, October 11, 1877.
69 Finerty, op. cit., p. 234.
70 Weekly Missoulian, October 19, 1877.
considered certain here that General Miles has sufficient force to keep the Indians at bay until reinforcements can reach him; but if he has, it is thought the Indians cannot defend their position unless cold weather forces the troops to seek their Winter cantonments.71

Joseph, meanwhile, waited in vain for assistance from Chief Sitting Bull of the Sioux nation whose main camp was just north on the Canadian line. Joseph had sent six warriors to find Sitting Bull, but they were killed on the way.72 It is generally believed by scholars that Chief Sitting Bull refused to move south and attack Miles when word finally reached him from a group of 40 Nez Perce escapees on October 6.73 One of the escapees, Suhm-Keen, said that Sitting Bull not only welcomed the bedraggled band of Nez Perce and treated them well, but, after hearing what had happened, started south with warriors. Enroute he encountered Chief White Bird and another band of escapees who were on foot. According to Suhm-Keen, "when Sitting Bull saw their sad plight, he dismounted and stood there and wailed in sympathy for their lost cause."74

The reason that Chief Joseph could not hold his position longer was that on the evening of October 4, General Howard arrived with his command. Strangely enough, no approximations of the number of soldiers who were on the battlefield the next cold and snowy morning has been given, but it is probable that the figure was more than 600. Owing to the number of deaths in the Nez Perce camp and those who had escaped, Joseph probably had fewer than 150 warriors in camp on October 4. Chief

71New York Tribune, October 9, 1877.
72Beal, op. cit., p. 219.
73Ibid. He claims that Sitting Bull moved north to avoid a fight with the soldiers.
74Alcorn, op. cit., p. 71.
Looking Glass had been killed the previous day as he stepped from a rifle pit to see if it were true that Sitting Bull was approaching. The column in the distance turned out to be a herd of bison.75

According to Chief Joseph, on the evening of October 4, a white truce team invited him to a council with Miles and Howard. Joseph had a low regard for Miles ever since the colonel broke the truce on October 1 by arresting him, and there is evidence that the chief was tied and tossed in a blanket during his captivity.76 (Lieutenant Jerome, who was the hostage in the Indian camp at the same time, was treated well, and food that had been sent by soldiers was delivered). General Howard's opinion of Colonel Miles was not the highest, either. When the first report was received that Miles was starting his pursuit of the Nez Perce, an officer in Howard's command, Maj. Lewis Merrill, remarked that Miles was "something of a glory chaser like Custer." Howard agreed.77

Thus, in a sense, Chief Joseph was glad that Howard was available as a negotiator. Regarding the first council, he said: "We could now talk understandingly. General Miles said to me in plain words, 'If you will come out and give up your arms, I will spare your lives and send you back to the reservation.'"78

On the morning of October 5, firing continued. A cannon ball

75 Beal, op. cit., p. 219.
76 Chalmers, op. cit., p. 231.
77 Beal, op. cit., p. 201.
78 Brady, op. cit., p. 69. There is confusion about the exact times of the final councils. Scholars indicate that the whites made no contact with the Nez Perce until the afternoon of October 5. But all agree that it was Howard who arranged the first parley in order to reach terms for an honorable surrender.
exploded in the part of camp where the women and children had been sheltered, burying six of them when a trench caved in. Four survived.\(^7^9\)

That afternoon a truce team composed of Nez Perce interpreters from Howard's command went to the besieged Indian camp to convince the Nez Perce that Colonel Miles would keep his word about surrender terms. Chief White Bird expressed fears that he and the other chiefs would be executed once their arms were turned over. The interpreters argued against this, stating that "those generals said to tell you, 'We will have no more fighting. Your chiefs and some of your warriors are not seeing the truth. . . . We will have no more war!'\(^8^0\)

This was not a demand for unconditional surrender; it was more of an armistice so far as the fighting was concerned. It was an honorable way for the Nez Perce, unbeaten militarily, to accept the promise of Colonel Miles and return peacefully to their reservation in Idaho. But Joseph knew that to surrender his weapons was to put his people at the mercy of the whites who had broken other promises.

Chief Joseph rode forward that day to where General Howard and Colonel Miles stood waiting on the snow-swept prairie. The chief dismounted, walked up to General Howard and handed him his rifle. Howard motioned him toward Colonel Miles. An officer present recorded the following words by Joseph:

Tell General Howard I know his heart. What he told me before I have in my heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. The old men are all killed. It is the young men who say yes or no. He who led the young men is dead. It is cold and we have no blankets. The little

\(^{7^9}\)Chalmers, \textit{op. cit.}, p. 233.

\(^{8^0}\)\textit{Ibid.}, p. 235.
children are freezing to death. My people, some of them, have run away to the hills and have no blankets, no food; no one knows where they are, perhaps freezing to death. I want time
to look for my children and see how many of them I can find.
Maybe I shall find them among the dead. Hear me, my chiefs,
I am tired; my heart is sick and sad. From where the sun now
stands, I will fight no more forever.

Colonel Miles replied: "No more battles and blood. From this
sun, we will have a good time on both sides, your band and mine."^1
Joseph returned then to his people.

According to J. J. Healy, a correspondent, "Joseph was walking
round about his people talking to the wounded and occasionally address­
ing the warriors by signs and seemed quite unconcerned about his
defeat."^2

But Colonel Miles was quite jubilant over the outcome and he sent
a dispatch to Gen. A. H. Terry, commander of the Department of Dakota,
which made no mention of General Howard at all. His victory announce­
ment appeared in the New York Tribune as follows:

Dear General: We have had our unusual success. We made a very
direct and rapid march across the country, and after a severe
engagement, and being kept under fire for three days, the
hostile camp of Nez Perces under Chief Joseph, surrendered at
2 o'clock to-day. . . .^3

The question was whether the promise made by Colonel Miles would
be honored. Chief White Bird decided that it would not, and that night
he escaped to Canada with a small group of followers. White Bird was
correct. During the following two years, 1878-1879, the Nez Perce were
shuttled to camps throughout the mid-West. At Fort Leavenworth, Kansas,

^1Beal, op. cit., p. 229.
^2Benton Record, October 12, 1877.
^3New York Tribune, October 11, 1877.
half the band contracted malaria and approximately 100 died.  

Apparently Colonel Miles' surrender terms were given little heed by "higher authorities." When General Sherman returned to Washington, D. C., from Montana, a reporter interviewed him and rendered the following explanation:

It is learned that the Administration is at a loss to determine what disposition shall be made of Chief Joseph and his band, now that they have been caught. General Sherman says that Joseph fought in a Christian manner, not taking scalps or mutilating the dead, and that he is not in favor of putting him to death. He is, however, opposed to releasing Joseph and allowing him to return to Oregon. The chief knows too much of that country, and may again become troublesome.

Thus, another agreement of honor with a valiant people was broken.

Chief Joseph's summary of this breach of agreement was as follows:

I could not bear to see my wounded men and women suffer any longer; we had lost enough already. General Miles had promised that we might return to our country with what stock we had left. I thought we could start again. I believed General Miles, or I never would have surrendered. I have heard that he has been censured for making the promise to return us to Lapwai. He could not have made any other terms with me at that time. I would have held him in check until my friends [Sitting Bull] came to my assistance, and then neither of the generals nor their soldiers would have ever left Bear Paw Mountains alive.

A total of 418 Nez Perce men, women and children surrendered to the generals. But escapes continued, and it has been estimated that between 150-233 Indians found refuge in Canada. How many escaped before the surrender and how many after it remains uncertain.

In the Bear Paw battle, Nez Perce losses have been estimated

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84 Chalmers, op. cit., p. 241.
85 New York Tribune, October 23, 1877.
86 Brady, op. cit., pp. 69-70.
87 Beal, op. cit., pp. 230-231.
between 18 and 23 killed and 40 to 46 wounded. Miles listed his casualties at 23 dead, 45 wounded. Nearly all the soldiers and the majority of Indians who suffered wounds, fatal or otherwise, received them during the first hour of fighting on September 30 during the charge of the camp.

The New York Tribune commented editorially that "in general the public has shut its eyes to the disgraceful character of our dealing with the Indians. Perhaps we may now be stung into temporary wakefulness."
CHAPTER VII

THE NEWSPAPER WAR

Scholars make mention of the criticisms heaped on various governmental and military organizations and their respective leaders during the Nez Perce campaign by journals throughout the nation, but no comprehensive study has been done to date about this. Particularly interesting is that the editors became infuriated with each other on many of the issues; so much so, in fact, that in Montana Phase III of the war was a sidelight to the editorial battles which arose over Phase II and continued until well after the Nez Perce had surrendered.

This review will be devoted primarily to Montana papers, for it was not until the Indians crossed into Montana that the editorial voices of newspapers—other than those in Idaho—began booming.

For the sake of clarity, the "newspaper war" will be divided into five aspects with sub-titles as follows: "Fort Fizzle Reaction," "The Volunteers," "Potts' Reputation," "Howard's Reputation," and "Swing of Opinion." These divisions are somewhat arbitrary and it is important to stress that each was intertwined with the others to form a most complex web which, in places, defies clear description. For this reason, it is essential to have an intimate understanding of the war itself—an understanding many editors then did not have.

Fort Fizzle Reaction

The first newspaper report of the Fort Fizzle debacle, when the
Nez Perce circumvented the breastworks on Lolo canyon, was published in the *New North-West* the following day, as follows:

**Startling News From West Montana**
- The Indians in the Rear of Rawn's Command
- Escape of the Hostiles
- They Pass Within Gunshot of Rawn

**Missoula, M.T., July 28, 4 p.m.**—The Indians this afternoon threw a force below Capt. Rawn's position on the Lo-Lo, and fear a severe battle will be the result. . . .

A courier from Missoula arrived at 11:30 a.m. A letter from Governor Potts says: Joseph and his band passed Capt. Rawn's entrenchment yesterday late in the afternoon and although they passed within gunshot not a gun was fired at them.¹

This account was run in the *Helena Daily Herald* the next day and the editor, R. E. Fisk, stated that Helena was "bewildered" over the news.² No better word could be chosen, for both the *New North-West* and the *Herald* became indignant over the editorial explanations by the *Weekly Missoulian* on August 3, cited earlier. The week following, Chauncey Barbour, editor of the *Missoulian*, responded to these charges as follows:

One of the errors that is being constantly reiterated to the discredit of Capt. Rawn is that the Indians coming out of Lo Lo passed within gunshot of his camp. . . . Col. Jenkins of Philipsburg, who was in camp all the time of the passage, an intelligent man of wide military experience, says he did not see that Rawn could do anything but what he did do—hold the camp; and J. B. Wilcox, Esq., a Deer Lodger of sound judgment . . . has reached the same conclusion. Those who still insist that Capt. Rawn is a coward, are respectfully referred to the battle of the Big Hole.³

The charge of cowardice was a most complex one, as evidenced in an editorial in the *Herald* as follows:

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¹ *New North-West*, July 29, 1877.
² *Helena Daily Herald*, July 30, 1877.
³ *Weekly Missoulian*, August 17, 1877.
The salaams of the Missoulian, together with the apologies and explanations proffered in behalf of the Governor, appear to the average reader a trifle ludicrous in the light of the Executive dispatch making a scape-goat of Rawn, and of the cowardice charge against the Missoula and Deer Lodge volunteers implied in his war call of the 31st.  

It should be apparent that the explanations given to newspapers apart from Missoula by the governor and Barbour had failed to clarify the actions taken by Captain Rawn during the Fort Fizzle passage. As noted earlier, it is probable that a "peace treaty" had been made with the Nez Perce on July 28. Captain Rawn and the governor were apparently in disagreement about this policy; the latter was extremely anxious to avoid a suicidal fight that would endanger homesteads in the Bitterroot Valley, so he retired from the field, as did some 100 volunteers. This move so weakened Rawn's defense that he had little choice but to comply with the secret agreement reached with the Nez Perce. It is certain, however, that neither Governor Potts nor Captain Rawn made any public explanation about what had transpired during the negotiations with the Indians. The reason seems to be that both realized that emotions were at such a pitch about an "Indian invasion" that any announcement about a peace agreement with Chief Looking Glass would have angered Montanans in general and newspaper editors in particular.

The only inference about the possibility that a peace pact had been made appeared in the Herald:

One conference had been held and another set for the next day. Could it be possible that while this conference was going on, the Indians were successfully evading the troops, or had the conference settled upon the conclusion that the fugitives should be allowed safe transit without the ceremony of being interned.

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^1Helena Daily Herald, August 6, 1877.

^2Helena Daily Herald, July 30, 1877.
Meanwhile, editorial criticism spread across the Territory. The two weeklies in Bozeman (the *Avant Courier* and the *Bozeman Times*) became embroiled over a local meeting called the "Montana Conference—The Indian Question." The *Rocky Mountain Husbandman*, a farm journal in Diamond City, Montana, came to the conclusion that Captain Rawn and his men were drunk, which the *Missoulian* brushed off by stating that some "wag" evidently experimented on the editor to see how much nonsense he could hold.7

Another somewhat amusing account, which originated with the *Missoulian* and was subsequently printed in other Montana papers, was brought to light. Apparently "three fighting parsons" had taken up arms during the Fort Fizzle affair and volunteered their services in defending the Bitterroot bridge east of Lolo canyon. The story noted that "Rev. Russel came all the way from Deer Lodge with his war paint on."8

The newspaper war, however, was anything but a light-hearted matter and, as the weeks passed, it grew in intensity. Two factions formed. The *New North-West* and the other paper owned by Mills, the *Butte Miner*, joined forces against the *Missoulian*. The latter gained some sympathy from the *Herald*, not so much because they were in agreement on the issues at stake, but more because they had a common enemy—Mills. The *Miner* claimed that their editorial foe, the *Missoulian*, had joined forces with the *Herald*. But Barbour refuted this:

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6 *Avant Courier*, August 16, 1877.
7 *Weekly Missoulian*, August 17, 1877.
8 *Weekly Missoulian*, August 3, 1877.
The Butte Miner says that the Herald and Missoulian have resolved themselves into a mutual admiration society. We do not admire the Herald—we read it. Right or wrong, it shows ability, force and elegant diction. We know of but one end the Miner is fit to subserv[e].

One of the curious aspects of this "alignment" was that a major contender, Mills, was unusually quiet during the initial weeks of the controversy. Then on September 7, he opened fire by citing an editorial which appeared in the Missoulian on July 13—which has already been noted in a previous chapter—and concluded:

In less than a month the Missoulian has reaped of the tares it has sown. Joseph's band of Nez Perces—a band which we believe was outrageously swindled and mistreated in Idaho under the same diabolical policy of dishonesty and plunder advocated by the Missoulian—appeared in force on the Lo Lo trail demanding exit to the buffalo country. . . . Then the Missoulian cried lustily for "help!" . . . The Indians professed peaceable intentions toward the people of Bitter Root and they in turn were seemingly satisfied to let them go, the volunteers were ordered to return.

. . . As publisher of a public journal we were mortified to see the Missoulian pile upon its mountain of sin the final, contemptible and degrading reproach of ingratitude, and in rebuking that have given it opportunity to squirt its venom at us for denouncing its villainous advocacy of robbery. . . .

His intimation that we have disparaged any people of Missoula, except in identifying them with him as "a press and people," is to the best of our recollection totally untrue; and in view of personal declarations to us that the Missoulian does not represent the sentiments of that people we very cheerfully on their behalf retract the offensive remark associating them.

Mr. Barbour has made friends in this county. He has been entirely successful in alienating them. . . . For some petty or malicious purpose, incomprehensible save on the theory that Joseph scared him out of his seven senses and left his reason a wreck on the shores of Lo Lo, he refuses and rebels against decent treatment of the Deer Lodge county volunteers and adheres to his dishonest plan of swindling Indians—the practice of which has been the prime cause of nearly all Indian troubles and which within a few weeks has left scores of yet unsodded graves in our fair land.10

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9Weekly Missoulian, September 7, 1877.
10New North-West, September 7, 1877.
Barbour's reply was a classic:

FRIENDSHIP AND RESPECT

The modest man who runs the Northwest has persuaded himself that, when he has a cutaneous eruption, the people of Deer Lodge county ought to scratch. . . . It is possible that the people of Deer Lodge county have lost respect for their organ; that they have become weary with maintaining magisterial vanity and overbearing dogmatism; that they have tired of the splenetic nature that is continually fermenting jealousies and depriving the most populous county of the Territory of its proper right of political influence. . . . We challenge any living being to produce a line from this paper derogatory to the Deer Lodge volunteers. Mr. Mills has not been able to do this. He stands before the world a falsifier and perverter of holy truth. He gets mad. He gibbers nonsense. He leaves the Deer Lodge volunteers to their fate, and the gratuitous insults of Missoula people unretracted, and howls a screed against diabolism of those who rob Indians. He takes the noble red man to his perturbed bosom.11

Secretary Mills was no longer on the sidelines of the newspaper war. Why he chose to stay out of the thick of it so long is a matter of speculation, but it should be noted from Barbour's embittered reply that the Deer Lodge volunteers were very much involved in the dispute. That was the command which Secretary Mills organized without authority on July 20, as already noted. This fact was never brought out in editorial columns, but Mills was to be assailed for his triple role as "editor," "Secretary," and "Adjutant General."

The Missoulian began referring to Mills as "Corporal."12 Barbour left Missoula during the week of September 21 on a "three-week pilgrimage" to Philipsburg, Deer Lodge, Butte and Helena to rally support for his cause.

The Herald, meanwhile, decided to expand on the matter of Mills'

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11Weekly Missoulian, September 14, 1877.
12Weekly Missoulian, September 21, 1877.
Corporal Mills is the way the Missoulian prints it. Correct, we believe, so far as any rank attained, or title conferred, by reason of army service performed. . . . By the grace of our glorious Commander-in-Chief of Militia—by whom is meant His Excellency the Governor of Montana—Mills was lifted at one swoop from Corporal to Adjutant-General.13

It would appear that the fighting had reached a deadlock, but the Bozeman Times threw its weight with the Missoulian in a most interesting appraisal of the newspaper war itself:

A controversy has been going on for some time in the New Northwest and Missoulian, between their two editors, Mills and Barbour, growing out of the recent invasion of Missoula county, etc. With the issues the people of Eastern Montana have no interest, but to a looker-on the battle affords some interest. . . . We are equally friendly to both. Candor, however, compels us to say that Barbour is developing considerable ability as a writer and editor, and is showing himself to be a full match, at least, for Adjutant-General Mills.14

The editor then made some caustic remarks about Mills' rank and concluded, "We shall insist that Mills be still called 'Captain,' [of the Home Guard] and that he shall not be reduced from his rank to Corporal, or elevated to a 'General.' In the latter capacity he recently failed."

It would appear that the editorial tide was against Mills. A most unexpected editorial appeared in the Avant Courier, a paper that had recently opposed its competitor, the Bozeman Times, as noted, supporting the criticism against Mills. But the Courier stated that the criticism had been carried too far, and that "men of such experience in editorial work as on the Herald, Times, and Missoulian should have learned ere this that 'people who live in glass houses should not throw stones.'”15

13 Helena Daily Herald, September 24, 1877.
14 Bozeman Times, September 22, 1877.
15 Avant Courier, November 1, 1877.
Chauncey Barbour, who was in Helena after visiting Deer Lodge, sent the following dispatch concerning the reputation of Mills who, just prior to the Fort Fizzle affair, has been a close associate and friend:

The impression has gained ground, even in his own baliwick, that the Deer Lodge apostle of gush is a mortal man and vulnerable. The impression has gained ground that the querulous disposition and inflated vanity of this man has ever stood in the way of progress of the place where he has located. . . .

To summarize the editorial positions taken after the Fort Fizzle affair, on the one side was the New North-West and the Butte Miner. Strongly opposed to them were the Missoulian and the Bozeman Times. Somewhat favoring the latter camp were the Helena Herald and the Avant Courier. Unquestionably the individual to suffer the greatest personal criticism in the press war was Mills.

The Volunteers

The authorization of Montana militia has been reviewed in depth already. As noted, the two proclamations issued devolved on Captain Rawn's request just prior to the negotiations with the Nez Perce at Fort Fizzle on July 28, 1877. Again the question of whether a peace treaty was formulated at that time comes up. When the governor issued the second proclamation on July 31, he sent a dispatch from Deer Lodge to Helena stating that the militia should proceed quickly to the Bitterroot Valley. Shortly afterward, he sent a second dispatch to the commander of the Helena militia, Captain Fuller, requesting him to "suspend further movements until further orders." Potts explained that he

16Weekly Missoulian, October 5, 1877.
17Helena Daily Herald, July 31, 1877.
wished to consult the War Department before taking what was earlier termed "offensive" action against the Indians. Fisk, who had the lowest regard for the governor of any editor in the Territory, put the blame for the confusion on the War Department, stating that the government "fears volunteers more than Indians." The Missoulian, two days later, praised the willingness of volunteers—particularly those from Philipsburg—to respond in a time of need. Barbour explained further, however, that at no time were there more than 216 defenders at Fort Fizzle.

Barbour failed to mention anything about the Deer Lodge company of militia, and Mills became angered. Mills wrote: "We fail to find one word of thanks for the men of this county who went to their Missoula's assistance and paid every penny of expenses of ordinary travelers and purchasers. That is not what they or their friends had a right to expect." As it had done earlier, the Butte Miner supported Mills on this issue and assaulted the Missoulian and the people of Missoula for their lack of hospitality toward the militia. Barbour replied that same week:

The Butte Miner reiterates its slander on Missoula people that they were after Butte pockets instead of help, and mentions two instances where men were charged hotel and stable bills. . . The Miner regards the irruption [sic] of Nez Perces into the Territory as exclusively a Missoula county fight. If Missoula had taken that narrow view, it would have fortified in its stone blocks.

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18Helena Daily Herald, August 1, 1877.
19Weekly Missoulian, August 3, 1877.
20New North-West, August 10, 1877.
21Butte Miner, August 14, 1877.
22Weekly Missoulian, August 17, 1877.
That Barbour did not refute the charges regarding the payment of hotel and stable bills suggests that volunteers were obliged to meet their own financial expenditures in resisting the Indians. According to a bond drawn up by Capt. C. P. Higgins of Missoula, and discovered recently in a file of letters to Governor Potts, the people of Missoula were issued Springfield muzzle-loading rifles (of Civil War vintage), a bayonet, 20 rounds of fixed (paper wrapped) ammunition, and a screw driver—all for $30. The signator was required to return his weapon and unused ammunition when the crisis had passed. Thus, it was an expensive proposition for a volunteer to volunteer.

Moreover, the Springfield muskets—which required 20 to 30 seconds to reload—were inferior in fire power to the repeating Winchester rifles which many Nez Perce carried. Winchester lever-action repeaters (Models 1866, 1873) were capable of being loaded with 1½ rounds and fired with rapidity.

There is little doubt that a number of white ranchers also had Winchesters. But the majority of townspeople did not. Mills sent three telegrams from Deer Lodge on July 28 in a frantic attempt to secure breech loaders. The first was as follows:

23 Bond by C. P. Higgins, July 12, 1877, Personal Correspondence to Gov. B. F. Potts (Manuscript Case 978.6, N 49 P, Historical Society of Montana).

24 Howard and McGrath, op. cit., p. 146.
To Ben R. Dittes  
Helena, M.T.

No news—ascertain immediately how many breech loaders can  
be purchased and price. One hundred more men than guns ready  
to move. If hostiles evade Missoula will cut them off.

Jas. H. Mills, Sec.

The reply by Dittes, who was acting commander in Helena while  
the governor was in Missoula, was penciled at the bottom of this tele­
gram and states: "No breechloaders for sale here--Power tho will have  
twelve Winchesters Tuesday (July 31), can't give price yet."

The second telegram to Dittes from Mills, filed two hours later,  
changed the request from breech loaders to needle guns, which were a  
forerunner of the Winchester repeating rifles. The telegram states:  
"Call in every needle gun in or about Helena and forward them and all  
the guns you can--Call on people to give up private guns."26

Apparently Dittes sent back another negative reply, for Mills  
sent a third telegram the next hour, 11:10 a.m., stating, "Have prin­
cipal citizens organize committee to secure guns be prompt."27

These telegrams are important for two reasons. First, they  
indicate the military weakness of Montana militia, which may have had  
influence on the decision not to fight at Fort Fizzle. Secondly, they  
indicate the unusual role a newspaper editor played during the Nez

Microfilm, "Indian Excitement," Montana State University Library. The  
telegrams cited have not been published previously.

26 Ibid.

27 Ibid.
Perce campaign.

In addition to being poorly equipped, there is evidence suggesting that the volunteers were ineffectual fighters. Sutherland wrote in the New York Herald:

To add to the bitterness of seeing the people and department commanders almost indifferent to our success, bands of armed men, styling themselves volunteers, have every now and then come in a cloud of dust to our assistance, and when assigned some position in the line not to their liking or promised that within two days we should overtake the Indians and they should have a chance to fight, they would play us the Arab trick of folding their tents and silently stealing away. Undoubtedly there were some intelligent and courageous men among these gangs—gangs which we [Howard’s command] sampled from three Territories—but taken as a body, the frontiersmen volunteer of to-day is an undoubted fraud, having almost as little pluck or principle and as meagre in conception of discipline as a backwoods school master. 28

Bravery was a frequent topic in the newspaper war, for there were suggestions of cowardice in news accounts several times. Even in the Big Hole battle, which was regarded as a heroic onslaught by soldiers and volunteers, the Helena Daily Herald reported that "several of the men commenced to run, when the old veteran [Colonel Gibbon] cried out, 'Don't run, men, or I will stay right here alone.' The men halted at once, lessened their pace, and fell back in an orderly manner." 29

The Missoulian used the matter of bravery to assail the New Northwest and the Butte Miner, both of which were critical about the conduct at Fort Fizzle. Barbour wrote: "The volunteers in the Big Hole fight are now styled the brave Montana volunteers [all 34 of who participated were from Missoula and Bitterroot Valley]. What would they have been

28 New York Herald, September 10, 1877.
29 Helena Daily Herald, August 23, 1877.
if they had run?"\(^3\)

The Butte Miner replied: "... but we refer to the columns of the Miner to prove that we have given credit by speaking of the men who participated so gallantly in the Big Hole battle as the brave Bitter Rooters."\(^3\)

The Bozeman Times, meanwhile, commented editorially that there was friction between Montana militia and General Howard before the Big Hole battle. The editorial stated:

An order of Gen. Howard's disgusted the Deer Lodge volunteers, as it is reported, and they returned home. They were ordered to march in the rear or retire altogether. For this order the Deer Lodge volunteers and the people of Beaverhead county denounce Gen. Howard.\(^3\)

Two days later, however, a letter to the editor of the Helena Daily Herald, signed by 13 Deer Lodge volunteers, refuted the charges made about General Howard's orders. It was stated that the volunteers became separated from Howard's command by mistake. The letter praised the general, noting: "In our intercourse with Gen. Howard, we found him kind, courteous and gentlemanly. We regret that any reports should have been circulated to the contrary and trust that this statement may have the effect of preventing any such in the future."\(^3\)

Editorial brickbats continued to be hurled over the issue of the volunteers during September, 1877. Mills reviewed the Fort Fizzle affair again and stated: "Then the Missoulian cried lustily for 'help!' No

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\(^3\)Weekly Missoulian, August 24, 1877.

\(^3\)Butte Miner, August 28, 1877.

\(^3\)Bozeman Times, August 28, 1877.

\(^3\)Helena Daily Herald, August 25, 1877.
voice so loud as the Missoulian: no reliance so steadfast in the 'brave
miners' of Deer Lodge county. Barbour's policy had come home to him
with a vengeance. He bellowed and blubbered and gnawed the file like
a glutton.34 To make matters worse, this editorial appeared while
General Sherman was visiting Missoula on his tour of Montana. Fisk,
editor of the Helena Daily Herald, rallied to the defense of Missoula
and heaped insults on Mills:

The offending of the General is contained . . . in these
words: "The Territory is so large and the ranches so scattered
that I am not astonished that the people did not assemble as
volunteers to fight the Nez Perces."

Mills dashes back at Sherman, and says:
"The General assumes what is not a fact. The people did
assemble as volunteers to fight the Nez Perces. . . . If
General Sherman has expressed astonishment that the War Depart­
ment refused to authorize or subsist these volunteers who had
assembled from the sparsely settled Territory he describes, he
would have given utterance to the sentiment the situation
demanded."

Now that's a squelcher on Sherman. It finishes up the whole
batch of military incompetents and upstarts—from Captain to
General-in-Chief. Hurrah for Mills! Hurrah for Montana's
Adjutant General of Militia!35

Actually Mills was correct in his assessment, as has been noted
about the volunteers responding to the governor's proclamations. What
is important about this editorial, other than the fact it was a fight
between the most powerful editors in the Territory, was that the mili­
tary was now involved in the volunteer question.

In October, the day that the Nez Perce surrendered, the Missoulian
ran two poems on the front pages as follows:

34New North-West, September 7, 1877.
35Helena Daily Herald, September 10, 1877.
BIG HOLE

Col. Gibbon to Gov. Potts.

We've had a hard fight
    and I'm sorry to say
They've whipped us out quite
    And the devil's to pay.

I wait at Big Hole
    For an answer from you,
And confess, on my soul,
    I don't know what to do.

Gov. Potts to Col. Gibbon.

Licked again? Your command
    Nearly turned inside out?
Did Chief Joseph take a hand,
    Or was Howard about?

Your dispatch, trusty soul,
    I answer the minute:
If you're near a big hole,
    You'd better crawl in it.\(^\text{36}\)

As is evident, the command which surprised the Nez Perce the fateful morning of August 9 were no longer regarded as brave victors. Despite the fact that the Indians were seriously crippled, Colonel Gibbon and his men had failed to strike a mortal blow to the slumbering enemy. One of the final discussions of the volunteer question was by the Missoulian, which summarized the situation: "There has been much talk about cowardice and inefficiency in this whole Nez Perce business, both as to the military and citizen volunteers. We have always been prepared to admit that no great number of men could be got together without finding some who would show the white feather..."\(^\text{37}\) The editorial concludes that the critics did not take a rational view toward

\(^{36}\)Weekly Missoulian, October 5, 1877.

\(^{37}\)Ibid.
Howard or the citizens and that the merit due them was not given.

As adjutant general, Mills bore much of the brunt of the general criticism. But so did Governor Potts, who was commander in chief of the militia.

Potts' Reputation

Proceedings to impeach Governor Potts in May, 1877, failed, as noted, but Fisk seemingly refused to acknowledge the decision made by President Hayes. He assailed the Indianapolis Journal in July for voicing approval of the President's plans to make a political tour. Beyond any question, Fisk was the most outspoken Montana editor against both the federal and territorial administrations. Owing to the fact that the governor was in a delicate position after the impeachment proceedings, the Nez Perce war that followed a month later was more than just a difficult task for him. His reputation was at stake.

The Missoulian, giving a first-hand account of the Fort Fizzle affair, explained that the governor was "heart sick" on arrival in Missoula because the War Department had refused authorization to raise a volunteer force. It was stated further that the governor "did not feel that we were in duty bound to punish the enemies of the government further than to see that life and property in our midst was protected."

In another editorial the same day, August 3, it was stated that Governor Potts had counseled moderation. Praise was given to both the governor and Captain Rawn for not allowing a fight that would have left

38Helena Daily Herald, July 12, 1877.
39Weekly Missoulian, August 3, 1877.
"the fairest portions of this county . . . pillaged."\(^4^0\)

The first editorial response about this came from the \textit{Herald} on August 7, claiming that the governor's conduct was deplorable. Fisk stated:

\textbf{The General-in-Chief}

We endorse without stint the \textit{Missoulian}'s estimate of our Governor during the impending danger, viz: "He could be of more service in the rear . . ." The exhaustive services he had performed "in the rear," the panic which had pervaded his ponderous person; his proclamations, defiant alike of the progress of events and the rules of grammar, issued when needless and revoked when required, his pitiful, tremulous appeal for Gibbon; his indignation at Rawn for not achieving impossibilities; his assumptions and disclaimers of authority; his weakness of his hopes and his fears; his fitfulness of purpose; his ignorance of his own mind; his forwarding of unnamed supplies to the front; his conduct of the omitted "flank attack," and his departure---"after dinner"; all these, if chronicled in a style befitting so stately a theme, will become a classic in military criticism.\(^4^1\)

The same day this editorial was published, the \textit{Butte Miner} noted that the general response to the governor's call for militia had been poor and that in "Bozeman the people are organized . . . but they do not favor the plan for a campaign at the expense of the Territory."\(^4^2\)

Reaction was strong to Fisk's charges against the governor. In Deer Lodge a public session was conducted and a resolution passed, endorsing the actions taken by Governor Potts during the Fort Fizzle affair. The \textit{Missoulian} stated that the \textit{Herald} "cannot be satisfied with anything that Gov. Potts does."\(^4^3\) Four days later, August 21,

\(^{4^0}\)Ibid.  
\(^{4^1}\)\textit{Helena Daily Herald}, August 7, 1877.  
\(^{4^2}\)\textit{Butte Miner}, August 7, 1877.  
\(^{4^3}\)\textit{Weekly Missoulian}, August 17, 1877.
the Butte Miner joined in support of the governor and, in the unusually
lengthy editorial, criticized Fisk roundly:

We have been led to these reflections by a newspaper war that
has for some time been going on in the Herald, or rather a news­
paper attack, for it cannot be dignified with the name of war,
since it is limited to virulent and repeated attacks on the part
of the assailant, while the Governor's position prevents him
from making any reply. . . . When the Indians were coming over
Lo Lo trail the Governor called out the militia of two counties,
knowing very well that his hands were tied by the lack of all
authority to bind either the United States or Montana for the
subsistence of troops in the field. But how else could he have
proceeded? . . . for it [the Herald] not only blames him [Governor
Potts] for not sending volunteers to the Big Hole, what he wished
to do and might have done but for the rabid opposition of the
Herald, but it charges him with all the calamities that have
befallen our soldiers and citizens in consequence of the Big Hole
fight, calamities that arose from a defence [sic] so brave and
heroic on the part of the Indians that as warriors and men they
have won our respect and admiration, however anxious we may be
to see them exterminated as murderers and savages.

We are quite willing to admit that the efforts of the Governor
to oppose the march of the Nez Perce Indians through Montana did
not lead to any satisfactory result, but their failure was due
to a combination of perplexing circumstances that might well
have puzzled a cooler and more experienced Indian fighter.

Then came one of the most unusual events of the newspaper war.
General Sherman had just arrived in Helena and the Herald welcomed him
with two full columns of editorial praise. But also run on the editor­
ial page was a charge by Fisk that the governor had censored the Herald.
How this was done, if it was done, is uncertain, but the editorial was
satirically written:

GIVE THANKS

The cordial thanks of the Capital City of Montana are due
and are hereby tendered to His Excellency the Governor of Montana,
for the strategy which seems to signalize his mastery and man­
agement of his personal and official "organ" on the occasion of
the visit here of the General of the Army. A more malicious and
vindictive Bourbon print has not in times past and recent eaked

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\[Butte Miner, August 21, 1877.\]
out of existence from the crums and "cold vittals" shook from the public table. The files of the paper are sure witnesses of a depravity never before equalled in the number and frequency of aggravated assaults upon the constituted civil and military authorities of the nation. Its columns have only at intervals ceased to teem with alternate denunciations and ridicule of Sheridan, Terry, Crook, Gibbon, Howard, and other grand soldiers, and if the General-in-chief has himself more recently escaped its venomous assaults, it is owing probably to the restraining hand now uplifted in warning gesture for the time being to desist. We therefore thank, and thank again, the head of civil government in Montana for the gratifying service done this community and the Territory in muzzling, for a temporary period at least, the rabid demonstrations of his personal and official organ.∗

Other Montana newspapers tended to ignore this issue altogether, except in one instance where the Butte Miner reprinted the editorial and reiterated its stand favoring Governor Potts.† The Miner summarized its stand in a very short editorial on August 28, stating that "the Helena Herald never loses an opportunity of carping at Governor Potts."‡

The Herald fired back, regarding the issue of censorship:

DECLINED, WITH THANKS

The Butte Miner—"one of my [Mills'] papers, both weekly"—courts our notice. Excuse us, if you please, on the subject of your master. We cannot stop to bandy words with a weakling which adopts second-hand the stereotyped platitudes of the other twin [New North-West]. We have seen the same old duds passed around from one Cheap John print to another, which compulsory printing subsidies pays for liberally at so much a line. Our Butte contemporary had better settle its controversy with the Missoulian [regarding Fort Fizzle], about which we have no opinion, and address the balance of its time and occupy the rest of its space to lecturing Howard.¶

The matter of Potts' reputation received some national attention

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† Helena Daily Herald, August 23, 1877.
‡ Butte Miner, August 28, 1877.
when the Chicago Tribune published comments made by leading military officers who were angered about the militia in Montana. But for the most part, the war against the governor's conduct and reputation was waged by one editor, Fisk. He was denounced by his contemporaries, as indicated, and the governor became one of the most popular territorial administrators in Montana. He held office for 13 years.

Howard's Reputation

Several controversies concerning General Howard received attention from newspapers outside of Montana Territory. Scholars have mentioned frequently the confusing dispute that was caused by an article which appeared in the Chicago Tribune regarding the surrender of Chief Joseph. It will be remembered that the chief handed his rifle to Howard, but Howard indicated to him that the surrender should be made to Colonel Miles. When newspaper accounts failed to mention anything at all about General Howard's part in the surrender, his officers felt cheated and a bitter controversy arose.

The criticism of the general during the early phase of the war by Idaho and Oregon papers was, for the most part, disregarded by editors. Before the campaign moved from Idaho, the New York Tribune commented that "Gen. Howard seems to be doing good execution in the Indian country."  

Editorial opinion in Montana was to become sharply divided. The first to hurl insults was Mills, who reviewed the Idaho fighting and

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New York Tribune, July 9, 1877.
stated that Howard let "the handful of Indians walk around him and drive his 'trap' into rifle pits."\(^{51}\) Howard's ambulatory pace became another issue, as did the report from Lewiston, Idaho, on July 10 by the general claiming that "he would pursue the Indians and kill them if it was possible, and that he would take no prisoners."\(^{52}\)

On July 16, the following report appeared in the \textit{Herald}:

\textit{Washington, July 14}—There is a report that Howard's inefficiency has led the administration to consider the advisability of superseding him by the appointment of Crook in command of the Department of the Columbia. A cabinet officer, this evening, said his lips were sealed upon the subject. It is possible that Howard may be superseded tomorrow.\(^{53}\)

When Howard's command arrived in Montana Territory, the \textit{Missoulian} carried an account explaining the reasons for the apparent slowness. Sutherland paid tribute to the general for getting his command across Lolo pass in the time they did.\(^{54}\) When Howard's command began moving down the Bitterroot Valley toward the Big Hole, he sent a letter regarding newspaper criticism to Governor Potts which was widely published. He wrote, in part:

Bitter Root Valley, Montana
Aug. 8, 1877—9 p.m.

To Gov. Potts:

... I notice by the local papers that I am set down as entrenching on Snake river; that the battle in which the Indians were beaten ... is discredited, and the columns of the papers are billed with personal abuse. The effect of this treatment is to create distrust on the part of your people, with whom I want the heartiest cooperation ... The anxieties of loved ones

\(^{51}\textit{New North-West}, July 13, 1877.\)

\(^{52}\textit{Helena Daily Herald}, July 14, 1877.\)

\(^{53}\textit{Helena Daily Herald}, July 16, 1877.\)

\(^{54}\textit{Weekly Missoulian}, August 10, 1877.\)
at home are great enough already without having them aggravated by stories of inefficiency and slowness that are known to us so palpably false as hardly to need contradiction.

O. O. Howard
Brig. Gen. Commanding

The majority of Montana editors agreed with the general's comments. But the two papers under Mills, the New North-West and the Butte Miner, stood firm in their protests. Mills, who had been critical the previous month, stated in his editorial of August 24:

We have been loath to criticize and have refrained from criticism of his campaign. . . . Yet with all these things the expression is forced unwillingly but deliberately from us that his campaign has been a miserable failure, gives no promise of success, and that in our belief there will be no efficient service by his command until he is superseded by an officer qualified for Indian service.

The New North-West quoted a story from the Chicago Tribune of August 25 which stated "there is no intention of retiring Gen. Howard from command, as the Secretary of War thinks he is doing the utmost possible with the few troops he has."

A curious incident occurred shortly after this article appeared. The Bozeman Times, which had probably been in contact with General Sherman who was just returning from Yellowstone Park, released the following news in an editorial: "We learn, from good authority, that Gen. Howard has been superseded in the command of the troops . . . now somewhere in the National Park, by the appointment of Lieut. Col. Gilbert, who has gone to take command."

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55 Avant Courier, August 16, 1877.
56 New North-West, August 24, 1877.
57 New North-West, August 31, 1877.
58 Bozeman Times, September 6, 1877.
How such an erroneous account got into print is difficult to imagine, but it should be noted that just previously General Sherman had exchanged four dispatches with General Howard suggesting that he step down from command.\(^5\)

But the editorial critics in Montana and elsewhere were censured about their attitude toward Howard. The *New York Times* ran an editorial, reprinted in the *Missoulian*, which satirically stated:

General Howard has commanded the troops that are operating against the Nez Perces Indians. His failure to outmatch, with his heavy Infantry, the savage horsemen, has finally opened the eyes of the public. With his handful of men he has not yet exterminated the Indians, although he has been in the field almost as long . . . as the gallant Custer had been when his force was annihilated by the Sioux. People in this part of the country can form a much better judgment as to how an Indian campaign should be conducted than can old army officers in the field. All General Howard had to do is to surround the Nez Perces, and to kill or capture the whole of them. That he did not do so within the first twenty minutes after he began his campaign is a convincing proof that he is utterly unfit to hold any command. . . .\(^6\)

When General Howard later returned to his home in Portland, Oregon, a large crowd turned out to welcome him and the city fathers made speeches which reviewed both the events of the war and the criticisms of the press. A number of resolutions were adopted which characterized the newspaper criticism as "unjust and wicked." The last of these stated that "we regret the contemptuous attacks of his maligners as deserving only of public rebuke to be followed by an eternal silence."\(^6\)

General Howard—who had fought in six major battles of the Civil

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\(^5\)See p. 132.

\(^6\)Weekly *Missoulian*, October 5, 1877.

\(^6\)Portland (Oregon) *Daily Bee*, November 11, 1877.
War, had lost his right arm when wounded twice at the Battle of Fair Oaks, and who had for a short time on July 1, 1863, commanded the entirety of the Union forces at Gettysburg—was never relieved of command. In 1878, he fought a decisive war against the Bannack Indians. Scholars in general view Howard's campaign against the Nez Perce as mediocre. But because of the 1,300 miles of difficult terrain his command traversed and because the Nez Perce had proved themselves as ranking among the finest warriors on the continent, it is doubtful that any commander who might have replaced Howard would have done better. Colonel Sturgis, it will be remembered, failed completely despite the fact he had fresh men and horses. Above all else, General Howard was very much liked and greatly respected by the troops under him.

**Swing of Opinion**

It would be an oversimplification to regard the opinions of whites—generally reflected in newspaper editorials—toward the Nez Perce as swinging from bad to good. But in the most broad terms, that is what happened. The turning point in what has been described as a tide of opinion came just after the Fort Fizzle affair, August 2-3, 1877, when the newspaper war in Montana was beginning over the conduct during that event. Most striking in this survey of Montana newspapers is the lack of criticism against the Nez Perce during the editorial battles about the volunteers, Governor Potts and General Howard. The flood of opinion against the Nez Perce before the Fort Fizzle affair has been reviewed at length already, as has the turning point of that tide. As noted, the Missoulian of August 3 was among the first to show
outward respect for the Nez Perce. This was followed by a remarkable editorial in the Butte Miner on August 7 which, in reviewing the Fort Fizzle events, said that "the Gallatin people will most likely think with the Bitter Rooters—that it is best to let them go in peace." The Bozeman Times followed by noting that the Indians had "marched leisurely right through the settlements of Missoula, boastful and insolent, but had killed no one so far as learned."

The change of opinion did not come easily. One of the few editors in Montana to express continued contempt for those Indians was Fisk who had been the first to denounce the Nez Perce when the war erupted. He wrote, on August 18, "that the Indians were by no means as prudent in any respect as they were credited" during the Big Hole battle because they had failed to post scouts and they had left their horses far enough away from camp to be easily captured.

This assessment was correct, assuming that no peace pact had been made at Fort Fizzle. Oddly enough, Fisk had been the only editor who made mention of the fact that such a peace pact might have taken place.

On August 20, Fisk remarked editorially that "if it were possible [for the Nez Perce] to find a train loaded with whiskey it might serve a good purpose in detaining the raiders and putting them hors du combat."

Two days later, Mills took a much different viewpoint. He wrote:

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62 Butte Miner, August 7, 1877.
63 Bozeman Times, August 9, 1877.
64 Helena Daily Herald, August 18, 1877.
65 Helena Daily Herald, August 20, 1877.
These Nez Perces have achieved renown for interpid [sic] courage and indomitable purpose, that goes as far as aught in the world can do to atone their butcheries, and ranks them among the first warriors in the world, while he who leads them should be called Moses instead of Joseph. Their warfare since they entered Montana has been almost universally marked so far by the highest characteristics recognized by civilized nations, the only deviation being killing the wounded or isolated parties. They perpetrated no murders in Missoula county, and their slight pillaging was less than that of the stragglers of a civilized army in the enemy's country; while succeeding the battle of Big Hole, they committed no outrages upon those they killed, but crossed their hands and wrapped them decently in their garments or blankets. . . . Let us give the Nez Perces their dues. Their valor hides many a fault, and wrong in the outset may not have been wholly theirs. . . .

The Missoulian then quoted a lengthy statement by Ex-Senator Nesmith, superintendent of Indian Affairs from 1857-59, which was published in the New York Sun and explained the causes of the outbreak.

In part, he stated:

I can not better acquaint you with the history of their wrongs than to refer you to a report which I, as a member of a joint Congressional committee to investigate the condition of Indian tribes, made to the U. S. Senate in 1865. In regard to the charge made in that report against "Governor Caleb Lyons of Lyonsdale," it is but proper to state that he was promptly removed from office upon the strength of my charges. But instead of depositing the public funds [annuities for the Indians] in the U. S. depository in San Francisco, as the law and regularity directed him, he started East with the money, some forty odd thousand dollars, in a belt around his person. On the morning of his arrival in Washington his empty belt was cut open and found lying upon the floor of the sleeping car, and His Excellency raised the hue and cry that he had been robbed.

The robbery device was a thin and transparent one which no sensible man believed, but the Nez Perce were robbed of forty odd thousand dollars of their annuities in a Washington sleeping car, and "Gov. Caleb Lyons of Lyonsdale" had a bill pending before the last Congress for relief.

The Bozeman Times, on hearing of the surrender at Bear Paw,

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66 New North-West, August 24, 1877.
67 Weekly Missoulian, September 14, 1877.
stated that although the killings by the Nez Perce could not be condoned,

... it must be admitted that they have been forced into rebellion by the action of the government and its thieving agents and favorites who were permitted to plunder and encroach upon them a long series of years; all of which will be investigated by Congress and published to the world.68

The New York Times summed up this matter by stating that the Nez Perce war "on our part, was in its origin and motive nothing short of a gigantic blunder and a crime."69 Shortly afterward, the Nation paid tribute to Joseph's generalship and "the manly and unflinching bravery of his warriors."70

But no words had more profound effect than those spoken by the President in a summation of the recent Indian wars. The text of the address was reprinted in full in the Avant Courier, and contained the following remarks:

Many if not most of our Indian wars have had their origin in broken promises and acts of injustice upon our part, and the advance of the Indians in civilization has been slow because the treatment they received did not permit it to foster and be more general. . . .

The faithful performance of our promises is the first condition of a good understanding with the Indians.71

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68 Bozeman Times, October 11, 1877.
70 The Nation, October 18, 1877.
71 Avant Courier, December 20, 1877.
CHAPTER VIII

CONCLUSIONS

To evaluate the rights and wrongs of such a complex series of events in a few words is extremely difficult.

A wealth of information has yet to be uncovered about the Nez Perce, the newspapers and the war of 1877. One area in particular lacks sufficient documentation—Idaho newspaper coverage regarding the treaties, councils and early fighting of the war.

Another area of importance which deserves attention is the series of interviews conducted by Duncan McDonald with the Nez Perce after the war. His reports were published in full in the New North-West of Deer Lodge, Montana, in 1878.

Three general questions formed the basis for the majority of research done in this study:

1. Who was responsible for the war?
2. What influence did the newspapers have on this and the events that followed?
3. What events did follow, and what was the general reaction to them?

Surprisingly, the first question was largely answered during the war. An assumption at the outset was that little rational thought would have been done concerning the Indians because of high emotions and the lack of information about the causes of the war. It is to the credit of editors, statesmen and soldiers (in that order) that the blame was fixed
and accepted once the facts were made known. Those facts were exposed by newsmen in Washington who interviewed Indian commissioners, on the one hand, and by pioneer editors in Montana who, having met face to face with the Nez Perce at Fort Fizzle, admitted openly that these were not "savage" Indians.

Those who are not fully acquainted with the treaties, broken promises and corruption that resulted from government policy during the 22 years before the outbreak, invariably point to the massacre in central Idaho as the cause and justification for the war. While these acts by Nez Perce braves were deplorable, it must be realized that theirs was a reaction, a rebellion, a revolt against tyranny. How many Nez Perce were murdered after the mining invasion of 1860 by miners and settlers has not been determined exactly, but scholars have estimated the figure at 22, as noted. So far as is known, not once during those 22 years before hostilities did the Indians break any commitments or seek revenge for the wrongs done to them. They did ask for justice concerning murders by whites, but this was denied.

The second question regarding newspaper influence on the outbreak has not been fully answered in this study. Without a thorough investigation of the Idaho press, it could not be. But the studies done by Merrill Beal and Nancy Donner, as noted, suggest strongly that the papers of that Territory in general, and the **Lewiston Teller** in particular, contributed to the decision made by the military to force the non-treaty Nez Perce to move to the Lapwai Reservation in June, 1877.

One of the assumptions made when the initial research was being conducted for this study was that Montana newspapers contributed to that decision, also. This was incorrect. Unlike the settlers of Idaho, the
Montana populace had become fond of those Indians who passed through their settlements on the annual treks to buffalo country. And, similarly, the Nez Perce liked the Montanans. Trade relations were excellent, for the Nez Perce had highly bred horses that were in demand, and the whites had many things the Indians wanted. As a rule, the Nez Perce were an unusually handsome people, evidenced by photographs of them, and the people in the Bitterroot Valley were not above inviting individuals into their homes or giving them medical attention.

When the news of the Idaho massacre reached Montana, the alarm displayed by pioneer editors was not a great deal different, for the most part, from that in New York or San Francisco. But when it was learned that the Indians were headed for the Montana border, alarm turned to fear, which is understandable.

It was at this point that the Montana press markedly influenced events. It has been noted in editorials that settlers in the Territory generally were apathetic toward the entire matter. Editors, however, were not. With the appointment of James H. Mills as adjutant general of militia, the volunteer movement became passionate. It has been suggested that he was involved in an intrigue concerning the call for volunteers by the governor. The evidence is neither conclusive nor very well substantiated. But Mills did: (1) organize the entire militia of the Territory (in one instance before he received authorization) while the governor was in Missoula; (2) make arrangements to arm and equip those men; (3) send a dispatch to Colonel Gibbon at Fort Shaw asking for help.

The Fort Fizzle affair is generally regarded by scholars as relatively unimportant, probably because no battle was fought there.
It has been contended for a long while that Joseph's maneuver around the breastworks in Lolo canyon was a skillful and daring and most unexpected move that threw the soldiers into confusion. This seems unlikely, however, for there is considerable evidence that the whites were prepared both for a direct attack and evasive action by the Nez Perce.

Chief Joseph and Yellow Wolf both claimed that a verbal agreement or "peace treaty" was made during the negotiations on July 28, 1877. Apparently this guarantee would allow the Indians free passage if they honored their word not to fight in Montana. Considerable circumstantial evidence, gleaned from newspaper accounts, supports the Nez Perce peace claim. First, the governor, who was the chief negotiator, repeatedly expressed his desire to avoid a fight that undoubtedly would be lost to an Indian force that was superior in numbers, equipment and fighting experience. The governor expressed his reasons for avoiding hostilities to editors afterward. He also publicly praised Captain Rawn for withholding fire. Second, the Nez Perce were anxious to avoid a fight, if possible. Third, in their maneuver around the breastworks, they exposed women and children to the rifles of the whites. Fourth, hats were waved in friendly gestures by the Indians as they passed the entrenchments. Fifth, the governor and the majority of volunteers already had retired from Fort Fizzle during the time of the passage. Sixth, no attempt was made to follow up the Indians who moved slowly and camped nearby. A small detachment that did, after two hours, take their trail, was greeted in a friendly manner by the chiefs. Seventh, the governor ordered the Helena-Butte-Deer Lodge militia heading toward Missoula to halt. Eighth, the Nez Perce moved some 150 miles through Montana at a leisurely pace.
when it would have been entirely possible for the governor to have raised a force of 1,000, or perhaps 2,000 men from Helena, Butte, Deer Lodge, Missoula, Bozeman and other communities to take the field. He was not authorized by the military to do this, however, and it is apparent that the Nez Perce presented no threat that would compel him to do so. Ninth, the relations of the Nez Perce with the Bitterroot settlers were cordial. Tenth, when Colonel Gibbon made his surprise attack at the Big Hole, he was able to approach a camp that was erected in a place easily subject to attack from the mountainside. There is no evidence to suggest that the Nez Perce thought they were at war with Montanans, for scouts were not even posted. Eleventh, the governor released no volunteers to participate in the fighting until Colonel Gibbon had taken the initiative and recruited 314 volunteers in Missoula and elsewhere.

This is the circumstantial evidence already documented which supports the claims by two chiefs that a peace pact had been made at Fort Fizzle. It may be asked why the governor did not announce the pact. The reasons here are speculative, but important. First, it was apparent that the Bitterroot volunteers were satisfied that the Nez Perce were friendly, and following their retirement from the breastworks, there was little reason to announce that there would be no fighting. Second, this was the governor's first major role of leadership in Montana since the impeachment proceedings the previous month. In the principal cities of the Territory emotions were highly pitched for war, especially in view of the belligerent attitude toward the Nez Perce that seemed to dominate the columns of Montana newspapers at the time. Third, the editors had denounced the lack of support by the military concerning
volunteers and were adamant against allowing the Nez Perce to wander through their Territory. It can be easily imagined what would have happened if the governor, as commander in chief of the militia, announced he had made a peace agreement with the Nez Perce. In Missoula, where the situation was understood, it would have been accepted, but in Helena, Butte, Deer Lodge and other large towns there would have arisen a cry, "Lynch him."

Chauncey Barbour, editor of the Missoulian, was the first newspaperman in Montana to show regard for the Nez Perce. This took considerable courage, and he was damned for it at first. But the swing of editorial opinion became general and, much to his credit, the first editor to issue an unqualified statement that the Nez Perce were just and correct in principle and honorable and brave in conduct was, surprisingly, James H. Mills. Regardless of his position as adjutant general, he acted on principle, too, when the facts were presented to him.

The final major question, regarding the events that followed and the general reaction to them, has been documented as well as possible already.

Of particular note, however, was the complex and heated series of controversies which erupted between several Montana editors over the conduct of the military and militia. Termed "the newspaper war" in this study, one of the most interesting aspects about it was that the Nez Perce—still being pursued by General Howard—were not especially involved in the criticism. In fact, it was during the newspaper war that editors issued statements of praise about the Indians.

Although it is a generalization, it might be noted as a guide for
further research that the majority of newspaper controversies which arose were based on misunderstandings. This was true of the action taken by Governor Potts at Fort Fizzle. His most vocal editorial assailant, R. E. Fisk, editor of the *Helena Daily Herald*, capitalized on the affair because of former animosities. Other editors rebuked Fisk for his denouncements of the governor, but none of them clarified exactly what had happened at Fort Fizzle.

Much of the criticism of General Howard was also the result of misunderstanding. He was denounced for "ordering" the Deer Lodge volunteers to "retire" from the field just before the Big Hole battle. The facts were finally brought to light when several of the Deer Lodge volunteers wrote a letter which appeared in the *New North-West* explaining the situation. General Howard did not order the volunteers from the field. They had mistaken his line of march and became separated. Moreover, the volunteers expressed great respect for the general in their letter and asked that all denunciations of him cease. But on several occasions, false and defamatory reports appeared as confirmed news that General Howard was about to be or was replaced as commander in the field.

Possibly the only editor who carried the newspaper war to extremes, however, was Fisk. Although he stayed silent about General Howard for the most part, his editorials concerning the governor, Mills, Fort Fizzle, the volunteers, the President and the Nez Perce were unusually critical. So far as could be gathered, his opinions changed little once his mind was made up. Fisk led the impeachment fight against the governor and lost. It was entirely evident from his editorials during the Nez Perce war that resentment grew between the editor and Governor Potts.
Apparently it was no great shock to other Montana editors that the governor censored Fisk when General Sherman visited Helena.

The majority of editors, however, seemed very flexible in forming and then changing their opinions as facts became known. It has been noted, for instance, that the Nez Perce killed innocent persons while in Montana. But none of these killings occurred until after the Big Hole battle, during which Nez Perce women and children had been slaughtered in large numbers. It was the one time, so far as is known, that the Nez Perce as a group showed hatred for the whites. But when editors learned of the killings in Yellowstone Park, they asked with sadness, who is responsible for all the suffering? And they answered the question, as it has been answered here, that the suffering arose from an oppressive government policy that refused to respect the human rights of an otherwise friendly people.
APPENDIX
An article titled "Responsibility for the Idaho War"\(^1\) appeared in The Nation, a weekly periodical, on August 2, 1877, and is quoted in full for three reasons:

First, it was published one week before the Big Hole battle—a time of high emotion and considerable confusion about the Nez Perce war;

Second, the information given and the opinions offered prove conclusively that a great deal was understood about the causes of the war during the early half of the campaign. This article marks one phase of the turning point of editorial opinion. After August, 1877, the Nez Perce no longer were generally regarded as brutal savages;

Third, the penetrating insight of this article—which has not since been published in scholarly works—affirms the findings of this study. It was reprinted widely by the Montana press in late August, 1877.

The article carried no by-line and the author is unknown.

\(^1\)The Nation, Vol. XXV (August 2, 1877), pp. 69-70.
How far the Indian insurrection on the Pacific slope is for the present suppressed is not decided, but it were well, while its lesson is fresh, to realize that the Nez-Perces are not to blame for the expensive and sanguinary campaign, unless being goaded into a brief madness by the direct and endless oppression of our Federal authorities be blameworthy. What is remarkable about their case is that the tribe had been faithful and peaceable since it was met by Lewis and Clark in 1805; that official frauds in its management—so often a just ground for complaint—have not been alleged; but that the neglect and bad faith of the general Government, continued for a quarter of a century, not in petty matters and by individuals, requiring detection and proof, but on a grand scale by the United States itself, and set forth in its own printed publications.

It is too late now to revise the policy of regarding Indians as political communities having a right to the lands within the boundaries of which they were found. The rule has been uniform from the earliest discovery of North America, under the royal Government, the colonies, the States, the confederacy, and the present Union, to make treaties with their several tribes and nations. Our Supreme Court has recognized their title by occupancy, and when by treaty they have yielded to the United States for certain considerations the main body of their lands, there has been a solemn guaranty to them of the residue. In many parts of the country the Indian title has been extinguished before the whites have been legally permitted to settle upon or obtain any rights in the land. This precaution, absolutely necessary to prevent collision, was wholly neglected in reference to the district now partly in Oregon but chiefly in Idaho occupied formerly and still by the Nez-Perces, though there was an express provision in the acts of Congress establishing the Territories of Oregon and Idaho, that the land occupied by Indian tribes should not without their consent be included in the limits or jurisdiction of those Territories, but should be expected out of their boundaries. Section 1839 of the Revised Statutes recognizes similar rights of person and property in tribes embraced within the limits of a State, as well as a Territory, unless the tribe shall consent to be so embraced.

The first treaty with the Nez-Perces was made June 11, 1855, after a considerable number of whites had settled on the lands acknowledged to be within their bounds. It provided that no white man should be permitted, either before or after its ratification, to reside upon the tract reserved, but in the meantime it should be lawful for the Indians to reside on any lands, either within or outside of that tract, not in the actual claim and occupation of citizens. The whole of the Wallowa Valley, the contest for which was the immediate cause of the present insurrection, was distinctly included in the reservation, and, unless it had been so, the elder chief Joseph and his band, who claimed and occupied it, would have been induced to agree to the treaty. Even with this stipulation, their signatures were procured with great difficulty and
over-persuasion. These facts are not matters of inference, but were formally reported by the Commission which in 1873 investigated all the subjects in controversy. The bands of the tribe owned separate tracts of territory, with the full right of treating severally respecting them, there being no organized nation, and the loose confederacy not recognizing any head chief. An English-speaking chief of a mere band, A-sha-lote, generally called Lawyer, was appointed head chief by the U. S. Commissioners as a convenient part of their programme, but had no original or accept authority as such.

This treaty was not ratified until April, 1859, without any apparent reason for the delay but the mere neglect of the Senate, and during these four years there had raged throughout the region an extensive Indian war, in which the Nez Perces had proved the only stay and bulwark of the Government. They escorted the Governor of Oregon through hostile hordes, rescued Col. Steptoe and his whole command after his defeat on May 17, 1858, and in the campaign of that year joined Col. Wright with a mounted company raised by themselves, which rendered invaluable aid, for which and for many horses furnished they were not paid. They resisted all attempts of the Mormons, who established a station on the Salmon River expressly to alienate them from the Government, and by their fidelity and courage saved the infant settlements. When, after ungrateful delay, the ratification was at last proclaimed, and Congress added to neglect absolute dishonesty, by withholding appropriations to carry out the contract made, the tribe yet remained faithful and patient. Numerous emissaries from the Confederate States in rebellion vainly came to them with arms and money, representing with strong argument that the United States Government was broken up, and urged as proof of the statement the non-payment of the annuities and other sums guaranteed. While they received no help in establishing themselves on the reservation, to which most of them obediently repaired, they continued to assist the Federal authorities in their hour of trial, though the latter markedly, and in every possible mode, violated their agreements. Gold was discovered in 1860, and fifteen thousand white men poured into the very land set apart exclusively for the Indian home, not only committing numberless individual outrages but also violating the treaty with such system that a town of 1,200 white inhabitants was laid out in the centre of the reservation without the consent of the tribe and against the protest of its agent.

In 1862 the proposition was made by Congress to settle these evils by a new treaty, the debates showing it to be fully understood that the Indians had faithfully observed all the obligations on their part, while the Government had wholly disregarded its own. The idea of beginning to fulfill these honorably was not, however, entertained. Accordingly, in June, 1863, Joseph and his band, Eagle-from-the-Light, Big Thunder, and other chiefs who did not recognize the supposititious head-chief Lawyer came,
in obedience to summons, to a council, and encamped on the west bank of the Lapwai, while the Lawyer faction remained on the east bank. The main point of the treaty proposed by the Commissioners was to reduce the reservation to about one-tenth of its actual limits, leaving out of the new boundaries the whole of the Wallowa Valley. To this Joseph and his party utterly and expressly refused agreement, denying any authority in any other part of the tribe to dispose of the land not only possessed by him before the treaty of 1855, but also guaranteed by it, and retired from the council. The tribe thus became formally divided about equally into "treaties" and "non-treaties," the latter never recognizing any treaty later than that of 1855, and never accepting any consideration.

About the year 1871 Joseph died, bequeathing his beloved valley to his band and his son, Young Joseph, as his successor in the chieftaincy. The above facts are all admitted by the Commission of 1873. The legal position, then, was that the bands occupying the territory proposed to be ceded in 1863 had a right to consider, and did consider, the old treaty to be inoperative because of the acknowledged failure of the United States to comply with its terms, but whether or not it ceased to be valid they retained the land before owned by them and reserved in it. Also, having a perfect right to refuse agreement to the new treaty, they did so refuse. The title to the Wallowa Valley, therefore, remained vested in Joseph's band.

The Commissioners, however, proceeded to conclude the new treaty with the rump of the council, which, though requiring persuasion to deal at all with the Government that had before shown itself so grossly deceitful, was induced to consent by the simple arrangement of including the existing possessions of its members in the new reservation. The birthplace of Lawyer and the homes of his adherents being preserved to them, they were willing to accept even the doubtful security of the United States for nearly half a million of dollars as a consideration for the sale of a tract of land in which they had little interest and no title. The transaction may be likened to a supposed purchase in our colonial times by the parent government from the Pennsylvanians of the charter and lands of the New York colony, against its earnest protest, with the provison that the latter should migrate from its home on the Hudson for some grudged refuge among treacherous enemies—to be driven by force in case of refusal, and the purchase-money all paid to the undisturbed Quakers. The Lawyer party could afford to be "friendly" on these terms, but in fact made little by their unworthy bargain, for the Government has been consistently perfidious even to them. This new treaty, which, being unjust and incomplete, should never have received the approbation of the Senate, was not ratified for four years more, so that while annuities and other payments under the old were not paid, those just promised did not begin, and when there was a pretence of fulfilling pledges, it was done with such delay and irregularity as to be nearly useless. The Territory of Idaho having
been established, laws were enacted in direct disregard of the Intercourse Act, and approved by the Governor, who was ex-officio the local superintendent of Indian affairs, thereby confusing the aboriginal mind and inducing fear that the "great father" had a "forked tongue." The allotments of land, with certificate of title, pledged by the treaty have never yet been given, and cannot be, because the surveys were made, against the protest of the agent, in such a perfunctory style as to leave no inner metes and bounds with monuments and records so as to adjust the lines of farms. Intermixed with the confused and uncertain lines of the tribal fields are the farms and improvements of white settlers. As, notwithstanding the treaty, the Land Office had decided these claims to be legally held by the whites, they naturally refuse to go off until paid for them, and the Commissioner of Indian Affairs thereupon has repeatedly asked Congress in vain for an appropriation to remove this intolerable nuisance. There was small inducement for Joseph to listen to the voice of the charmer and abandon his vested rights for the new reservation.

As if there were not enough misunderstanding already occasioned by treaties and their violation, two contradictory executive orders were issued. The first was dated June 16, 1873, setting aside a tract, including the disputed Wallowa Valley, exclusively for the "roaming" or "non-treaty" Nez-Perces, thereby acknowledging the justice of their claim to it, if not the validity of their title, and they were formally told by the local agent, under the direction of the Secretary of the Interior, that they should remain undisturbed in possession of this tract, and that the white settlers, then about one hundred men, should be removed. This order and promise were induced by the report of the Commission of the preceding month, which came to the following conclusion: "If any respect is to be paid to the laws and customs of the Indians, then the treaty of 1863 is not binding upon this band. If so, then Wallowa Valley is still part of the Nez-Perce reservation. If this is the case, the Government is in equity bound to pay white settlers for their improvements and for the trouble, inconvenience and expense of removing from there." The Secretary of the Interior directed appraisements to be made of these improvements, which amounted to the large sum of $67,860, and probably frightened Congress so that no motion was introduced to make the appropriations. It was not realized that persistent national wrong is a debt at compound interest, and that the payment of this equitable obligation in 1874—though it would have been incurred if right and reason had earlier prevailed—would have saved a much larger sum, as well as many lives, in 1877. As no provision was made for the settlers, the executive order above mentioned was, perhaps necessarily, revoked by another dated June 10, 1875, which restored the land to public domain for sale, and it has since been surveyed, forming a part of Baker County, Oregon. Perfidy and tergiversation could no further go. Joseph and his band became hopeless of earthly
justice and ready victims to the new prophet who preached of
divine interposition. The settlers of course remained, and
also of course there has been for years a hostility sometimes
resulting in collision between them and the Indians (each party
regarding the other as trespassers), one of whom was last year
murdered, and his brother this summer exploded the mine of
insurrection by killing the murderer. This desperate rising
of a free, warlike, and uncivilized people against insupport­
able wrong done by its professed guardian has been the natural
and necessary result of Congressional neglect in the ratifica­
tion of a treaty until circumstances had wholly changed, and
in refusing appropriations and legislation necessary to fulfill
the solemn obligations of Government. It has been prophesied
with reiterated warning in successive printed reports of the
Commissioner of Indian Affairs and his agents, upon the atten­
tion of Congress and its appropriate committees; so that the
responsibility is more definitely fixed in this instance than
can often be the case in Indian disputes, when the question
may be complicated by the errors or misconduct of officers
and of the tribes themselves.
BIBLIOGRAPHY
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A. BOOKS


This scholarly and objective study condenses into one volume much of the finest research done on the Nez Perce.


A lively recapitulation of the Nez Perce war, this book is composed primarily of personal accounts of the fighting and portrays the human aspect--both Indian and white--in vivid detail.


This historical narrative of the retreat includes several chapters which quote the story told by Yellow Wolf to L. V. McWhorter.


A general history of the West from the 16th-19th centuries; the author reviews the meeting of the Lewis and Clark expedition with the Nez Perce and traces briefly the developments that led to the war of 1877.


Without destroying the original style of these invaluable documents, DeVoto adds explanatory notes and edits wherever necessary to clarify what was the first official U. S. contact with the Nez Perce.


An illuminating study; much is presented about Chief Joseph's personal life and dealings with the federal government before and during the war.


The author, a war correspondent for the Chicago Times, includes a chapter on the Bear Paw battle which he witnessed. The book was compiled as a memoir in 1890.

Nez Perce society and culture in addition to the events of the war are related in an interesting manner in this scholarly review.


Although some minor historical facts are not consistent with the findings of other scholars, this book is particularly valuable in its review of the Nez Perce because considerable study was devoted to the pre-war treaties.


Because the author played an instrumental role in the Nez Perce campaign, his memoirs—published four years after Joseph's surrender—afford insight into military thinking at the time. General Howard held the Nez Perce in high esteem.


Assailed by the late Montana historian, Oscar O. Mueller, as being inaccurate, this review of the Nez Perce war commits several historical errors regarding the fighting at White Bird Canyon, Big Hole basin and Cow Island.


A recount of the experiences of several newspaper correspondents during several Indian wars, this book includes a brief explanation of the problems encountered in the coverage of the Nez Perce campaign.


Among the most extensive studies of its kind, this early work includes considerable biographical data on several pioneer editors.


Possibly the most complete study extant on the Nez Perce battles, this volume is profusely illustrated and presents an interpretive account of both white and Indian descriptions of the war.

*Yellow Wolf: His Own Story.* Caldwell, Idaho: The Caxton Printers, Ltd., 1940.

Based on extensive interviews with Yellow Wolf who, in the presence of other tribesmen, related the Nez Perce viewpoints of the war, this study reveals much of the reasoning and strategy of those people in times of crisis.

Although the author participated only in the final battle with the Nez Perce, he was responsible for their defeat and his memoirs indicate a high personal regard for Joseph's people.


This study by the Secretary of the Interior equates the Indian problems of the past with those of the present, noting governmental mismanagement in trying to find solutions.


Included in this compilation of several Indian wars is a factual resume of the Nez Perce campaign.

B. SPECIALIZED BOOKS


This study, interspersed with comment by the editor, comprises a large collection of letters and telegrams sent between 1874 and 1877 by military personnel, settlers and government officials.


These works in ten volumes comprise series of documents, news accounts and historical sketches on sundry topics, including the Nez Perce.


The complete texts of treaties contracted between the U. S. and the Nez Perce are contained in this volume.


A compilation of personal correspondence by editors and military personnel, this work adds a dimension to understanding white leadership not found in government reports.


This series of letters between missionaries gives insight into the problems they faced with several Northwestern Indian nations, including the Nez Perce.

An anthropological treatise on the Nez Perce language, this study is based on personal interviews and establishes a linguistic relationship with tribes situated in Pacific coastal regions.


In 1929 Captain Rothermich, commander of Fort Missoula, discovered a wealth of correspondence relating to the Nez Perce war.


This authoritative anthropological paper was based in large measure on information gathered during an expedition sponsored by Harvard University in 1907 and gives invaluable background for an understanding of Nez Perce culture.


This extensive work totaling three volumes gives an understanding of the Nez Perce war in relation to the history of Montana Territory.


Primarily a study of the Indians west of the Nez Perce, this discourse indicates something of tribal relationships which linked Salish and Shahaptin-speaking Indians.


The works by this scholar contain a selection of topics pertaining to the early West, including a chapter reviewing the Nez Perce.

C. PERIODICALS


Personal recount of the retreat by Suhm-Keen, 95, who was the nephew of Chief Joseph. He was ten years old during the campaign.

This study of Jesuit missionaries brings to light problems encountered in keeping the non-warring Nez Perce neutral during the campaign of 1877.


This noted Montana historian wrote an interpretive account of the skirmish near Fort Benton, Montana.


A weekly publication, this journal was devoted to timely national and international problems and devoted several articles to the Nez Perce question. One outstanding article is quoted in full in the Appendix.


This is the remarkable story of Dr. and Mrs. Marcus Whitman who brought medicine and the Gospel to the Nez Perce and were later massacred by renegade Cayuse Indians.

D. UNPUBLISHED SOURCES


Portions of this thesis relate newspaper coverage and editorials with the early events of the Nez Perce uprising.


This dissertation explores the development of pioneer journalism in Montana through the period of the Nez Perce crisis.


Designed to aid visitors who tour the battlefield, this pamphlet is invaluable in understanding how one of the most important fights of the Nez Perce war was waged.
E. NEWSPAPERS


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