

Indian Affairs and the Administrative State in the Nineteenth Century

The framers of the Constitution and the generations that followed built a powerful and intrusive national administrative state in the late eighteenth and nineteenth centuries. The romantic myth of an individualized, pioneering expansion across an open West obscures nationally coordinated administrative and regulatory activity in Indian affairs, land policy, trade policy, infrastructure development, and a host of other issue areas related to expansion.

Stephen J. Rockwell offers a careful look at the administration of Indian affairs and its relation to other national policies managing and shaping national expansion westward. Throughout the nineteenth century, Indian affairs were at the center of concerns about national politics, the national economy, and national social issues. Rockwell describes how a vibrant and complicated national administrative state operated from the earliest days of the republic, long before the Progressive era and the New Deal.

Stephen J. Rockwell is an Associate Professor of Political Science at St. Joseph's College in Patchogue, New York. He taught in the Political Science and Public Administration programs at the University of Michigan–Flint and worked as a Senior Research Analyst at the Brookings Institution in Washington, DC. He is the coauthor (with Peter Woll) of American Government: Competition and Compromise (2001) and coeditor (with Peter Woll) of an anthology entitled American Political Ideals and Realities (2000).



Indian Affairs and the Administrative State in the Nineteenth Century

STEPHEN J. ROCKWELL

St. Joseph's College, New York





> CAMBRIDGE UNIVERSITY PRESS Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo, Delhi, Dubai, Tokyo, Mexico City

Cambridge University Press 32 Avenue of the Americas, New York, NY 10013-2473, USA

www.cambridge.org Information on this title: www.cambridge.org/9780521193634

© Stephen J. Rockwell 2010

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2010

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication data

Rockwell, Stephen J., 1966-

Indian affairs and the administrative state in the nineteenth century / Stephen J. Rockwell.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-521-19363-4 (hbk.)

Indians of North America – Government relations – History – 19th century.
Indians of North America – legal status, law, etc. – History – 19th century.
Federal government – United States – History – 19th century.
Administrative agencies – United States – History – 19th century.
United States – Territorial expansion.
United States – Politics and government – 19th century.
United States – Ethnic relations – Political aspects – History – 19th century.
Title.

E93.R63 2010 323.1197–dc22 2009042793

ISBN 978-0-521-19363-4 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.



To Mom and Dad



> It does not seem a great task to attend to the business of directing the management of about three hundred thousand Indians; but when it is considered that those Indians are scattered over a continent, and divided into more than two hundred tribes, in [the] charge of fourteen superintendents and some seventy agents, whose frequent reports and quarterly accounts are to be examined and adjusted; that no general rules can be adopted for the guidance of those officers, for the reason that the people under their charges are so different in habits, customs, manners, and organization, varying from the civilized and educated Cherokee and Choctaw to the miserable lizard-eaters of Arizona; and that this office is called upon to protect the Indians, whether under treaty stipulations or roaming at will over his wild hunting-grounds, from abuse by unscrupulous whites, while at the same time it must concede every reasonable privilege to the spirit of enterprise and adventure which is pouring its hardy population into the western country; when these things are considered, the task assigned to this bureau will not seem so light as it is sometimes thought.

Dennis Cooley, Commissioner of Indian Affairs, 1866,
quoted in Gary L. Roberts, "Dennis Nelson Cooley," in
Robert M. Kvasnicka and Herman J. Viola, eds.,
The Commissioners of Indian Affairs, 1824–1977
(Lincoln: University of Nebraska Press, 1979), 105



Contents

Acknowledgments		page ix
	Introduction	I
I	The Myth of Open Wilderness and the Outlines of Big Government	9
2	Managed Expansion in the Early Republic	38
	Tippecanoe and Treaties, Too: Executive Leadership, Organization, and Effectiveness in the Years of	-
	the Factory System	68
4	The Key to Success and the Illusion of Failure	103
5	Big Government Jacksonians	132
6	Tragically Effective: The Administration of Indian Removal	159
7	Public Administration, Politics, and Indian Removal: Perpetuating the Illusion of Failure	188
8	Clearing the Indian Barrier: Indian Affairs at the Center of National Expansion	217
9	Containment and the Weakening of Indian Resistance: The Effectiveness of Reservation Administration	246
10	What's an Administrator To Do? Reservations and Politics	275
	Conclusion: The Myth of Limited Government	303
References		329
Index		351



Acknowledgments

Research remains a deeply collaborative process. I am profoundly grateful for the help I've received as I've worked on this book.

I am grateful for the generous institutional support provided at various stages of this project by Brandeis University, the Gordon Center for American Public Policy, the Brookings Institution, the University of Michigan–Flint, and the Thompson Center for Learning and Teaching. Fordham University gave the project its start, at least indirectly, and I remain indebted to Fordham for the confidence and support it offered many years ago. My thanks, too, for the generous support given by St. Joseph's College, particularly through the Faculty Development Small Grants program and through the award of a Summer Research Grant. The staff at the National Archives in Washington were always helpful and generous with their time, as were the librarians and staff at Brandeis, Brookings, the University of Michigan–Flint, Fordham, and St. Joseph's College. Research like this cannot move forward without your help. Thanks.

I am grateful for the comments and advice offered over many years by my colleagues and friends. The scholars who read and commented on this manuscript for Cambridge University Press offered insightful and helpful practical suggestions for shortening and improving the book. Albert Price read several versions of the manuscript, including suffering valiantly through the early versions and responding honestly, helpfully, and with good humor. Steven Fuchs, Peter Woll, Fred Woodward, and Bill Altermatt also contributed suggestions and insights as the manuscript progressed. Shep Melnick, Sidney Milkis, and Morton Keller were in this from the beginning. I am deeply grateful for their commitments to me and for their patience as I pursued an unconventional topic. Thanks to Peter Skerry for his unwavering support for my research and for his influence on my technique (particularly in showing me how well the telephone works). I have had many excellent contacts at the Bureau of Indian Affairs, far too numerous to name here. I



x

Cambridge University Press 978-0-521-19363-4 - Indian Affairs and the Administrative State in the Nineteenth Century Stephen J. Rockwell Frontmatter More information

Acknowledgments

always found the Bureau's personnel to be helpful and open when treated with the respect they deserve for operating in such a complicated policy field. My thanks, too, for the contributions and the time offered by tribal leaders and others as I did field research over the years. These discussions deepened my understanding of the bureaucratic dynamics involved in U.S. Indian policy.

I am indebted to many scholars whose work precedes my own. The work that went into each source cited in the notes is deeply appreciated. I'd like to single out the efforts of the historians Francis Paul Prucha, Ronald Satz, Grant Foreman, and William Goetzmann, upon whose work much of my understanding of Indian affairs and the nineteenth century rests. I'd also like to highlight my debt to James Q. Wilson and Daniel Carpenter. Their work has been instrumental in helping me clarify my understanding of organizations and bureaucracies. I also owe a great debt to Vine Deloria Jr. Many years ago, Professor Deloria responded to an inquiry from me, a graduate student unknown to him and half a continent away, asking about general directions for my research. In a brief note on a postcard, he suggested that investigating discretionary authority at the Bureau of Indian Affairs would prove fruitful. He was right.

I have been lucky to run across many people whose contributions to this work may not be terribly obvious, but without whom this book could never have been completed. These folks include, in no particular order, John and Patricia Schmitt (plus Meaghan, Ryan, Stephen, and Peter), Matthew and Michelle Rorke (and Kevin), Steve and Nicole Pierce (and Rebecca and Owen), Hank Lutton, Glen Weiss and Ann Ginsberg (plus Zachary and Madeline), Lonnie and Dara Meiner, Doug Katz, Jean-Paul and Jennifer Vest, whoever fixed the television at the Minneapolis airport Hilton, Zoe Fidelman, Walter Nicklin, Martha Doughty, DJ Trela, Martha Bayles, Steve and Angie Jones, Mike and Amy Price, Rod and Rachel March, Bruce Wilson, Doug Wilson, Joanne and Brian Specht, Cora Jones, Martin Levin, Heather Scott, Fred Dews, Susan Stewart, Jon Shields, Crystal Pepperdine, Peggy Kahn, Derwin Munroe, Bill Laverty, Viki Zavales, Stephanie Greco Larson, James Kloppenberg, Raymond D'Angelo, Ted McGlone, Sister Elizabeth Hill, Sister Loretta McGrann, Sister Margaret Buckley, Robert Jones, Elaine Crane, Paul Cimbala, Cheryl and Tal Ninyo and the Ninyo and Mallenbaum families, and Danielle, Sarah, Emily, and Christine Kadtke.

The book is dedicated to my parents, Ronald and Patricia, both of whom have combined genius, love, and professionalism with unshakeable support for their children. I am grateful, too, for the support of my brothers Kenny and David, who have always been there to remind me that there are more important things to do than work. Thanks to Adina, Kim, and the kids.



Acknowledgments

хi

My grandparents contributed in many ways to the completion of this project, too, and they are not forgotten.

Finally, I have been lucky to fall in with the excellent people at Cambridge University Press, who have shepherded this manuscript through the review and production processes with professionalism, efficiency, and good judgment. In particular, thanks to Lew Bateman, Emily Spangler, Anne Lovering Rounds, Laura Lawrie, Mark Fox, and Marc Anderson.