

CONTENTS

List of Illustrations and Table · ix

Acknowledgments · xi

	Introduction	1
CHAPTER 1	Strategies of Succession	15
CHAPTER 2	Inheriting the Earth	41
CHAPTER 3	Banking on Removal	66
CHAPTER 4	Money Flows	98
CHAPTER 5	American Insecurities	126
CHAPTER 6	Unsettled Claims	152
CHAPTER 7	The Fall and Rise of Fiduciary Colonialism	180
	Epilogue: The Past and Future of Trusteeship	215

Abbreviations · 227

Notes · 229

Index · 307

Introduction

ELOUISE COBELL LEARNED the history of her Piikani Blackfoot ancestors as a child. Piikani wealth had once been measured in horses, an average of ten per family after the equine trade reached the Northern Plains around 1740. Mounted hunting transformed the Piikanis' lives, allowing them a far more efficient means of harvesting bison furs, which they supplied to British and, later, American traders. Horses made Piikani life rich but uncertain, dependent in new ways on the whims of rainfall and the health of grasslands. Starting in the mid-nineteenth century, a widening stream of settlers, livestock, and disease coursed through the Northern Plains, throwing off balance the complement between horse and bison on which Piikani prosperity had once stood firm. Then, a proliferation of factories in faraway cities drove up demand for belts made from tension-bearing bison leather until herds were nearly gone. Cobell was born in 1945, but as a child her family still spoke of the winter of 1883, when more than 550 Blackfoot perished from starvation after their Indian agent failed to distribute rations owed them by the federal government. Cobell also knew firsthand the far more recent story of her uncle's death, a death she could not help but associate with the fact that her ancestors' wealth had never really been under their own control. When her uncle fell ill one winter, his wife needed money for his medical care. She had rushed to the distant Indian agency to request funds from an account held in trust on her behalf. But once she arrived, the agent told her that the money would not be ready for two weeks. The checks came in the spring, far too late. Cobell's uncle died soon after they arrived.¹

These stories must have echoed in Elouise's mind when, at the age of eighteen, she asked the federal Indian agent stationed on her reservation for an account of her own trust fund. The agent brushed her off,

[1]

insisting that she was incapable of understanding the finances. Not one to be underestimated, Cobell set off for community college, then Montana State University, and then Seattle, where she started a career as an accountant. Eventually Elouise felt the pull of her childhood home, and in 1970 returned with her family to the northwestern Montana reservation of the Blackfeet Nation (as they were now called). Soon enough, her fellow tribal citizens encouraged her to put her training to use. Six years later, at the age of thirty, Cobell became the Blackfeet Nation's treasurer.²

Among Cobell's duties was to request withdrawals from the Blackfeet national fund, held in trust and managed by the Bureau of Indian Affairs, which was housed at the Department of the Interior. The Blackfeet trust had a painful history of its own, bound up with the dispossession of the nation's homelands. Lands belonging to the Kainai, Piikani, and Siksika Nations that composed the Blackfoot Confederacy had once reached from the Rocky Mountains in the West to the North Saskatchewan River in the East to the Missouri River in the South. In a series of treaties and executive orders across the second half of the nineteenth century the United States hacked away at this territory, taking tens of millions of acres and pledging annual payments and rations in exchange. A gold rush flooded Blackfoot hunting grounds and precipitated the creation of Montana Territory in 1864. Then came railroads, and more settlers. In 1871 Congress prohibited further treaties with Native peoples and through a series of statutes carved away portions of the Blackfeet Reservation, including an expanse that would eventually become Glacier National Park, where settlers could enjoy a sublime (and for the Blackfeet, sacred) landscape of lakes, rivers, and waterfalls coursing through the Rockies.³

The Blackfeet had been forced to sell their homelands, and no price could ever offset the loss. Yet the near-extinction of the bison that sustained the Blackfeet economy and the steady annexation of their lands by the United States entrenched poverty. Money had become essential to survival, and the Blackfeet had too little. In 1924, they sued the United States in the Court of Claims for its failure to adequately compensate the nation for lands taken almost seventy years before. As was the standard in these kinds of cases, whatever remained after court deductions, attorneys' fees, and a modest per capita distribution to members of the nation was placed in a trust fund to be controlled by the defendant—the federal government.⁴

The Blackfeet Nation trust fund, seeded by the court award, was supposed to provide much-needed revenue to the reservation. But by the time Cobell oversaw its distribution in the late 1970s, the Bureau of Indian

Affairs could barely estimate how much money it contained. Many entries were inscrutable in the trust ledgers, but Cobell noticed alarming activity, like negative interest payments and mysterious, unauthorized withdrawals. When she sought clarifications, Cobell again found her requests dismissed by the bureau.⁵

The largest insult added to these many injuries concerned the Blackfeet National Bank. After the only bank within striking distance of the reservation shuttered in 1983, Cobell decided to found the first tribally owned bank in the United States. With banking still a novelty to most Blackfeet citizens, she launched financial education programs for elementary school children, teenagers, and community college students. Gradually the bank grew, and lent out enough capital to nurture roughly two hundred Native-owned businesses. Still, the bank could only attract so many depositors from a reservation economy stunted by over a century of colonialism. Cobell thus set her sights on one potential depositor of considerable means: her own nation. The Bureau of Indian Affairs kept the Blackfeet's trust fund millions invested in a list of preferred banks, which regularly bid on Indian trust fund moneys. Cobell repeatedly bid on behalf of the Blackfeet National Bank, only to be rejected each time in favor of larger institutions whose capitalization enabled them to offer a higher interest rate. Marginal gains in interest, Cobell pointed out, hardly justified denying the Blackfeet National Bank a pool of cash that would expand its lending capacity and so deepen its impact. The money was supposed to benefit the Blackfeet, after all.⁶

In the mid-1980s, as Cobell and other tribal leaders grew more vocal in their criticisms of Indian trust fund administration, Congress held hearings to investigate the Bureau of Indian Affairs' mismanagement. Representatives of the Red Lake Chippewas testified that the bureau had responded to their requests for a full accounting of their trust fund by sending a single sheet of paper with indecipherable balances, scribbled by hand. A court-mandated audit later discovered nearly \$811,500 missing from their account. Rather than restore what it owed, officials secretly—and inexplicably—withdraw \$1,231,000 in certificates of deposit from the Red Lake trust fund. Other Native nations tried to withdraw funds from federal trusteeship, only to have the government tighten its grip. In one instance, the bureau flatly refused to permit the Saginaw Chippewas to receive money awarded by a court judgment without placing it in trust, forcing the nation to lobby Congress for two years, at significant legal costs, in order to secure a special statute granting them control over their own money. Native nations were, evidently, captive clients: They not only

had no say in *how* their funds were handled but also *who* would handle them. “If we were Rockefeller,” one critic of the trust funds told Congress, “we would definitely have changed our asset manager by now.”⁷

The testimony brought by Cobell and others revealed a litany of abuses and prompted fruitless efforts at legislative remedies. Throughout, commentators frequently referred to the Indian trust funds as a “broken system.” It was a term that implied a devolution, as if the trust funds had once worked in an ideal form. Yet almost every issue that afflicted the Blackfeet, Red Lake Chippewa, and Saginaw Chippewa funds—dubious investments, specious accounting, a preference for the interests of non-Native enterprise—had arisen before. What if the system was not broken, but working as intended?

So consistent were the government’s violations that neither the misconduct of individual bureaucrats, the laxity of regulations, nor the indifference of Congress alone could serve as an explanation. All were aggravating factors but inessential to the core injustice at hand: that trusteeship had been designed from its inception to benefit the trustee, not the beneficiary. To take a continent from its original inhabitants, the United States warped trusteeship into what I call *fiduciary colonialism*: a regime in which federal officials gained control over Native lands, resources, and people by maintaining control over Native finances. A late twentieth-century trusteeship that privileged settler banks and treated beneficiaries as an afterthought was consistent with its roots in Native land dispossession. But as Cobell and others reiterated before Congress, the path forward lay not in abandoning trusteeship but in honoring the diplomacy in which it had originated. In treaties signed generations before, the federal government had committed to offer Native nations protection from enemies—both foreign and domestic—and to steward their wealth. These were promises in which many Native negotiators had found some measure of hope, until they witnessed the government’s idea of protection veer wildly from their own. Even still, many had chosen trusteeship and fought tirelessly to preserve it—not as it was, but for what it always should have been and could one day become.



This book tells the story of how—and why—the federal government assumed trusteeship over Indigenous peoples’ wealth. Between its founding and the Civil War, the United States acquired 581 million acres of land by negotiating more than four hundred treaties with Native nations.

By the time the United States ended the practice of treaty making with Indigenous peoples, Native territories had dwindled from nearly two billion acres before European arrival to a mere 111,761,558 acres. Acquisitions were framed by federal officials as purchases, albeit ones without a market, since the federal government prohibited any competing bids. Offering compensation to Native peoples for cessions advanced the United States' aim to preempt rival empires and formed the first link in a chain of titles, allowing settlers to trade, convey, and collateralize Native land.⁸

But the nature of compensation offered meant treaties also did much more than ground a system of private property. In theory, the United States could have simply taken land by force, or bought it with a clean lump sum. Both options were tested but rather quickly set aside. Instead, officials made the fateful choice to prolong payment into yearly increments, called annuities.⁹ What might have been a punctual event, a blood-stained land grab or a quick real estate transaction, became an enduring and asymmetrical relationship between a trustee and the nations it dispossessed.

Architects of federal Indian policy knew and stated explicitly that future annuities could serve as lure and ransom. Projected into the future, annuities disciplined their recipients: Funds held in trust today could be withheld, redirected, pilfered, or deliberately misapplied tomorrow. Although they shared connotations with life annuities, a form of insurance that supplied annual income to widows, the elderly, and other persons considered unable to support themselves—an impairment equally attributed to Native people by settler ideology—annuities in the context of Indian affairs referred simply to an annual payment. At first, annuities arrived primarily in the form of goods—including cloth, ornaments, firearms, powder, or agricultural implements—echoing the gifts dispensed by previous generations of colonial administrators to authenticate diplomatic goodwill toward Indigenous hosts. Starting in the late 1810s, money composed an increasing share. More important than annuities' composition, however, was their division into annual installments. Leverage over wealth, conferred by the simple fact of deferred payment, tilted the project of continental dispossession in the United States' favor. In short, if land was the *why* of colonialism, money was the *how*.¹⁰

Annuities' financing also changed over time. At first, annual congressional appropriations funded almost all annuity payments, whether delivered as goods or in cash. Under President Andrew Jackson, however, officials chose to fund more and more annuities by interest raised on financial investments, referred to within the federal bureaucracy as the Indian trust funds. Treaties that created trust funds promised to set aside for Native nations

a principal, and bound officials to vest that principal in “safe and productive stocks” that earned a minimum rate of interest—usually 5 percent. Depending on the circumstances precipitating treaties and the whims of negotiators, the trust principal originated either in a one-time congressional appropriation, or built up gradually from the proceeds of selling the ceded lands themselves. Officials in the Treasury and War Departments then invested this principal in an array of securities more or less of their choosing. Each year, usually in the fall, Indian agents distributed the interest earned as an annuity.

Even if the government had not chosen to invest Native funds at all, annuities’ incremental nature alone would have conferred the kind of grip on future revenue needed to keep federal trusteeship in place. When officials began investing the wealth they controlled, however, trusteeship became at once more literal, since officials now purported to manage Native wealth rather than simply suspend its full delivery, and practically immortal, since this wealth became encased in legal devices designed to outlast their creators.



Federal officials first embraced deferred compensation as conquest on the cheap, holding the pen to economize on the use of the sword. After the American Revolution, the federal government surged westward with plans to exterminate Native peoples and seize their lands by force. Yet tight constraints on fiscal and military capacity reined in these attempts and swung officials toward a policy of compensated dispossession that would endure for over a century. Treaty by treaty, dollar by dollar, a colonial regime that routinely stumbled in its attempts to subdue Native peoples became nevertheless hegemonic, affecting even those nations that chose to defend their land by arms rather than cede it for annuities. Fiduciary colonialism functioned only because the United States was willing to use as a mechanism of enforcement violence in many forms, from mere threats of annihilation, to the slow attrition of famine and exposure, to military campaigns that routinely tipped into genocide. But it was also a strategy of dispossession forged to conserve meager resources. At the dawn of its continental empire, the United States recognized that it could neither afford to eliminate Native peoples altogether nor deny that they were sovereign nations.¹¹

Of course, the United States would fill its coffers, stock its arsenals, and build capacity overall over the course of the nineteenth century. Trust investments conscripted Native wealth into this project. Early Indian trust fund investments supported the First Bank of the United States, a cornerstone of Treasury Secretary Alexander Hamilton’s construction of

a creditworthy nation-state. When the federal government issued bonds or interest-bearing Treasury notes to fund wars against Britain, Mexico, and the Confederacy, these securities found their way into the Indian trust funds, which meant that Indigenous peoples lent sustenance to the same military that treated such major conflicts as pretexts to claim vast new territories, enforce Indian removals, and prosecute near perpetual if undeclared wars on any nation that mounted resistance.¹²

For much of the period under study, however, officials invested Indian trust fund money in bonds issued by the several states. State governments borrowed to build infrastructure, a prerequisite not only for capitalist accumulation but for states' very ability to assert borders and govern the spaces between them. Colonialism made states reliant on debt financing, since frontier states lacked sizable settler populations and taxable property: Borrowing made available in the present the anticipated value of Native lands once "improved," in the language of the period, by the construction of transportation routes and the capitalization of banks. That Indian trust funds were so heavily invested in the very financial instruments that made settler economies viable was a bitter irony, one that officials were more than happy to sustain. By the late 1830s, more than \$3.8 million in Indian trust fund investment supported banks, canals, railways, and other state-financed carriers of westward expansion. Three decades later, the figure neared \$4.8 million (or almost \$3 billion in today's dollars).¹³ Trust funds marked a moment in which Native nations were at once severed from their lands and tethered to a federal trustee—and, through their trustee, to the fate of the state banks, canals, roadways, and wars in which their funds were invested.¹⁴

Some caveats are necessary to grasp the quantitative significance of trust investments. Native dispossession and infrastructural construction—processes linked by Indian trust fund investments—were preconditions for capital accumulation in the United States.¹⁵ Yet Indian trust funds did not secretly finance the rise of American capitalism. In 1841, Indian trust funds held 1 percent of states' roughly \$207,895,000 in bonds; by contrast, foreign capitalists held at least half this sum, according to the best estimates. Canals would have been dug and banks founded, in other words, without Native money (but not without taking Native land). Like other investors, Indian trust fund beneficiaries were not always contributors to economic growth because the projects their wealth capitalized were not reliably profitable. Many canals financed by Native money grew muddied and stagnant as construction stalled, and many banks financed by Native money failed soon after their founding. State-funded infrastructure helped

usher in a transition to capitalism that, unfortunately for state boosters, displayed a structural tendency toward crisis.¹⁶ But too narrow a focus on trust funds' contributions to economic growth misses the point: Even in its failures, the infrastructure that trust funds financed succeeded in advancing Native dispossession.

For specific states and infrastructural projects, the proportion of Indian trust fund investments appears far more significant, and their timing decisive. After the first surge of state borrowing and trust investment in the late 1830s, Indian trust funds held 11 percent of Alabama's debt, 12 percent of Kentucky's debt, and a remarkable 17 percent of Tennessee's debt, including the entire \$500,000 bond issuance that the state used to capitalize the Union Bank of Tennessee. These investments came at critical moments for states desperate for capital. Federal officials invested Native wealth liberally after a banking panic in 1837, when states began borrowing at unprecedented rates in a struggle to finance incomplete projects as an economic depression took hold. Indian trust funds were also invested in state bonds that no other creditor would touch, and in the bonds of slave states that brokers advised were riskier than their free-state counterparts.¹⁷

Another aspect of proportionality merits emphasis. Trust funds may have been modest when compared to the stock of settler investments, but they represented the entirety of Native nations' financial capital; annuities, by the same token, their primary source of public revenue. An untrustworthy fiduciary risked wiping out nations' collective wealth when lending it to shaky state governments. Herein lies a dynamic both familiar and strange. That agents of an empire held financial control over nations struggling against histories of colonialism is far from unique to the nineteenth-century United States. From France's crushing indemnity of 150 million francs, imposed on the new republic of Haiti to compensate former slaveholders, to the overwhelming debts Latin American countries owed to the British and French creditors who had financed their wars for independence (and who would deploy gunboats, if needed, to ensure they were repaid), to the apostles of a creditor-favoring gold standard who fanned out from New York City to an overseas empire strung from the Dominican Republic to the Philippines—all evidenced the mutable and enduring utility of finance to colonialism. What *is* remarkable, in light of all these examples, is that the United States took a continent not by compelling Native nations to borrow, but to invest.¹⁸



Native people did not passively submit to a world of finance beyond their grasp or influence. Indigenous treaty negotiators were compelled to invest in the sense that none ceded land of their free volition, even when signatories nominally granted their consent. Only after reckoning with unviable alternatives—subjection to settler jurisdictions; bare survival on depleted game and crops; exposure to settler vigilantes, state militias, and the US military; and the continued theft of their timber, property, and homes—only then did Native leaders agree to part with their territories and meet with treaty commissioners.¹⁹ Once gathered in council, however, Native delegates had a small but critical space in which to maneuver and push for terms of compensation that would best ensure an uncertain survival. With clear eyes and their gaze fixed on a distant horizon, many chose to place wealth in federal hands, and some explicitly requested trust investments. They did so with the recognition that annuities' renewal across time—the very quality that made them powerful levers for the federal government—could also be to their advantage.

Many Native treaty negotiators had witnessed how rapidly windfall payments for land cessions could disappear. Thinking less of their own futures than those of coming generations, leaders recognized that lump sums were ephemeral forms of compensation. To provide for yet-unknown heirs, leaders sought a source of revenue that would outlast their lifetimes and replenish each year, even after their bones were put to rest. Investment could enhance annuities' benefits. Indigenous peoples long enmeshed in credit-fueled fur trades grasped readily that loaning out their funds would incur interest and enlarge financial legacies, an outcome early treaty negotiators compared to swelling harvests or to the multiplied offspring of a single hen. Years of living as trust beneficiaries only sharpened Native financial proficiency. Over time, speakers shed analogies, requesting specific securities by name and with reference to their yields.

As Native leaders grew more assertive in their dealings with the federal government, they also reconfigured their political economies to better capitalize on compensation. Treaties that laid out the terms of trusts and annuities became framing documents for Native fiscal states. Guided by commitments to social welfare, national preservation, and the ambitions of political classes, Native leaders assigned streams of annuities toward the costs of caring for the poor, infirm, and orphaned; set aside funds for council houses and public salaries; covered trade debts; bought farming implements and hired blacksmiths; or financed what many leaders wanted most of all—schools, which they correctly anticipated would equip a rising generation of leaders with the skills needed to defend their land in councils and before Congress. An exquisite ambivalence came to define

fiduciary colonialism as annuities helped preserve nations while conferring power to the federal agents who administered them.²⁰

Annuities also conferred power *within* nations. Deciding who, exactly, would wield that power provoked contention. Competition across bands, towns, or districts arose, and plans devised around treaties favored certain constituencies as they displeased others. Annuity-funded development could steepen inequalities. Grain mills, cotton gins, blacksmiths' shops, schools, and civic buildings sprung up in Native towns, funded by national annuities, but merchant and slaveholding classes often stood most to gain. Still, conditions changed, and people too. The very fact of annuities' recurrence meant that the disagreement they sowed could be resolved differently with each generation.



Federal officials tended to improvise when it came to their work as fiduciaries, but they did not invent trusteeship out of thin air. Trusts descended from two lineages of legal doctrine, one drawn from the prosaic traditions of probate and inheritance, the other from lofty legal debates over the virtues of empire. Trusts date at least to the Middle Ages, when Franciscans circumvented religious prohibitions against owning wealth by occupying land to which trustees held title on their behalf. Trusts evolved alongside property law, taking on new guises as instruments of conveyance. In the nineteenth century—as today—the bulk of wealth was not earned on land or as income but inherited in a cascade across generations. Trusts' ability to shield assets from creditors or spendthrifts and to dictate investments in perpetuity—or at least for a lifetime—meant they could act as silos of wealth for widows, minors, and other beneficiaries presumed financially incompetent, or simply host an ever-accumulating dynasty. As mercantile, manufacturing, and industrial enterprises blossomed alongside philanthropic associations, all employed trusts to channel the funds that flowed within and across their economic arenas. By the close of the nineteenth century, trusts were used to securitize assets and combine corporations, becoming emblems of Gilded Age inequality and in particular of the power of firms to consolidate monopolies that overpowered competitors, workers, and even democracy itself. Today, trusts remain firmly embedded in the legal “code” that configures capitalism, insulating patrimonial and corporate wealth from creditors, taxes, and the peering eyes of regulators.²¹

Indian trust funds were the progeny of mundane devices inserted to wills, contracts, and deeds, but the principle of federal trusteeship

descended from a rarified discourse of imperial legal thought.²² Most scholars trace the emergence of federal trusteeship to Supreme Court Chief Justice John Marshall's 1831 opinion in *Cherokee Nation v. Georgia*, in which Marshall argued that the Cherokees were a "domestic dependent nation," bearing a relationship to the government that "resembles that of a ward to his guardian."²³ Yet pronouncements of trusteeship over purportedly inferior and idle Indigenous peoples are as old as European settlement in the Americas, and were fashioned from even older doctrines of Roman law.²⁴ Within this roving tradition, empires justified their claims on land, labor, and resources by their ability to provide *protection*, a protean term that broadly signified a duty to shield a more vulnerable ally from an array of threats, be they a competing empire's invasion or the protector's own unruly subjects.²⁵ On the North American continent, British officials deployed the rhetoric of protection in the Proclamation of 1763, in which the Crown pledged military support to Native allies, restrained settlers from moving west of the Appalachian Mountains, and, in the same breath, asserted an exclusive right to purchase Native lands.²⁶

After a brief and chastening experiment in taking Native land by unmitigated military force, the United States largely reverted to British policy and embraced the diplomacy of protection. Emissaries from a nascent republic desperate to edge out the competing European empires that lingered on the continent staked claims to Native lands by committing to protect their current possessors. It was this double-edged diplomacy that had set the Cherokees on their winding path to Marshall's Supreme Court, where they asserted their own interpretation of trusteeship. As the Cherokees well knew, accepting the United States' protection—which they first did in 1785—had placed conditions on their sovereignty: namely, their submission to federal protection constrained them from drawing alliances with—or ceding lands to—other European powers. Yet as they argued before Justice Marshall nearly half a century later, living under the protection of the United States did not grant any intrusions into their "internal affairs," nor did it make them wards. The Cherokees' attorney quoted Emerich de Vattel, an eighteenth-century progenitor of international law, who insisted that even a weaker state that "places itself under the protection of a more powerful one" does so without "divesting itself of the right of government and sovereignty."²⁷

Native people were willing to affirm the idea of protection because they saw resonances between their own legal theories and the law of nations that they cited before settler courts. Long before the arrival of Europeans, Native emissaries had acknowledged the kinds of imbalances

of power Vattel identified in their own diplomatic exchanges. Speakers often referred to stronger parties using paternal language, a practice that carried over into their dealings with newcomer empires. The fathers Native people invoked were not commanding Anglo-American patriarchs vested with arbitrary power, however. A father—or the Great Father, as the United States’ president was often called—could only live up to his title by delivering protection and sustenance, obligations that grew in proportion to his means. These commitments, solemnly inscribed and reaffirmed in a canon of treaties, still exert legal force today. What we now call the federal “trust responsibility” compels the government to steward Native wealth and to shield Native nations from attempts by states, courts, and corporations seeking to divest them of land, resources, and self-governance. It is the quintessential colonial entanglement, a product at once of imperial power and its resistance, of Indigenous choices made within a world imposed upon them.²⁸



This book begins with the rise of fiduciary colonialism in the late eighteenth and early nineteenth centuries. It explains how trusts used to structure family and corporate wealth made their way into treaty negotiations, and why Native people accepted payments kept in federal possession for their land. It then shifts from the coalescence of fiduciary power to its sudden expansion during the period of massive and lethal dislocation conventionally referred to as the era of Indian removal, when trusts became, simultaneously, instruments to manipulate Native people and essential components of Native nation-building.²⁹ The book follows Native nations west in the decades after removal, and explains how the federal government managed to ratchet its grip on Native wealth. A series of crises—a collapse in the state bond market, a surge in monetary claims levied against the government as trustee, and the South’s secession—all threatened but ultimately strengthened fiduciary power. No convulsion could match the Civil War, however, which necessitated a swift expansion of military and fiscal capacity that altered permanently the financial calculus of Indian affairs. On the heels of mobilizing an army of two million, a system of compensated dispossession once considered conservative no longer seemed necessary, at least in its current form. In 1871, Congress abandoned the practice of treaty making that had built fiduciary colonialism piece by piece, but federal control over Native wealth endured. By the century’s close, most Indigenous peoples had abandoned defending



Elouise Cobell in Montana, 1999. Oil lease proceeds on trust lands accrued in Individual Indian Money accounts, which Cobell found were gravely mismanaged. *Source:* AP Photo / Ray Ozman.

homelands by force, accepted diminished territories, and received inevitably inadequate financial compensation held in trust. A struggle for the right to decide how that compensation would be spent began in earnest, and has yet to end.

When a new wave of land dispossession took hold in the wake of the 1887 Dawes Severalty Act, which broke apart collective landholdings into individual parcels subject to sale, trusteeship shaped every step of the process. Many land allotments were placed in trust with the Department of the Interior—some permanently. If the department approved leases for oil and gas companies to drill the land, it kept the proceeds of those leases in trust as well. Without the authority to do so, Indian agents pocketed funds belonging to Native individuals and opened accounts on their behalf in local banks, skimming a cut in the process if the temptation struck. Once numbering only in the dozens and held on behalf of nations, trust funds now proliferated wildly, with thousands of individuals collecting pittance from personal funds. Heirs multiplied with each generation, inheriting a dwindling fraction of trust assets. Decades passed. Through the churn of enterprise on Native allotments, money was earned, invested, and then seemingly evaporated, from Elouise Cobell's account and so many others.³⁰

In Cobell's time and in its formative period, federal trusteeship fell short of the standards of protection Native people held. Yet nations survived by working within trusteeship's confines, configuring their compensation to their own advantage and holding their trustee to account through narrowing legal channels. That Indigenous peoples survived what they did is astonishing, but it is difficult not to wonder how much they could have thrived without the constraints of fiduciary control. Trusteeship, nominally intended to safeguard future prosperity, instead subjected Native nations to a compounding chain of diminished inheritances that widened the gap between the economies they could have had and what they instead lived with. Whatever endowments Native nations conveyed to their descendants were hard-won and fragile, the result of pulling wealth from the maw of the same trusteeship that was supposed to protect it. This had been plain to Indigenous leaders since the earliest decades of federal trusteeship. In 1826, one Miami *akima*, or hereditary leader, gestured to how much his people had lost on account of the government failing to fulfill its treaty obligations. "Who is to pay the damage which has accrued to my nation in consequence of this failure?" he asked, knowing the answer.³¹

The pages that follow will make clear that there was no golden age from which the system of trusteeship had devolved by the late twentieth century. But in this history we can also see traces of an ideal trusteeship yet to come, in which the federal government upholds long-standing treaty obligations while allowing Native nations to flourish on their own terms. It was this potential that motivated Elouise Cobell. Amid the torrent of revelations about trust mismanagement that her work brought to light, more than a century after the end of formal diplomacy with the United States, she still referred to trust funds as "sacred."³² What this language implied was a not a bid for the abolition of trusteeship but for the federal government to recognize its sacredness too.

INDEX

Page numbers followed by an *i* indicate an illustration.

- Abtegzhek (Potawatomi), 100, 105,
126-27
- Adams, John, 32
- Agricultural Bank of Mississippi, 91, 163
- Alabama, 8, 45-47, 69, 85-86, 87*i*, 88, 146,
265*n*63. *See also* Panic of 1819; State
Bank of Alabama
- Alabama Emigrating Company, 88, 93
- Alabama Territory, 54, 66
- Alberson, Isaac, 92, 96, 163-64
- Allegheny Seneca reservation, 34, 36
- Allegheny Portage Railroad, 98, 99*i*
- American Board of Commissions for
Foreign Missions, 49-50, 53-56, 59,
62-63, 76, 252*n*18
- American Fur Company, 135, 155, 284*n*18
- American Revolution, 21
- Anishinaabeg (Odawas, Ojibwes, and
Potatomis), 101-3, 107, 118, 168-169
- annuities: ambivalent effects of, 9-10;
compensated dispossession and, 6,
12, 16-17, 24-25, 210; convoluted
system of distribution, 178; financial
investment interest for, 5; financing
of, 6; funds denied by Office of Indian
Affairs, 170, 288*n*52; government
battle over treaties, 207-8; greenbacks
and, 201; incentive to disarmament,
25-26; post-Civil War annuity debts,
201; post-Civil War goods not cash,
211; Southern state bond investments,
180-81, 183, 292*n*8; tool of forced
removal, 100, 127; tool of government
control, 5. *See also* Civil War; *indi-
vidual states*
- Apaches, 144, 177, 202
- Apuکشunnubbee (Choctaw *minko*), 53,
60, 62
- Arapahoes, 144, 177, 194-95, 202-3
- Arkansas: bond defaults, 141, 147, 298*n*57;
Civil War and annuity debts aban-
doned, 183; federal funds substituted
for annuity debt, 201; as "permanent
Indian frontier," 194, 196; secessionist
volunteers, 186; settlers in, 133, 145
- Arkansas Territory, 41, 62, 81, 94-95,
130
- Armstrong, John, 39
- Armstrong, William, 96, 138, 145,
163, 174
- Armstrong Academy, 137
- assimilation, 45, 214, 217, 220, 302*n*2
- Bailey, Godard, 185, 191, 292*n*8
- Bank of Arkansas, 114-15
- Bank of Mobile, 86, 90-91
- Bank of North America, 23, 37
- Beers, Joseph D., 83, 86, 88-90, 110,
264*n*57
- Benton, Thomas Hart, 113, 155
- Biloxis, 133, 142
- Blackfeet Indian Agency, 221-22
- Blackfeet Nation, 2-4, 220-21
- Blackfeet National Bank, 3, 218, 221,
230*n*6
- Black Hawk (Sauk war leader) and Black
Hawk War, 104-5, 114
- boarding schools, 212, 213, 216
- Board of Indian Commissioners,
206-7
- Bolton, Robert, 90
- Boudinot, Elias (Cherokee), 134
- Brant, Joseph, 24, 39
- Brown, Jacob, 114
- Browning, Orestus, 170-71
- Bruff, James, 28
- Brule and Oglala Lakotas, 203
- Bryan, Joseph, 174
- Buchanan, James, 185, 189
- Buffalo Creek reservation, 15, 29, 34,
36, 104
- Bureau of Indian Affairs, 2-4, 14, 222-24.
See also *Cobell v. Salazar*
- Butler, Benjamin, 111

- Caddo Nation, 93, 133, 142, 151
Caldwell, Billy, 105–6, 119–20, 138–39
Calhoun, John C., 57–60, 65, 80, 103
California, 150, 176, 178, 194, 198, 204, 206–7
Camp Verde Apaches, 301n81
canals: Illinois and Michigan Canal, 103, 125; Indiana canal, 107–8, 110, 117, 125; interregional trade and, 123; Wabash and Erie Canal, 104, 108–10, 116–17, 123, 125i, 150, 158, 270n27, 274n57
Cap, Bernice Skunk, 221
Carlisle Indian Industrial School, 212i, 213
Caroline attack, 141–42
Carter, Colbert, 200
Cass, Lewis, 75–78, 105
Cattaragus Seneca reservation, 36
Cavanaugh, James, 207
Cayuga land, 21–22
Cazenove, Theophile, 33–34
censuses: first federal census, 20–21; Indian Country, 65; Office of Indian Affairs and, 167–68
Chapin, Israel, 29, 35–36
Chase, Salmon P., 190
Cherokee Advocate, 138
Cherokee Nation: annuities and leadership salaries, 136; annuities in goods, 73, 75; annuity disbursements, 52; attempted dispossession, 47; Cherokee customary laws, 55, 254n31; constitution of 1839, 136; Creek Civil War and ceded territory, 45; education of, 52, 54–55; gold discovery, 258n11; Grand Council and, 127; hybrid patrilineal property regime, 55; independent council, 144–45; internecine violence, 134; language of, 53–54; missionaries and, 50, 59; nation building and land sales, 42; Old Settlers claim, 166; post-Civil War nonpaying bonds, 200; post-Civil War treaty losses, 199; removal crisis of (1835), 81; school funds and, 58; secret abolitionist society of, 188; Sequoyah’s syllabary, 53–54; social welfare, or *gadugi*, 56; South Carolina overdue interest, 180; Southern state bond investments and, 193; Texas extermination Indian policy, 142–43; Treaty of 1819, 54–55; Treaty of Fort Jackson (1814) rejection, 50; Treaty of New Echota (1835), 106, 134, 160–61
Cherokee National Council, 55, 83, 126, 140
Cherokee Nation Grand Council at Tahlequah (1843), 126–27, 128i, 138, 145, 151
Cherokee Nation v. Georgia (1831), 11, 210
Cherokee Phoenix, 53
Cheyennes, 144, 177, 194–95, 202–3
Chickasaw Land Company, 89–90
Chickasaw Nation: Alabama bond sales and, 88; antebellum debts honored, 202; bond bailout and military threat, 147–48, 281n62; Choctaw 1855 treaty, 175; Choctaw land purchase, 146; Civil War and treaties, 186; commerce and peace in, 144; commerce and specie acquisition, 71–72; Confederacy and proslavery position, 188; contracting fraud and, 161–62; corn preservation and comparison to trusts, 67–69, 257n3; education funding, 49, 79–80; enslaved labor and cotton cultivation, 46; expedition to Arkansas territory, 81; federal claim and William M. Gwin, 162–65; fiduciary incompetence and malfeasance, 160; fiduciary investments, 69–70, 84, 91, 94, 264n57; funding and staffing of, 253n21; history in Lower Mississippi Valley, 70–71; “incompetent” (indebted), 148; Indian territory and, 130; investigation into fraud against Native tribes, 159–60; land commission, 92, 163–64, 165; land sales by, 94–95; land speculators and, 159–60; lawsuit against federal government, 163–66, 287n37; nation building and land sales, 42; Office of Indian Affairs illegitimate expenses, 163–65; Ohio bonds post Civil War, 200; petition to Congress (1844), 152; petition to Van Buren (1837), 96; post-Civil War treaty and slave emancipation, 199–200; precautionary liquidity and, 257n3; removal contractors and, 93–94, 161; removal costs paid by Chickasaws, 79, 88; removal crisis of, 69–70, 94–95, 148; removal treaties (1832 and 1834),

- 78–81, 210; settler loans from state banks, 84; Southern bank investments and, 100; specie annuities and, 72–74; speculation and exploitation of, 92–93; state bonds and Panic of 1837, 95–96; at Tahlequah Grand Council, 126; treaty and yearly annuity, 66–67; treaty negotiations (1816), 73; Treaty of 1830, 261n39; Treaty of 1837, 93; Treaty of Pontotoc Creek (1833), 82, 261n39; Western resettlement and, 93, 97
- Chinn, Julia, 62
- Chivington, John M., 202–3
- Choctaw Academy, 63–64, 113, 120–21, 137, 172, 273n51
- Choctaw Company, 162
- Choctaw Nation: Alabama and Virginia bonds, 184, 292n13; Alabama state bonds, 146; Andrew Jackson and treaties, 41, 56–57; Arkansas lands sold, 62; attempted dispossession, 47; bond defaults and, 146; Chickasaw land purchase, 93; Chickasaws 1855 treaty, 175; civilization policy and, 60; Civil War bond expenditures, 200; class decision to disaffiliate, 171; Confederacy and proslavery position, 188; constitution of, 136; Creek Civil War and ceded territory, 45; education funding, 49, 57, 59–60, 63, 137; Elliot Mission and, 53–54, 61; enslaved labor and cotton cultivation, 46; expedition to Arkansas territory, 81; Indian territory and, 130; investigation into fraud against, 159–60; land speculators and, 171; land transfers to the United States, 86; missionaries and, 59; missionary-run schools and, 43, 137; Mississippi speculators and, 159–60; Native claims agents and, 171–72; net proceeds claim, 175, 186, 188, 199, 208–9, 219; nonpaying bonds post Civil War, 200; Panton and Leslie land sale (1805), 251n12; planter elite and, 52–53; post–Civil War treaty and slave emancipation, 199–200; removal to Indian Territory, 86; removal treaty (1830), 77; Richard Mentor Johnson and, 62; Southern state bond investments, 185–86; squatters, 60; stolen bond accounting, 185; Tombigbee River land, 60–61; treaties and education funding, 41–42, 60–62; Treaty of Dancing Rabbit Creek (1830), 171, 174–75; Treaty of Doaks Stand (1820), 42, 60–61, 64. *See also* American Board of Commissions for Foreign Missions
- Choctaw National Council, 93, 143, 173–74
- civilization policy: anticivilization movement, 44; Choctaw’s selective embrace of, 60; costs of, 58; dispossession through civilization, 43; education trust funds and, 57, 106; hybrid patrilineal property regime, 55; land compaction and, 44, 132; motivation for, 44; Native South and, 44; purchase of livestock for Chickasaws, 73; resistance to, 45
- Civil War: annuities and, 186–89; Battle of Bull Run, 189; Battle of Pea Ridge, 196; Creek exodus to Kansas, 198; Gettysburg Union victory and, 191; Indian trust fund investments and, 191, 193; Internal Revenue Service, 190; “loyal nations,” 200; military-fiscal crisis of, 190; national legal tender “greenbacks,” 190; Native protection of homelands, 193–94; treaties of 1866, 200; Union financing of, 189, 196; Union war bonds, 190–91. *See also* Confederacy
- Clark, William, 138–39, 155
- Clay, Clement Comer, 88
- Clinton, Bill, 223
- Clum, H. R., 210
- Cobell, Elouise, 1–4, 13–14, 218, 221–25, 305n27
- Cobell v. Babbitt*, 223–24
- Cobell v. Salazar*, 223–24, 305n27
- Cochrane, John T., 175
- Coffee, John, 78–80
- Coffin, William G., 186
- Colbert, Holmes, 200–201
- Colbert, James, 96, 164
- Colbert, Levi, 66–67, 69, 71, 73, 79–82, 92, 94
- Colbert, Levi and George, 71, 73, 92
- Colbert, Martin, 92
- Colbert, Pitman, 163, 165

- Colbert, William, 253n21
Colbert, Winchester, 199–200
Colbert family, 74
Colorado, 178, 202
Comanches, 93, 127, 133, 142, 144, 151, 177, 188–89, 194
Confederate States of America: annuity debts abandoned, 182; annuity distribution, 197; Bleeding Kansas and, 188; Cherokee scorched-earth campaign, 198; Confederate–Native conspiracy, 193–94; diplomatic recognition and, 190; financial hardships of, 197; Fourteenth Amendment and, 200–201; Native divisions within Civil War, 181, 184, 200; slavery and cotton cultivation, 196–97; Southern Indian Territory and, 186; Southern state bond investments, 180–81, 183, 185–89; Southern states war bonds repudiated, 200
Congress: annuities as collective revenue blocked (1847), 166–68; House Subcommittee on Indian Affairs, 218; indigenous treaty-making and, 230n8; individuation of annuities, 167–70; investigation into fraud against Native tribes, 159–61; law barring Native nations from hiring attorneys (1847), 172–73; treaty making with Native peoples abolished (1871), 209
Cooacoochee (Seminole), 127
Cooper, Douglas, 175
Coquillard, Alexis, 123, 282n5
Corcoran & Riggs, 164–67, 180
Cornelius, Elias, 41–42
Cornplanter, 24, 28–29, 31–34, 39–40
Corwin, Robert G., 287n38
cotton cultivation and marketing, 46–47, 80–81, 90–92, 95, 113
Court of Claims, 2, 177, 219–20, 287n40
Coushattas, 133, 142
Coyler, Vincent, 210
Crawford, Thomas Hartley, 137, 145, 147, 168
Creek Nation: annuity disbursements, 197; annuity shared with Piankashaws, 136–37; Civil War and treaties, 186; Confederacy and, 188; Creek Civil War and ceded territory, 45–46, 250n9; enslaved labor and cotton cultivation, 46; expedition to Arkansas territory, 81; Grand Council and, 127; Harris speculation and, 111, 113; investigation into fraud against, 159–60, 177; Jackson invasion of, 41–42; land transfers to the United States, 86; Louisiana bonds and, 184; McCoy and Baptist church, 137; nonpaying bonds post Civil War, 200; Osage raids of, 144; post–Civil War treaty losses, 199; removal contractors and, 93–94; Reynolds civilizing mandate and, 44; suppression of militants, 88, 130; Tahlequah compact, 151; at Tahlequah Grand Council, 126; Tenskwatawa’s movement and, 45; U. S. citizenship and, 213
Dakotas, 101, 104, 143, 177, 211
Dakota War (1862), 194–95
Davis, Jefferson, 188
Dawes Act (1884), 166, 216–17, 222
Dawes Severalty Act (1887), 13
declining population expectations, 21, 65, 129, 168, 169i, 302n89
Deer, Ada, 218–20, 223
Delafield, John, 90
Denver, James W., 183
Department of the Interior, 2, 13, 175–76, 212–13, 222–23, 302n89
Dole, William P., 183, 185–86, 192
Doolittle, James, 192
Downing, Lewis, 201
Durno, James, 91
Eaton, John, 77–78, 261n30
education: Chickasaws, Choctaws and Cherokees and, 49–50, 53–55, 57–62, 79–80, 137; Congressional funds for, 50–51; funding for, 41–44; grandparents’ role, 51–52; missionary techniques for funding, 64–65; printing press and, 53
Ellicott, Joseph, 34–35
enslavement and enslaved labor: Cherokee practice of, 56; Chickasaw enslaved migrants and, 94; Colbert family and, 80; Great Crossings

- plantation, 62; at missions, 52; Native communities and, 46–47; Native emancipation post Civil War, 199; state banks and loans, 89. *See also* Confederacy
- equity law, property regime and trusts, 33
- Eustis, William, 39
- Evans, George, 147
- Evarts, Jeremiah, 59
- Ewing, George and William, 152–53, 158–59, 282n5
- Ewing, Thomas, 165–67
- “factory” system, 38
- Farmer’s Brother, 15–17, 24–25, 36, 39, 245n38
- federal government: annuity distribution, 74i; banking and currency of, 37; Chickasaw lawsuit, 163–65; Compromise of 1850, 176; continental ambitions and, 150, 175–76; failure to fulfill obligations of, 58; federal trusteeship claims, 164–65, 287n37; gratuities and Native claims, 219–20; income from “western” lands, 18, 20; Indian affairs expenditures, 204i; Knox’s “conciliatory system,” 24; Mexican-American War (1846) and Treasury bonds, 150, 176; monetary infrastructure of, 69–70; overdue interest repayment, 192–93; petition against per capita annuity distribution, 170; repayment of trust fund thefts, 191, 292n11; right to purchase Native lands, 26–27; speculation and land management, 58, 265n63; state bond regulation, 148–49; supplementing worthless bond interest, 201, 298n60; treaty obligations and Civil War, 181. *See also* Hamilton, Alexander
- Federal Land Office, 47, 58, 73, 84, 90–91, 95
- Fetterman, William, 203
- fiduciary colonialism: ambivalence of annuities, 10, 17, 177; annuities for territorial expansion, 209; Civil War and, 180; claims of profligacy and withholding cash, 96; compensation to avoid war, 129; control of Native peoples, 225; deferral of annuities and, 100, 127; definition of, 4; elements of, 40; forced migration and, 70; history of, 12–13; individuation of annuities, 217–18; post-Civil War fiscal calculus, 182; Seneca lands as capital, 37; attempts to shatter Native sovereignty, 213–14; successful functioning of, 6
- First Bank of the United States, 6, 15–16, 30, 32–34, 36–37, 39, 42, 83, 193
- Fitch, G. N., 292n11
- Fitch, Thomas, 207
- Florida, 38, 141, 149, 182, 201. *See also* Seminole Nation
- Floyd, John, 191
- Folsom, David, 41–45, 53, 57, 59–64
- Folsom, Israel, 174
- Folsom, Nathaniel, 52–53
- Folsom, Peter, 185, 292n13
- Forsyth, Thomas, 105
- Frazier, Jackson, 165
- Frazier, Maxwell, 165
- Gaines, George S., 86, 90
- Gallatin, Albert, 39
- Garland, Samuel, 174
- Garvin, Isaac L., 214
- General Accounting Office, 220, 222
- Georgia, 45–46, 130, 182, 201, 258n11
- Gonzales, Alberto, 224
- Gorham, Nathaniel, 22–23, 28
- Granger, Erastus, 15, 17
- Grant, Ulysses S., 206
- Great Britain: British creditors, 18, 33, 140–41, 150, 190; Civil War and, 196; diplomatic relations, 141–42; fur trading, 38; Haudenosaunee Confederacy and, 21; Shawnees and, 17; US-Canadian border and, 142. *See also* War of 1812
- Great Salt Plains trading zone, 151
- Greenleaf, James, 26
- Gwin, William M., 162–66, 287n37
- Hamilton, Alexander, 6, 17–20, 22–23, 27, 32–34, 37–39
- Harlan, James, 192–93
- Harris, Carey A., 94, 96, 110–11, 113–16, 119, 121–22, 139, 146, 278n30

- Haudenosaunee Confederacy: American Revolution and its aftermath, 21–22; civilizing efforts, 44; compensated dispossession and, 24–26; fictive colonial grants, 22; land bridge connections and, 101; land cession treaty, 104; Pickering and continued neutrality, 27; treaties of, 19, 28–30, 36; unified neutrality, 21; War of 1812 and, 15, 39
- Henderson, Thomas, 63–64, 137
- Hepburn v. Griswold* (1870), 201
- Herring, Elbert, 110, 120
- Hicks, Charles, 52
- Ho-Chunks, 101, 104, 142, 168–69, 171
- Hole in the Day (Ojibwe leader), 195
- Holland Land Company, 23, 26, 31–34, 36, 104, 246n52
- Homestead Act (1862), 209
- House of Baring, 38, 113, 141, 150
- Houston, Samuel, 133, 142
- Hoyt, Ard, 54
- Hubbard, David, 89–90
- Indiana: Anishinaabeg (Odawas, Ojibwes, and Potawatomis) and, 118; bond defaults and annuities, 141, 146–47, 298n57; British debt and, 150; federal land purchase, 105; federal sums owed to Indiana, 201; Mammoth Internal Improvement Act (1836), 116; mixed ancestry and trading marriages, 155–56; public land sales boom and crash, 116–17; Union state and annuity debts abandoned, 183, 292n8; United Nations trust fund bond purchase, 110; Wabash and Erie Canal bonds, 103–4, 107–10, 116–17, 158
- Indian agents: Choctaw Academy and, 121; contractors and kickbacks, 160; difficulties of, 176; distribution of specie by, 107, 134, 156; Grand Council and, 127; independent councils and, 144–45; marriage to Native women, 155–56; off-reservation wage labor and, 213; Republic of Texas and Native disarmament, 143; sale of rations and good prohibited, 211; schools and, 137; Seminoles and, 129; traders and, 117, 151, 155–56
- Indian appropriation bill of 1871, 208
- Indian claims and claims agents: claims as an asset for speculation, 165–66; Court of Claims informal ban, 177; government effort to foreclose, 177; Indigenous leaders and, 154, 283n7; Munsee annuities, 174; Native claims agents, 171–73, 288n64; Ohio Shawnee claim for land compensation, 174; petitions for redress before Congress, 162–63; postremoval claims crisis, 178–79; recovered fund fees, 163; removal-era treaty claims, 174; treaty violations and, 174–75. *See also under* Choctaw Nation
- Indian Claims Commission, 220
- Indian removal: postremoval Cherokee Nation grand council, 126, 145; compensation for improvements, 160–61; era of massive dislocation, 12, 67, 130; financialization of Indian wealth and, 101; government malfeasance or incompetence, 160; Jacob Brown and Arkansas bond swindle, 114; Lake Michigan homeland, 98; land sales and financing of, 96–97, 260n26; Missouri removal, 113; myth of Indigenous extinction, 129; Osage lands and, 127; Panic of 1837 at peak removal, 95; removal contractors and, 282n5; removal treaties, 77; support for mass dispossession, 76–77; United Nations of Odawa, Ojibwe, and Potawatomis to Kansas, 100–101
- Indian Removal Act (1830), 66, 77, 127, 129, 157
- Indian Territory: annuities and education, 137; annuities and leadership salaries, 136; annuities disbursements and withholding, 138–40; annuities for infrastructure, 137; Biloxi, 133; Buffalo ranges, 132; Caddo lands and, 133; Cherokee Nation and, 126, 131–34; Chickasaws in, 81, 94–97, 130, 132–33; Choctaw Nation, 86, 130–33; Civil War effect, 198; commerce and peace in, 144; Confederacy and, 196–97; Coshattas, 133; Creeks and, 130, 132; displaced Natives to, 130; Fort Washita, 148; geography of, 130–32; Great Peace, 143–44; guns

- and ammunition, 144; Illinois Nation, 133; independent councils, 144–45; infighting and outside conflicts, 132–34; Iskvlli Kaunti “Money Town,” 137; Kansas and, 132; Kickapoos, 132–33; Lenape Nation, 133; Miamis and, 123; multinational Indigenous warfare fear, 149; Osages and Osage land, 127, 130, 132–33; post–Civil War treaty losses, 199; Potawatomi Nation, 130, 132; Quapaws, 132; railroads effect on, 204; Republic of Texas and, 133–34, 142–43; Sauks and Meskwakis and, 104, 132; Seminoles and, 129–30; settler protection and, 133; Shawnees, 133; specie annuities and, 134; trading liquor and alcoholism, 134; violence, disease and famine in, 135–36
- Indian trust fund, Treasury Department investments, 82–83
- Individual Indian Money accounts, 218, 221–23
- Innus, 101
- international credit, 149–50
- Intertribal Monitoring Association on Trust Funds (ITMA), 221, 223
- Iowa Nation, 180, 191
- Iowa Territory, 98, 119, 138, 194
- Iroquois. *See* Haudenosaunee Confederacy
- Ishtehotopa (*minko*), 92, 164
- Jackson, Andrew: annuity funding and, 5; Cherokee treaty demand, 81; Chickasaw petitions, 93; Choctaws fight alongside, 41; Colbert’s petition to, 66, 69, 80–81; Creek territory invasion, 42; federal bonds retired, 149; Indian removal campaigns of, 67; Indian territory plan, 130; known as Sharp Knife, 45; mass dispossession policy and, 77; Maysville Road veto, 109; Nashville and Lebanon Turnpike investment, 114; “pet bank” system, 263n51; removal grievances, 154; removal plans, 210; Specie Circular for land purchases, 90–92, 95; state-led internal improvements and, 109; threats of war by, 106; traders and debts, 156; transportation funding veto, 204; treaty negotiations, 46–47; treaty requirements of removal expenses, 82. *See also* Second Bank of the United States
- Jacksonian era, 240n29
- James, Davis, 165
- James, Robinson, 93
- Jay Treaty (1794), 27
- Jefferson, Thomas, 18, 36–38, 156
- Johnson, Andrew, 200
- Johnson, Reverdy, 165–66
- Johnson, Richard Mentor, 62–64, 113, 120–21, 137
- Johnson, Robert Ward, 172–73
- Kanawha Canal Company, 183
- Kansas, 181, 186, 198–200, 209, 213
- Kansas Nation, 57, 191, 195
- Kaskaskias, 180, 191
- Kellogg, Laura Cornelius, 215–16, 218, 221, 224
- Kendall, Amos, 82, 162, 166
- Kennerly, James Mad Dog, 221
- Kentucky, 8, 19, 62–63, 109, 113–14, 121, 265n63. *See also* Choctaw Academy
- Kickapoos, 25, 93, 101, 132–33, 142, 144, 169, 188, 288n52
- King, William R., 88
- Kingsbury, Cyrus, 50, 53–54, 59, 63
- Kinzie, John, 105
- Kiowas, 144, 177, 188
- Knox, Henry, 23–24, 43
- Kurtz, Daniel, 153
- Lakotas, 178, 194, 202–3
- Lamar, Mirabeau, 142
- Land Ordinance of 1785, 55, 254n30
- Latrobe, John, 199
- Lea, Luke, 175, 178, 183, 185
- Lee, Robert, 231n10
- Lee, Robert E., 198
- LeFlore, Forbis, 171–74
- Lenape Nation, 19, 25, 75, 93, 126, 133, 142, 144, 180, 188, 191, 200
- Lewis, Dickson W., 174
- Lewis, Felix, 148
- Lincoln, Abraham, 186–87, 189, 296n39
- Linn, Louis, 149
- Lisa, Manuel, 155
- Little Crow, 195

- Little Hill (Ho-Chunk), 168–69
Livingston, Robert R., 38
Lolomi (good, beautiful) plan, 216
Long, G. M., 80
Lord Dunmore's War (1774), 19
Los Angeles Times, 224
Louisiana, 133, 149, 182, 184, 201
Louisiana Purchase, 37–38, 231n10
Love, Benjamin, 79–80, 92
Love, Gabriel, 165
Love, Henry, 92
Love, Sloan, 80, 161
Love, Stone, 96
Luce, John B., 173, 288n64
Lujan, Manuel, Jr., 218
- Macalester, Charles, 88
Main Poc (Potawatomi leader), 102
Manypenny, George, 167, 174
Marshall, John, 11, 210
Maryland, 83, 99, 122, 139, 142, 146–47, 265n63
Mashpees, 48
Mason, Stevens T., 83
Massachusetts, 22–23, 49–50
McCoy, Isaac, 76–77, 79, 81–82, 106, 130, 137, 156, 157, 273n49
McDonald, James, 60–64
McDonald, Molly, 60
McHenry, James, 34–36
McIntosh, Roly (Creek chief), 127
McKee, John, 56
McKenney, Thomas, 60–61, 63–64
McKinney, Thompson, 171–74, 288n61
McLean, John, 60
Mdewankton Dakotas, 194
Medill, William, 139, 166
Meeds, Lloyd, 218
Meigs, Return J., 57
Menominee Restoration Act (1973), 220
Menominees, 101, 104, 139, 166–67, 218–20
Mexico: Native groups in, 133; Texas and, 81, 142–45; Treaty of Guadalupe Hidalgo (1848), 17–18, 150, 176, 287n38
Miamis: annuity disbursements in specie, 117; compensated dispossession and, 25; Confederacy and, 188; Potawatomis and, 118, 158; removal and canal construction, 117, 122–23; trader claims, 167; treaty obligations and, 14, 19; Treaty of 1826, 107–9; Wabash and Erie Canal negotiation, 122; “western” lands and, 18; Western resettlement and land sales, 117. *See also* Indiana
Michigan, state and territory, 38, 83, 86, 89, 106, 109, 118, 141–42, 146, 156
Michilimackinac territory, 101
Midewiwin scrolls, 101
Mills, Samuel J., 49
mineral resources, 2, 150, 202
Minnesota Territory, 194–95
missions and missionaries: Baptists, 137; Brainerd Mission, 50–54; Carey Mission, 76; charitable wealth management, 42, 44, 48–49; civilization policy and, 43; Elliot Mission, 53–54; funding and staffing of, 51, 59; homeland marketable value, 52; missionary civilizing plan funding, 76–77; Moravians, 50; Presbyterians, 253n21; Quakers, 45, 60, 63, 206; rejection of, 45; *Remarks on the Practicability of Indian Reform* (McCoy), 76, 81; Second Great Awakening, 48; survey of “Western Indians,” 49
Mississaugas, 101
Mississippi: Chickasaws and, 46, 66, 70, 80; Choctaw Nation and, 41, 86, 171; Civil War and bond defaults, 141, 149; Panic of 1837 and, 95; public land sales, 47, 93, 159–60
Missouri: bond defaults, 146, 281n66, 298n57; bond sales, 113; Civil War and annuity debts abandoned, 183; federal sums owed, 201; state bonds and, 113
Missouri Fur Company, 155
Mitchell, David D., 170
Mix, Charles, 162, 172, 183
money in nineteenth century: cash annuities use in national economy, 75; Continental currency, 37; greenbacks, 190, 194–95, 201; paper money or gold, 298n60; specie and bank notes, 72, 75, 85, 117, 258n11, 260n21
Monroe, James, 38–40, 52, 58
Morris, Robert, 16, 23, 26–29, 31–33, 35–37, 40, 48, 77, 245n38
Morris, Thomas, 30–31
Morris Canal and Banking Company, 140–41

- Morse, Jedidiah, 65
Munsees, 48, 174
Mushulatubbee (Choctaw *minko*), 56, 60, 62–63
- Naishan Apaches, 144
Nantuckets, 48
Napoleon, Louis, 38
Narragansetts, 48
National Banking Acts (1863,1864), 205
Native lands: dispossession through civilization, 43; federal and state government acquisitions, 16, 18–19; Monroe and Native territorial sovereignty, 58; Ohio Company speculators, 19; preemptive title and, 16, 22; Seneca compensated with bank stock, 34–35; settler purchases of, 16; unsettled borders, 32. *See also* Northwest Confederacy
Nevada, 178, 207
New York and Mississippi Land Company, 90
New York state: bond debt and property tax, 149; Canada and skirmishes, 141; debt financing and, 109–10, 116, 149; Oneidas land sale, 29; property laws of, 32–33; Seneca Nation and, 15, 22–23, 28, 36. *See also* canals
Nicholson, John, 26
North American Land Company, 26–27
North American Review, 76
North Carolina, 53, 182–83, 201
Northern Cheyennes, 202
Northwest (midwest): Black Hawk War, 104–5; Lower Great Lakes and, 102–3, 105, 123, 153, 157; Native removal, 100; treaty negotiations in Chicago (1833), 105–6
Northwest Confederacy, 19–20, 23–27, 39–40, 44, 108
Northwest Ordinance (1787), 19, 38, 116
- Odawas: Anthony Wayne and, 25; canal bonds, 108, 110; education funds and, 57, 106; homeland of, 105; Indian territory and, 130; Indian trust fund bond purchases, 98–99, 107; Michigan bond defaults, 146; Missouri removal, 113; Ohio homeland and, 77–78; Pennsylvania bond defaults, 146; post-Civil War bond losses, 200; travel corridors and, 101–3; Treaty of 1836 and debts, 156–57, 284n15; “western” lands and, 18–19
- Office of Indian Affairs: American Board and education funds, 63; annuities as source of money, 75; annuities during removal, 95; annuities withheld, 120–21, 170–71, 139; annuity wage system (1875), 211–12; attorney for claims, 173; bond defaults and annuities, 146–47, 298n57; bond investments, 110; Carey A. Harris investments and swindles, 110–11; Chickasaws attorney and, 162; Chickasaws and Mexican land, 81; Chickasaws education investments, 80, 97; Choctaw net proceeds claim and, 175; Civil War bond accounting, 200; collective expenditures justifications, 170; collusion with State Bank of Alabama, 92; to Department of Interior, 176; education trust fund investments, 83; grievances of fraud by, 154–55, 159; illegitimate expenses, 163; independent councils and, 144–45; Indian Territory internal strife, 133; Indian trust fund bond purchases, 99, 111, 112i, 113–15, 123; interest payments abandoned, 182; investments in state bonds (1851), 183; Luce and Chickasaw fund, 288n64; Miami expelled from Indiana, 122–23; non-Native creditors and, 153, 283n7, 284n15; overdue annuity payments, 193; per capita annuity distribution policy, 170; Phenix Bank of New York and, 90; plan to transfer to the military, 207; post-Civil War trust payments, 201–2; proceeds of ceded lands held in trust, 210, 301n82; Republic of Texas and Native disarmament, 143; Southern state bond investments, 184; state bonds stolen, 185, 191, 292n8; “statistical information,” 167; swindles by staff, 172; trader claims, 167; traders debt claims and, 157–58; unequal or fraudulent treaties and, 127
- Ogden Land Company, 104

- Ohio Nations' War (1791), 19–20, 23
Ohoyoh, Aiahnichih, 53
Ojibwe Nation: Anthony Wayne and, 25;
British tribute and, 38; canal bonds,
108; federal land seizure, 19; fluid cor-
ridors and transportation, 101, 103;
Michigan bond defaults, 146; paper
money payments, 195; Pennsylvania
bond defaults, 146; post–Civil War
bond losses, 200; public land sales,
105; removal from Missouri, 113–15;
treaty compensation for farming and
schools, 106–7; United Nations treaty
and, 98–100; “western” lands and,
18–19
Oktarharsars Harjo, 186
Onondaga Nation, 21–22, 29–30, 48, 170,
215, 218
Opothle Yohola (Creek *miko*), 186, 198
Oregon, 178, 207
Osages, 57, 120, 126–27, 132–33, 137–38,
144, 151, 188, 209
Overton, B. F., 201
Owen, Thomas V., 105, 119

Pacific Railway Acts (1862, 1864), 204–6
Padekoshek (United Nations leader), 120
Panic of 1819, 58, 73, 84–85, 103
Panic of 1837, 95, 97, 113–17, 123, 133, 146
Panic of 1857, 183
Parker, Ely S., 206
Parrish, Jasper, 249n81
Passamquoddys, 48
Pennsylvania: bond defaults and annu-
ities, 142; Carlisle Indian Industrial
School, 212i, 213; fiscal crisis and
default, 142, 146; Portage Railroad, 98;
Seneca and, 22, 28; trust fund bonds
and, 99
Penobscots, 48
People of the Longhouse. *See* Haudeno-
saunee Confederacy
People of the Three Fires. *See* Anishinaa-
beg group
Peorias, 180, 188, 191
Perry, Joseph A., 80
Pesawah, Mary, 123
Phelps, Oliver, 22–23, 28
Phenix Bank of New York, 90
Piankashaws, 136, 180, 191

Pickens, Edmund, 200
Pickens, Israel, 84
Pickering, Timothy, 24–25, 27, 30, 44
Piikanis, 1–2
Pike, Albert, 175, 177, 188–89,
294n22
Pilcher, Joshua, 155
Pitchlynn, Peter, 137, 174–75, 177, 185–86,
197, 201, 208
Poinsett, Joel, 115, 133, 141
Polk, James K., 99–100, 150, 175–76
Pope, John, 195, 207
Porter, George, 105–7
Potawatomis: annuities disbursements
and withholding, 122, 126, 140; annu-
ities in specie, 75; Anthony Wayne
and, 25; bond investments and, 99;
British troops and, 142; canal invest-
ment, 108, 110; Chicago treaty and,
269n17; Choctaw Academy and, 121;
Civil War and, 188; fluid corridors
and transportation, 101–3; greenbacks
and gold, 195; illegitimate treaties,
19; Indian Territory and, 130, 132,
138–39 169; Kickapoos and per capita
annuity distribution, 169–70, 288n52;
McCoy and, 76; Michigan land title
and, 105; overcharges, 155; post–Civil
War bond losses, 200; removal of, 113,
117–19; removal to Iowa Territory,
119–20; request for fortifications, 143;
Tennessee education bond stolen,
292n11; trader claims, 152–53, 157–58;
treaty compensation for farming and
schools, 106–7; treaty of dispossession,
98; treaty promises, 168; trust fund
payments and, 100; “western” lands
and, 18
Pratt, Henry, 213
Prime, War & King, 270n27
Pushmataha (Choctaw *minko*), 45, 56,
60, 62

Quapaws, 126, 132
Quiquito (Potawatomi), 168

racial capitalism, 235n15
Railroad treaty (1868), 209
Real Estate Bank of Arkansas, 115
Red Cloud's War, 203

- Red Jacket (Sagoyewatha), 24, 28–31, 36, 39, 245n38
- Red Lake Chippewas, 3–4
- Reed, Julie, 56
- Reynolds, Benjamin, 44, 79, 81, 92–93
- Reynolds, John, 114
- Richardville, Jean (Pinšiwá), 108, 110, 122
- Ridge, John, 134
- Riggs, George, 180
- Ross, John (Cherokee chief), 50–51, 54, 58, 127, 134, 136, 140, 160, 168, 193
- Ross, William Potter, 138
- Rothschilds, 142, 150
- Russell, William Hepburn, 185, 191, 292n8
- Saffarans, Daniel, 148
- Saginaw Chippewas, 3–4
- Sand Creek Massacre (1864), 202–3
- Sanford, John W., 88
- Santee Dakotas, 143
- Sargent, Aaron, 207
- Sauk and Meskwakis, 104–5, 145, 167, 170
- Schermerhorn, John F., 49
- Schermerhorn, John T., 106, 269n17
- Scott, S. S., 189, 197
- Second Bank of the United States, 50, 58, 72, 75, 78, 85–86, 89, 263n51
- Seminole Nation: Andrew Jackson and, 42, 45; annuity disbursements, 197; ceded territory, 46; Confederacy and, 188, 193, 294n22; diminutive reservations for nations driven from Kansas, 212; post–Civil War treaty losses, 199; Second Seminole War (1835), 128, 130, 133–34, 145; at Tahlequah Grand Council, 126–27; Treaty of Moultrie Creek (1823), 129
- Seneca Nation: American Revolution and its aftermath, 21–22; annuity disbursements, 36, 39–40, 83; annuity for land, 16–17, 30–32, 35; bond defaults and annuities, 146; bond investments and war financing, 39–40, 248n79, 249n81; concept of interest (*ëwödönia:k*), 36–37; Erie Canal and, 104; First Bank of the United States and, 15; land sales and annuities, 77–78; law of equity in land sale, 33; loyalty to American states, 17; Massachusetts and preemptive title, 22–23; missionaries and, 48; Missouri bond purchase, 113; Morris trusteeship and, 34; New York State and federal negotiations (1784), 22; Niagara River land sale, 247n66; population shifts, 21; post–Civil War bond losses, 200; at Tahlequah Grand Council, 126; treaties to sell land, 22; Treaty of Big Tree (1797), 17, 35–36, 40, 104, 193; trusteeship to president and successors, 34. *See also* First Bank of the United States
- Shambonee (United Nations leader), 120
- Shawnee Nation: on Caddo land, 133; Choctaw territory and, 93; claim for land compensation, 174; Creek Nation and, 45; to Indian Territory, 143–44, 146, 188; land sales by, 77–78, 83, 113; Northwest Confederacy and, 25; post–Civil War bond losses, 200; sham treaty at Fort Finney, 19; at Tahlequah Grand Council, 127; treaty paid in money, 75; “western” lands and, 18
- Sherman, William Tecumseh, 203
- Shinkawassa (Osage), 127
- Six Nations. *See* Haudenosaunee Confederacy
- Skawainau (Cornplanter’s wife), 31
- Smith, Caleb B., 287n38
- Smith, Samuel, 161
- Smithsonian Institution, 211
- Society for Propagating the Gospel Among Indians and Others in North America, 48–49
- Society of American Indians, 215–16, 302n2
- South Carolina, 180–82, 201
- sovereign nations, 232n11, 239n27
- Spencer, John C., 147
- Spencer Academy, 137
- squatters, 26, 66, 258n11
- Stambaugh, Samuel, 162, 166
- Stand Watie, 198
- Starr, E. E. (Cherokee), 135i
- State Bank of Alabama, 84–85, 87i, 91–92
- State Bank of Alabama, Decatur branch, 88, 89i, 90–91
- State Bank of Alabama, Huntsville branch, 263n49
- State Bank of Alabama, Tuscaloosa branch, 89

- state governments: banking systems of, 85–86, 263n52; bond defaults and annuities, 128–29, 140–41, 145–46; bond sales to finance improvement debts, 111, 112i, 113; Indian trust fund bond purchases, 115i, 116; Northwest canals and, 104; preemptive title and, 22; public land sales, 116–17; removal campaigns and debt, 83, 127; transportation improvement loans, 109–10; wartime debts and, 22
- St. Clair, Arthur, 19–20, 23
- Steward, William, 204
- Stewart, James, 208
- Stockbridge Nation, 170, 174
- Stone, William J., 215
- Street, Joseph M., 156
- Sullivan, John, 21, 30
- Tahkamwah, 108
- Tecumseh (Shawnee military leader), 45, 62, 102, 147
- Tennessee: banks and specie, 95; Chickasaws and, 46, 70; Civil War and annuity debts abandoned, 182; federal bond payments, 201; federal funds substituted for annuity debt, 201; Jackson's plantation and, 114; trust fund purchases, 83–84; trust funds, 8; volunteer militia of, 145
- Tenskwatawa (Shawnee prophet), 17, 45, 52
- Texas, state and Republic of, 133, 142–43, 176–77
- Thompson, Jacob, 164–66, 172, 183
- Thompson, Richard W., 166
- Tindall, John, 89
- Tipton, John, 117–18, 273n49
- Tonawanda community, 36
- Toombs, Robert, 188
- Trade and Intercourse Acts (1790), 27
- traders, non-Native, 153–55, 157–59
- Trail of Death, 118
- transportation: Leavenworth, Lawrence, & Galveston Railroad, 209; Mississippi river and, 103; New York model for financing, 116; railroad treaties, 209; river transportation, 101; transcontinental railroads, 177–78, 204–6; travel corridors, 205i. *See also* canals
- Treasury Department: bond issues to fund wars, 7, 39; federal bank locations, 95; Indian trust funds and, 82; investments by, 6, 92, 265n63; land sales investment plan, 66; market collapse and, 96. *See also* Hamilton, Alexander
- treaties: failure to fulfill obligations of, 14; negotiation terms and, 8–9; terms of trusts in, 9–10; windfall payments and, 9. *See also under* Nation names
- Treaty of 1825, 132
- Treaty of Fort Jackson (1814), 45, 50
- Treaty of Ghent (1814), 250n9
- Treaty of Greenville (1795), 25–26, 45, 107–8
- Treaty of Paris (1783), 18, 22
- Treaty of San Lorenzo (1795), 27, 38
- truce-breaking and retribution, 202–3
- Truman, Harry, 219
- trusteeship: broken promises and treaties, 207–8; collective ownership and, 216–17; Congressional power over Native nations, 210; distinction with guardianship, 210–11; effects of relationship, 40; executive orders and, 210; failed promises and hostility, 195–96; history of, 10–12, 237n21; intention of, 225; losses from stolen bonds and depreciation, 191, 192i; Native relations post Civil War, 198–99; Proclamation of 1763 (British), 11; termination policy, 219–21; transformation to wardship, 212, 214
- trust funds: Indian agents and, 13; native dispossession and, 7, 123; Native efforts within, 14; state and federal government investment of, 6–8, 233n12; untrustworthy fiduciary and, 8. *See also under individual states*
- Tuscarora land, 21–22
- Tyler, John, 143
- Union Bank of Tennessee, 8, 83
- United Nations of Odawa, Ojibwe, and Potawatomi: agricultural equipment purchase, 139; agricultural funds withheld, 121–22, 139, 278n30; alliance of, 101; annuities and trusts of, 118, 120–21, 138; annuity funds for salaries

- request, 170–71; Council Bluffs, Iowa, 114, 118, 119i, 120–21, 153; education funding and boarding school, 106, 120; Indiana canal funding, 108, 110; leadership of, 105–6; Maryland bonds and, 99, 122, 139; paper money or gold, 195; Relocation Treaty of 1846, 152, 168; removal campaign, 118; Sioux raids, 143; Treaty of 1821, 106; Treaty of Chicago (1833), 106–7, 118–20, 122, 139, 168, 269n17; Western resettlement and, 117–18, 124i
- Upper Canada rebels, 141
- U. S. Congress: annuity funding and, 58; Bureau of Indian Affairs mismanagement, 3–4; federal assumption of states' debts, 141; federally chartered corporations and, 15; Indian appropriation bill of 1917, 215; indigenous treaty-making and, 4–5, 182; Seneca treaty ratification, 34
- US Constitution, 32, 69, 163, 200
- US Mint, 37
- Van Buren, Martin, 96, 113, 121
- Vattel, Emerich de, 11–12
- Virginia, 182–85, 197, 201–2
- Wabanakis, 101
- Wabaunsee (Potawatomi headman), 126
- Wadsworth, Jeremiah, 29, 34–35
- Wahpekute Dakotas, 194
- Walker, Robert J., 150, 162
- Wambditanka (Mdewakanton leader), 194
- Ward, William, 62–63
- War Department, 6, 15, 27–28, 38, 103, 130, 249n81
- War of 1812, 38–39, 44
- Washington, George, 19, 21, 24, 26, 28–29, 128
- Wayne, Anthony, 25, 27
- Weas, 180, 191
- Weatherford, William B., 105
- Webster, Daniel, 141
- West Virginia, 201
- Whitcomb, James, 150
- Wolf, James, 80–81, 164
- Woodbury, Levi, 82–84, 88, 90–92, 94, 264n57
- Worcester, Samuel, 56
- Wyandots, 19, 25, 48, 74, 101–2
- Yankton Dakotas, 143