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tion of her gallery began with the direct question, "What did this art collection cost?" and federation publications consistently made note of its great (and appreciating) value. In 1907, when the KFWC was lobbying the state legislature to accept the gift of the Aplington Art Gallery, each lawmaker was given a small card that prominently declared that "$1,500 would be a low valuation for this collection."[42] This fascination with the cost of artworks was also apparent in the 1920s and 1930s: descriptions of the federation's print and painting collections always included up-to-date estimates of their replacement values. The KFWC bragged in 1938 that "about $2,500 worth of art was shown in the art exhibit at the state federation meeting," and in 1931 the Attica Study and Social Club reported an outing to Oklahoma "to see the million and a half dollar collection of original paintings owned by Mrs. Clubb of Kaw City." The collection, raved the Attica clubwomen, was both "beautiful and valuable."[43]

Although the ethos of the KFWC was implicitly procapitalist, the organization seldom explicitly used so politically volatile a term as "capitalism" in its publications. From the 1920s, however, original art was clearly perceived by the federation as financial as well as cultural capital, and the purchase of artworks was promoted as a soundly capitalist way for clubwomen to support humane pursuits. "It is an established fact that just handling a fine painting creates a desire to own one," according to a KFWC Art Division chair. "Fine Art can become an inheritance like any other property. It is an investment, not an expenditure."[44] Federation publications regularly informed readers that original art made a better long-term investment than reproductions and that the purchase of works by a living artist held the possibility of significant appreciation after the artist's death. During the depression, art was portrayed as a particularly sound investment: "Never have artists sold their work at such reasonable prices."[45] Even the Penny Art Fund, structured as it was with individual contributions like an annuity or life insurance plan, subtly encouraged the viewing of the federation's art collection as a capital asset. The report of a talk by Birger Sandzen to a women's club in Herington suggests how curiously intertwined the spiritual and capitalist allures of art could become:

> [Sandzen] also said that art is an important factor in the lives of our people and that when we have lost the appreciation of prose, art, music and literature we have lost what money cannot buy. He spoke of the value of pictures of Whistler. An Emporia man bought his pictures when they were six and eight dollars apiece. Upon his death, he left a fortune to his wife, the pictures being valued at six and eight thousand dollars.[46]

Although the women's club movement fostered an image of sisterhood and harmonious cooperation, competition was a significant element in KFWC fine arts programs and even played a role in the formation of the federation's art collection. The Penny Art Fund, for example, was designed as a competitive endeavor both on the state and national levels. The GFWC, as well as Mrs. Alvoni Allen herself, offered awards to state federations with the most successful Penny Art Fund campaigns: Kansas Art Division chairs took these national competitions very seriously, and the KFWC was the recipient in the 1930s of several cash prizes and an original watercolor painting. A portion of the fund receipts in Kansas was used to award annual prizes (generally original works by local artists) to clubs that did the most to "raise the standard of beauty in their communities." Additional prizes were given to district officers who were most active in soliciting fund contributions from their members.[47] The KFWC also encouraged competition between clubs (and individual clubwomen) in building collections of original art and, especially after World War II, used statewide contests as the primary means of stimulating interest in amateur art among youth and club members.[48]

Taken as a whole, the KFWC's wide variety of programs to encourage art appreciation, promote the ownership of original works, collect the paintings and prints of Kansas artists, diffuse art through communities, and spur individual artistic creation provided important impetus to the development of the visual arts in twen-

42. Aplington, *Report of Traveling Art Gallery*, 3; a copy of the card is in "Notes in Regard to Art Gallery," 4.
43. "Outstanding Art at State Meeting," *Topeka Daily Capital*, May 1, 1938; "Editorial," *Kansas Clubwoman* 9 (December 1931): 8.
44. Hatfield, "Fine Arts Department," 5.
45. "Facts to be Remembered about the Penny Art Fund," *Kansas Clubwoman* 15 (February 1938): 10.
46. "Sandzen Talks to Club," unidentified newspaper clipping, "Fifth District Press and Publicity Department Scrapbook."
47. "Penny Art," *Kansas Clubwoman* 11 (December 1933): 8.
48. "Facts to be Remembered about the Penny Art Fund," 10. Individual competition and personal ambition appeared to contribute to the making of the KFWC's successful art programs as well. Several very enterprising and determined Art Division chairs used the office as a springboard to higher positions both in the state federation and at the national level. Julia Lofgren, for instance, was elected KFWC president in the wake of her successful rejuvenation of the federation's art activities in the

Among the many significant artworks in the KFWC collection is this 1932 print entitled Be it Ever So Humble *by Prairie Print Maker Charles M. Capps of Wichita.*

tieth-century Kansas. Above all, perhaps, the federation's efforts seem to have been particularly beneficial to the reputations, careers, and pocketbooks of the professional artists of the state. The KFWC traveling exhibits provided local artists with statewide exposure and public recognition. The federation's programs spotlighted Kansas artists who, even in the heyday of American regionalist art, felt slighted by the metropolitan art centers on the East and West Coasts. Clubwomen, in recognition of the "close relationship that has existed for over fifty years between Dr. Sandzen and the women of the Kansas Federation of Women's Clubs, through lectures and exhibitions," contributed generously to the establishment of the Sandzen Memorial Gallery in Lindsborg.[49] Most importantly, the KFWC provided the often struggling artists of Kansas with something more concrete than legitimacy, immortality, or popular acclaim: actual monetary income. Federation lectures, publications, and exhortation helped convince Kansans of the potential spiritual and financial rewards of buying original works by living artists. Clubwomen gave artists substantive assistance in marketing, not only by mounting exhibitions but also by distributing lists of active local artists, substituting artworks for loving cups in school contests, and often even acting as unpaid sales staff. A Federation Art Division chair exulted in having been "instrumental in placing more than twenty original pictures"; one KFWC district chair was recognized for selling 113 prints to junior club members, "without one cent of profit to herself"; local clubs reported purchasing a dozen original paintings in 1950–1951 alone.[50] The significance of the KFWC art collection clearly went far beyond the acquisition and display of some one hundred works by Kansas artists.

To dismiss the cultural activities of American women's clubs as dilettantish, passive, or narrowly self-centered requires a conscious disregard for the history of the determined, energetic clubwomen and their ingenious, effective fine arts program. Moreover, to suggest that after 1920 the clubs were "reduced to single, sometimes erratic issues such as flags in the schools and antibolshevism, or to Tuesday teas and bridge parties," grossly oversimplifies the motivations, underestimates the methods, and denigrates the achievements of groups such as the Kansas Federation of Women's Clubs.[51] Although one should not exaggerate the impact of clubwomen on the diverse cultural landscape of twentieth-century Kansas, the scale and scope of their art initiatives demand thoughtful historical consideration. As one federation leader concluded, with ample justification, "If art has made progress and is on the way to further progress, it is largely due to the influence and enthusiasm of women, and the great hope for the future lies in the interest and activities of American women. It has been my observation that a great deal of this interest and progress in art is due to the credit of the club women."[52]

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mid-1920s. The administrative careers of Mrs. J. E. Johntz, Mrs. Albert Kushner, and Mrs. P. A. Petitt traced this same trajectory, and Mrs. Petitt eventually rose to become chair of fine arts at the GFWC. Mary Butcher gained national recognition for her Penny Art Fund drive in Kansas and was personally chosen by Mrs. Alvoni Allen to succeed her as the chair of the national fund committee in 1937.

49. "Proposal for Art Center Made in Resolution," *Kansas Clubwoman* 30 (October 1953): 9; *see also* Mrs. Allan C. Felt, "A Kansas Artist's Dream Nears Reality," ibid. 32 (October 1955): 4–5; "Artist on the Prairie," ibid. 34 (February 1958): 1–2.

50. Mrs. C. F. Hough, "Department of Fine Arts—Art Division," Kansas Federation of Women's Clubs, *Year Book, 1931–1933* (N.p.: n.d.), 235; Mrs. Geo. Philip Jr., "Art," ibid., *Year Book, 1935–1937*, pt. 2, 36; Mrs. R. O. Bradshaw, "Art—An International Language," *Kansas Clubwoman* 28 (October 1951): 8.

51. Underwood, "Civilizing Kansas," 306.

52. Mrs. J. E. Johntz, unidentified newspaper clipping, 1931, Kansas State Federation of Women's Clubs, clippings, Library and Archives Division, Kansas State Historical Society.

Kansas State Historical Society Presidential Address 2003

Why the History of Kansas Law Has Not Been Written

by Michael H. Hoeflich

In 1888 Frederick William Maitland, the greatest modern historian of English law, delivered his inaugural address as the Downing Professor of the Laws of England at Cambridge University.[1] In that address he explained to his audience why the history of English law had yet to be written. That explanation, asserting that the sources for writing English legal history had not yet been collected and edited, led to the formation of the Selden Society and, eventually, to more than one hundred years of annual publications designed to bring those sources to light and make them available to historians and the general public. I come to you today, as the outgoing president of the Kansas State Historical Society, with a similar dilemma and a similar plea.

Kansas legal history, like local history everywhere, has been little explored. The work that has been produced primarily has been by lawyers writing for other lawyers. I do not mean to

Michael H. Hoeflich *is the John H. and John M. Kane Professor of Law and former dean of the University of Kansas School of Law. He was elected president of the Kansas State Historical Society in November 2002. He holds degrees from Haverford College, Cambridge University, and Yale Law School, and before coming to Kansas he was dean of the Syracuse University College of Law. He is the author or editor of numerous articles and six books, including* Roman and Civil Law and the Development of Anglo-American Jurisprudence in the Nineteenth Century *(1997).*

1. F. W. Maitland, *Why the History of English Law is Not Written* (London: 1888)

Kansas History: A Journal of the Central Plains 26 (Winter 2003–2004): 264–71.

Because many of the historic documents and records of lawyers and their practices are becoming lost or destroyed, it is important to preserve the rich legal history of Kansas. This 1920s photograph depicts the law office of D. R. Beckstrom, Tribune.

belittle this work—some is of the highest quality—but it is neither comprehensive nor uniform. More to the point, Kansas has a rich and important legal history that needs to be brought to light. The time is fast approaching when it will become impossible to write a history of Kansas law or of the legal profession. It will become impossible to do so precisely because the sources for writing such history will have been destroyed or lost in the maw of that vast amount of paper that disappears from our law offices and judicial chambers each day.

I do not want to suggest that there have not been some fine works produced about Kansas law. There have been. We have, for instance, Virgil Dean's collection of essays *The Law and Lawyers in Kansas History*, published by the Kansas State Historical Society in 1991.[2] That collection contains a number of important articles: the federal courts in Kansas by Judge James K. Logan, the history of women lawyers in Kansas by Linda Elrod, and Justice David Prager's history of the Kansas judiciary, among others. There is also Robert Richmond's collection of essays published by the Kansas Bar Association, *Requisite Learning and Good Moral Character*, with articles by Justice Robert H. Kaul, Bill Kelly, Paul Wilson, and Elmer Jackson, among others.[3] And,

2. Virgil W. Dean, ed., *The Law and Lawyers in Kansas: A Collection of Papers Presented at the 116th Annual Meeting of the Kansas State Historical Society, October 4 & 5, 1991* (Topeka: Kansas State Historical Society, 1991).
3. Robert Richmond, ed., *Requisite Learning and Good Moral Character: A History of the Kansas Bench and Bar* (Topeka: Kansas Bar Association, 1982).

of course, we have the late Paul Wilson's collected essays, *Musings of a Smiling Bull*, published by the University of Kansas School of Law in 2000.[4] Further, a number of important legal historical articles have been published in various scholarly journals, including the journal of the

At the end of the nineteenth century some law schools were closed to blacks, and African Americans wanting a legal education turned to Kansas, where they were welcome. Two black students (top row) appear in this photo of an 1890s law school class at the University of Kansas.

Kansas State Historical Society. One excellent study, which I assign to my students when I teach my seminar on Kansas legal history, is Lyn Ellen Bennett's "Reassessing Western Liberality: Divorce in Douglas County, Kansas, 1867–1876.[5] But such articles only scratch the surface of our rich history. We have no monographic history of the law or lawyers in our state. Most histories of the state do little with this subject, and even the standard bibliographies devote it little space or attention.

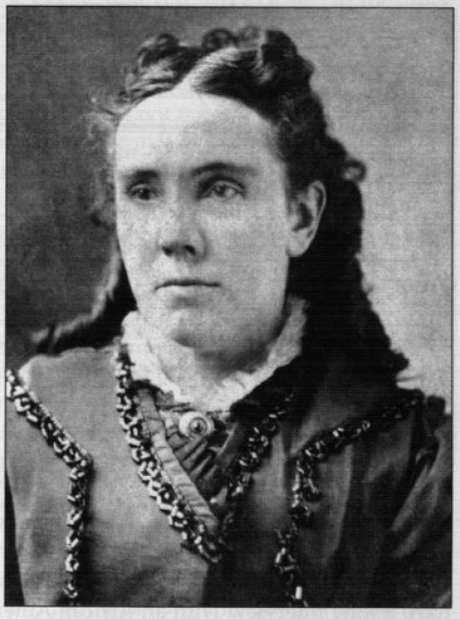
Tonight I want to do three things very briefly. First, I want to illustrate for you just how rich and how important Kansas legal history is. Second, I want to tell you of the great dangers facing the materials needed for writing that history. Third, I want to suggest a possible solution.

The United States is a nation of law. Lawyers have played an immensely important role in shaping our culture and our society. This is as true on the local level as it is on the national level. Yet, when looking at the standard histories of most states, including, as I have mentioned, Kansas, one finds very little discussion of laws and lawyers. In the case of Kansas, it is as if its legal history consisted of only two important moments: drafting the Wyandotte Constitution

4. Paul E. Wilson, *Musings of a Smiling Bull: Selected Essays, Articles and Speeches* (Lawrence: University of Kansas School of Law, 2000).
5. Lyn Ellen Bennett, "Reassessing Western Liberality: Divorce in Douglas County, Kansas, 1867–1876," *Kansas History: A Journal of the Central Plains* 17 (Winter 1994–1995): 274–86.

and the litigation in *Brown v Board of Education*. Of course, this is not true. In fact, Kansas has a great deal of history concerning the law and lawyers.

As one example, non-Kansans often misunderstand the legal history of race in our state. They understand that Kansas was born in a battle over slavery, and often they are confused as to how the free state also became a battleground over school segregation. In fact, the legal history of race relations in Kansas is far more complex than it first appears. As we now know through the work of many historians, many freestaters of the territorial period were neither abolitionists nor in favor of granting extensive legal rights to African Americans. Instead, they simply wanted to keep Kansas from becoming a slave state. Indeed, the Wyandotte Constitution explicitly rejected giving African Americans the right to vote.[6] On the other hand, throughout much of the nineteenth century the Kansas black population was legally entitled to equal access to education. The 1954 decision in *Brown v Board of Education* was preceded by a very similar case, unreported and now long forgotten: *Daniels v South Topeka Board of Education*.[7] In the *Daniels* case, a young black woman wanting to attend South Topeka High School in 1886 was rejected and told to attend a segregated, black high school nearby. Daniels sued the South Topeka Board in the District Court of Shawnee County. She won her case, and the court held that the Board of Education could not bar her, on the basis of race, from attending South Topeka High. Nearly a century before *Brown*, the District Court of Shawnee County got it right!



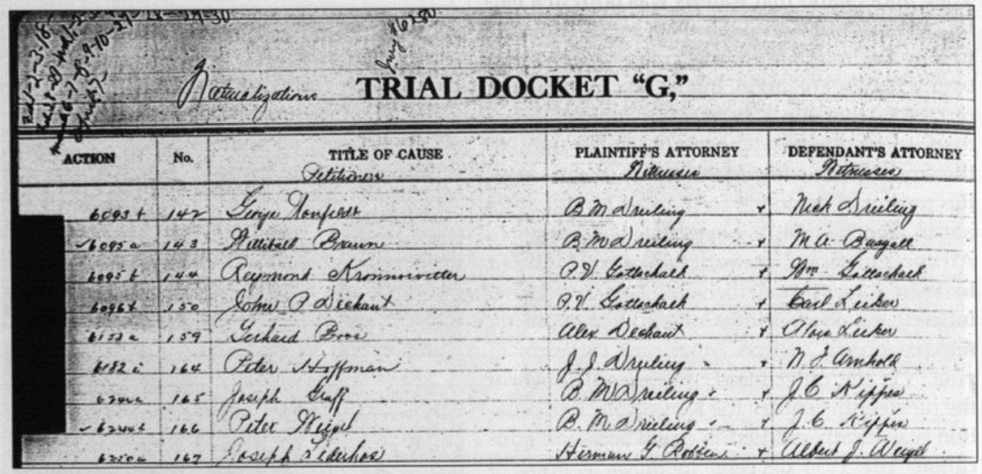
The Kansas Bar Association was one of the first in the nation to admit a woman as a full member. Maria Elizabeth DeGeer, pictured here, holds that honor. DeGeer was admitted to the state bar in 1886 and to the bar association the following year.

A second example is equally enlightening. For more than a century Kansas has had two excellent law schools: Washburn University and the University of Kansas. At the University of Kansas School of Law our classrooms are decorated with pictures of graduating classes. It is fascinating to trace the history of the racial mix of law school classes through these photographs. Before the First World War a number of black faces can be seen in most classes. The reason for this is quite interesting. At the end of the nineteenth century some law schools in nearby states

6. *Kansas Constitutional Convention: A Reprint of the Proceedings and Debates of the Convention which Framed the Constitution of Kansas at Wyandotte in July, 1859* (Topeka: Kansas State Printing Plant, 1920), 296–305. *See also* the author's chapter on Kansas, 1854–1861, in *The Uniting States* (forthcoming, 2004).

7. A note of this case with few details appears in the *Kansas Law Journal* 4 (January 1, 1887): 329. The laws permitting segregated schools in some Kansas cities had been changed just a few years prior. *See* James C. Carper, "The Popular Ideology of Segregated Schooling: Attitudes Toward the Education of Blacks in Kansas, 1854–1900," in *Kansas History: A Journal of the Central Plains* 1 (Winter 1978): 254–65.

were closed to blacks. African Americans who wanted to have a legal education came to Kansas, where they were welcomed. I do not wish to suggest, however, that the history of the legal profession in Kansas is one of unmitigated racial enlightenment and support for civil



Naturalization TRIAL DOCKET "G,"

ACTION	No.	TITLE OF CAUSE Petitioner	PLAINTIFF'S ATTORNEY Witnesses	DEFENDANT'S ATTORNEY Witnesses
6093 t	142	George Vonfeldt	B M Dreiling +	Nick Dreiling
6095 a	143	Wilibald Braun	B M Dreiling +	M A Bazzell
6095 t	144	Raymond Krommeriller	A V Gottschalk +	Wm Gottschalk
6096 t	150	John A Dechant	A V Gottschalk +	Carl Lieker
6153 a	159	Gerhard Boos	Alex Dechant +	Alois Lieker
6182 i	164	Peter Hoffman	J J Dreiling +	N J Arnhold
6344 c	165	Joseph Graff	B M Dreiling +	J C Kippes
6344 c	166	Peter Weigel	B M Dreiling +	J C Kippes
6350 a	167	Joseph Siederhoff	Herman G Robben +	Albert J. Weigel

Many legal documents are scattered across the state, uncataloged and not preserved for researchers. Fortunately, some records, such as the one depicted here, have been copied and deposited in a research library. This 1916 document, from the Ellis County District Court, is on microfilm at the Kansas State Historical Society.

rights. But we have often been ahead of the curve. A number of years ago I was privileged to have a long interview with an African American graduate of the University of Kansas School of Law. At that time he had already reached his senior years as a successful and distinguished member of the bar. But he remembered clearly his student days during the Great Depression. Attending law school was not easy for a poor black man. He worked at a sorority shoveling coal, among other tasks, to earn his keep. Much of Lawrence, as we know from Langston Hughes's writings, also was segregated during this time.[8] But this graduate of KU had one memory that he cherished and that I now cherish. He told of a celebration dinner held by the law school at a local hotel. When he attempted to take his place in the dining room, he was told by hotel staff that he would have to eat in the kitchen, for blacks were not allowed to eat in the main dining area. When the dean and fellow students overheard this, they informed the hotel staff that the entire group would adjourn to have their dinners in the kitchen, for no law student, regardless of race, would be allowed to suffer from such segregation.

It is possible to fill an entire volume with anecdotes illustrating the rich history of the law and lawyers in Kansas. The Kansas Bar has numbered among its members such illustrious men as William T. Sherman and David J. Brewer and such scoundrels as Theodosius Botkin.[9] In its

8. Langston Hughes, *Not Without Laughter* (1930; reprint, New York: Scribner Paperback Fiction, 1995).

9. Sherman's legal career was both undistinguished and of short duration, although he was an early member of the Leavenworth Bar. Not much has been written on Brewer, a state and U.S. Supreme Court justice, but noteworthy studies are Michael J. Broadhead, "Visions of a Better World. Comparisons of Kansas Jurists David J. Brewer and Frank Doster," *Kansas History:*

early years Kansas was one of the most progressive states in matters such as slavery and civil rights. It was the center of the temperance movement. It was an early model for extension of rights to women. While the framers of the Wyandotte Constitution refused to grant complete suffrage to women, many favored doing so, and the debate and vote were close.[10] In the latter part of the century the Kansas Bar Association was one of the first in the nation to admit a woman as a full member.[11]

Despite its potential importance, Kansas legal history is not taught regularly anywhere in the state at the present time. To my knowledge no college or university professor in Kansas has made Kansas legal history his or her primary field of scholarship.[12] Even more important, no group or society is dedicated to preserving Kansas legal materials, nor is any established program cataloging, collecting, preserving, or publishing the sources from which to write Kansas legal history. And there lies the danger.

When Frederick Maitland gave his inaugural lecture in 1888 his greatest fear was that the sources for English legal history would be lost. I have a similar fear. The sources for Kansas legal history are widely distributed and many are in peril. Some are in the collections of the State Historical Society, but surprisingly few. These are safe. Others are scattered in local historical societies. Some documents are safe; others are in various states of decay. Many of the sources, the official documents of courts and counties and municipalities, are lying neglected in basements of courthouses, lost to memory and soon to be lost to posterity. A few progressive courts have transferred these documents to archives that can protect them. For instance, Douglas County's earliest court records are now preserved at Spencer Research Library at the University of Kansas, thanks to the forethought of the chief judge of the Douglas County courts.

Even more worrisome, however, is that many significant legal documents are in private hands. In the nineteenth and early-twentieth centuries, the line between private and public documents often was not clear to those with access to documents. On occasion, what we would today consider public documents were then treated as private. For example, I recently found advertised for auction on eBay, the Internet auction site, a Kansas justice of the peace case docket dating from 1885 to 1901. It belonged to an Oklahoma family whose ancestor had held a commission as a Kansas justice of the peace. When he retired he simply kept all of his docket books and these, no longer wanted by his descendants, were sold over the Web to a collector. The likelihood is that these will now be lost forever to Kansas legal historians. Much the same happens with wholly private documents. How many lawyers' diaries now sit in bureau drawers in homes throughout Kansas? A colleague of mine has the diary of his grandfather, a notable Dodge City lawyer at the turn of the twentieth century. Certainly, this should remain in his family as a treasured heirloom. On the other hand, a copy should be deposited and cataloged in a research library.

A Journal of the Central Plains 16 (Spring 1993): 42–53; Brodhead, *David J. Brewer: The Life of a Supreme Court Justice, 1837–1910* (Carbondale: Southern Illinois University Press, 1994). *See also Trial of Theodosius Botkin, judge of the 32d judicial district, before the Senate of the state of Kansas, on impeachment by the House of representatives for misdemeanors in office*, 2 vols. (Topeka: State Printer, April 1891).

10. Full suffrage finally was granted to Kansas women in 1912.
11. *Kansas Law Journal* 4 (January 15, 1887): 354.
12. Brian Moline, adjunct professor at the Washburn University School of Law, has written extensively on the subject.

One cannot write history without sources. If we are someday to write a history of Kansas law and lawyers, we must preserve the sources from which to do so. The time to begin the process of protecting those sources is at hand.

How then can we protect and preserve our legal sources? First, the sources themselves must be found, identified, and cataloged. This, in itself, is not an easy task. We will need to identify both the public and the private sources. At the very least we need to catalog existing court records from the beginnings of the Kansas court system. This means going beyond the printed reports of cases and finding such materials as docket books and unpublished cases. We also need to identify remaining administrative records of the courts and even such items as the records of courthouse constructions and modifications. On the private side, we must attempt to identify and catalog the materials produced by lawyers over the course of Kansas history. This entails finding and cataloging the private papers, correspondence, and diaries of both famous and less well-known lawyers who have lived and practiced in our state. And this will be just a beginning.

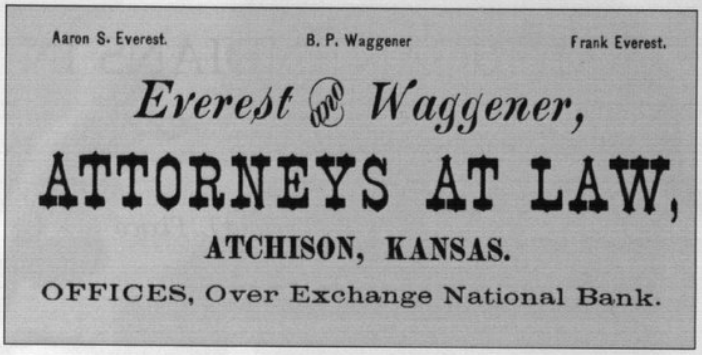
The first phase of any effort to preserve the sources for the history of Kansas law and lawyers should be initiating a project that will seek out and catalog these various documents. Such a catalog should provide basic details including author, date, and present location. The cataloging itself could be done by volunteers and students, followed by a critical examination to determine which sources should be copied or digitized and which should simply be noted. This could be accomplished by historians and legal specialists. We have a model for such an effort. Almost twenty years ago Illinois created the Lincoln Legal Papers Project, whose purpose is to identify, catalog, collect or copy, and publish all surviving legal documents written by Abraham Lincoln or affiliated with his legal practice.[13] The project has been extremely successful. It is a model we could emulate. The Lincoln Papers Project works with the University of Illinois and its faculty and students to find documents and to catalog and interpret them. Much the same could be accomplished here in Kansas with our two law schools and our many excellent colleges and universities. Using current computer technology such a catalog could be accomplished with some speed and could be made available to the public over the Web.

As an ancillary activity of such a project, we must begin to compile a list of lawyers who have lived and worked in Kansas since territorial days. The sources to do so are readily at hand. We have, for instance, state, county, and municipal histories, which often provide lists of lawyers and short biographies. A good and well-known example is the history of Leavenworth by H. Miles Moore, one of the first lawyers in that city, which contains detailed memoirs of the early Leavenworth Bar.[14] Also available are city directories and a large number of collective county biographies, widely published during the last quarter of the nineteenth century and often highlighting lawyers. And most important are the large numbers of newspapers published throughout Kansas, of which our own collection is the best. These contain articles about

13. The Lincoln Legal Papers Project, founded by former Illinois governor James Thompson, has a Web site: www.lincolnlegalpapers.org.

14. H. Miles Moore, *Early History of Leavenworth City and County* (1906; reprint, Marceline, Mo.: Walsworth Publishing Co., 1975).

lawyers and legal proceedings as well as lawyers' advertisements for their services.[15] More than thirty years ago Professor Francis Heller began a project of identifying Kansas lawyers. I have continued this project and already have catalog entries for nearly one thousand lawyers prior to 1940. By compiling such a biographical catalog the search for private legal sources, particularly, becomes much more efficient. When I was a young law professor at the University of Illinois and a consultant to the Lincoln Legal Papers Project it was precisely such a bio-bibliographical catalog that a graduate student and I were able to compile for the Sixth Judicial District of Illinois, the district in which Lincoln rode circuit.



Local newspapers, city directories, and county biographies are excellent resources for locating lawyers who have practiced in Kansas. This advertisement for Everest and Waggener was published in the Atchison City Directory *for 1882–1883.*

We must not, however, be satisfied solely with discovering the names of Kansas lawyers and with cataloging and reproducing Kansas legal sources. Because important documents in our legal history are moldering in damp attics and basements, it is important that institutions in the state serve as a central depository for at-risk legal documents of historic importance. I would hope that the State Historical Society and the libraries of the two Kansas law schools could serve such a function.

The plan I have outlined is not one that will be easy or inexpensive to implement. Yet, time is running out. Each year documents are lost. A vital part of Kansas history continues to be ill-served. The solution to the challenge Maitland issued in 1888 was the creation of the Selden Society that numbers over one thousand members today in more than a dozen countries. We need not aim so high. But certainly the time is long past due for the Kansas Bar, the judiciary, and interested historians of the state to form a society whose purpose is to catalog, preserve, and publish our legal sources. As to funding, we must look especially to the Kansas Bar and to foundations and other sources with an interest in our legal history. This project should be undertaken in collaboration with the Kansas State Historical Society, for the aims of such a project are, of course, consonant with those of the Society. I can only hope that my brief talk tonight may help spur the formation of such a group and lead to the time in the future when another lawyer may stand here as president of the Kansas State Historical Society and speak of how the history of Kansas law *has* been written. KH

15. For an example of how these may be used, *see* Michael H.Hoeflich, "The Lawyers of Old Lecompton," in *Tallgrass Essays: Papers from the Symposium in Honor of Dr. Ramon Powers*, ed. Michael H. Hoeflich, Gayle R. Davis, and Jim Hoy (Topeka: Kansas State Historical Society, 2003), 27–36.

Review Essay Series

AMERICAN INDIANS IN KANSAS

Donald L. Fixico

EDITORS' INTRODUCTION

As Professor Donald Fixico points out in our review essay for this issue of *Kansas History*, the Native American "story is central to any real understanding of the history of Kansas and the West." Professor Fixico, the Thomas Bowlus Distinguished Professor of American Indian History at the University of Kansas, reviews the writings on the history of the region's indigenous peoples while discussing key themes, major studies, and weaknesses in the existing literature. In doing so, he illustrates why the American Indian story is at the center of Kansas history.

Early studies were written by non-Indians and thus did not incorporate the way Native Americans understood themselves in their own world, the invasion of the "new world" by Europeans, or the conflicts with Euro-Americans as they took over the land and as native peoples attempted to defend it. In most of these earlier studies, key themes included Euro-Americans' belief about why they had a right to the land (Manifest Destiny), stories about battles

Kansas is at center stage in the history of the North American continent. Beginning with the indigenous peoples of the Middle Plains, this place now called Kansas has hosted many seminal events in the history and heritage of humankind. The region's native communities and the long-term impact of Kansas on them is the focus of this essay, which will review the nature of the literature about the native peoples of Kansas. Coming from several directions, as observed by Elliott West in his award-winning *Contested Plains: Indians, Goldseekers, and the Rush to Colorado*, these Native Americans fought one another, formed alliances, and understood the West in their own ways.[1] Their story is central to any real understanding of the history of Kansas and the West.

The peoples to whom we here refer were and are a diverse lot. The Kansa, or Kaw, tribe was a small group of about sixteen hundred people, who soon learned that the Osages and the Pawnees, as well as surrounding tribes such as the Kiowa, Arapaho, and Cheyenne, utilized this part of the Great Plains in pursuit of the buffalo. Due to the buffalo, their livelihood was a hunting economy on the Kansas prairie. Following Indian removal during the early and mid-nineteenth century, other groups such as the Iowas, Kickapoos, Sac and Foxes, and Potawatomis came to call Kansas home. In fact, these four tribes are now the native peoples who maintain reservations in north-central Kansas. Their arrivals during the 1830s and 1840s introduced the beginning of great changes for Kansas and its earliest residents.

As a part of Indian life, important themes of "contact," "unseen forces," and "cultural change" permeate the literature and help us more easily understand the complexity of American Indians. Diverse cultures coming into contact with one another for the first time caused abrupt demographic change, as did unseen ab-

Donald L. Fixico *is director of the Center for Indigenous Nations Studies and Thomas Bowlus Distinguished Professor of American Indian History at the University of Kansas. He is also the editor of the* Indigenous Nations Studies Journal.

1. Elliott West, *Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: University Press of Kansas, 1998), 63.

Kansas History: A Journal of the Central Plains 26 (Winter 2003–2004): 272–87.

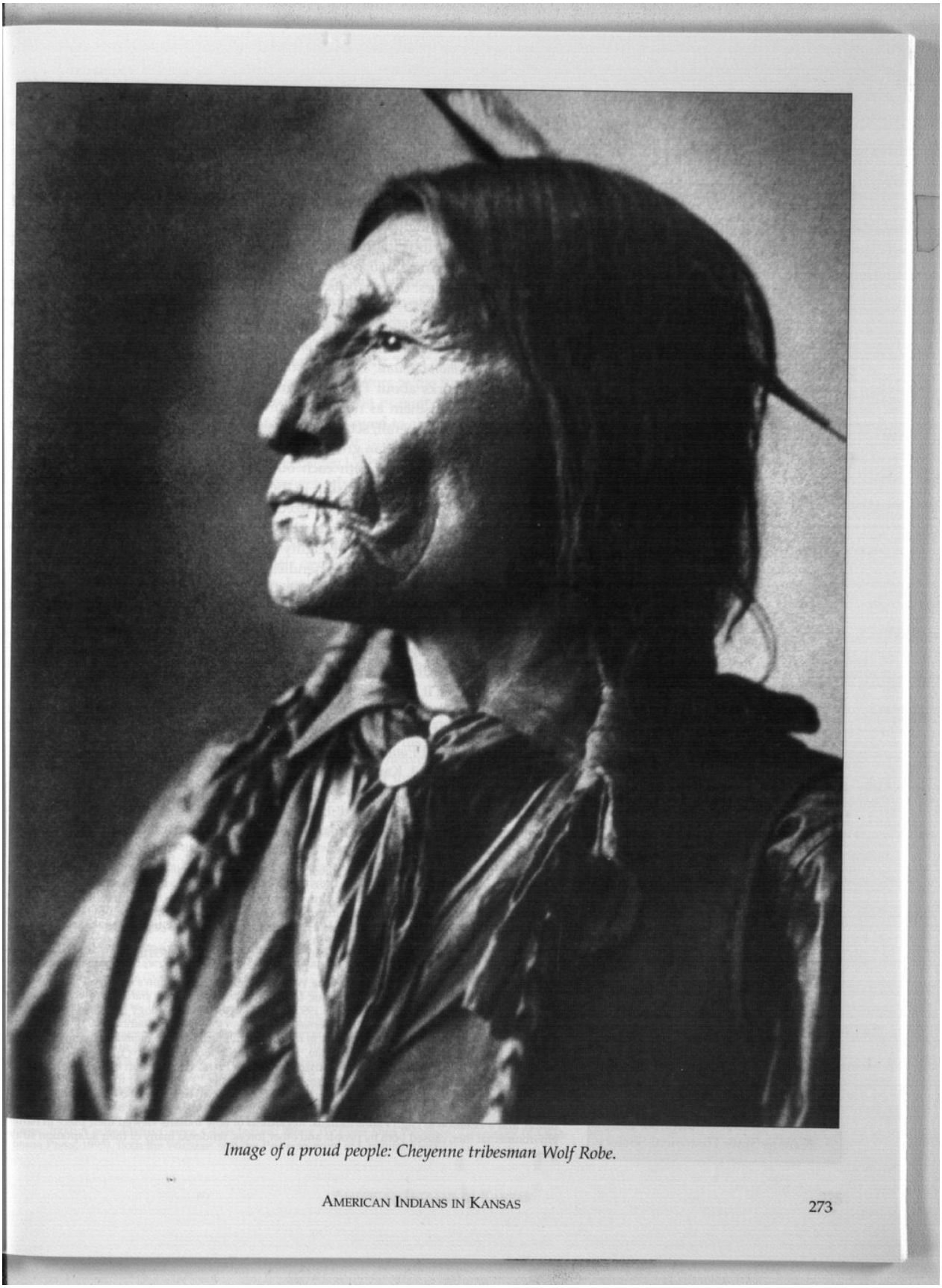


Image of a proud people: Cheyenne tribesman Wolf Robe.

between Native Americans and Euro-Americans, and studies of the U.S. government's Indian policies. In Kansas this involved particularly antebellum removal and resettlement and the Plains Indian wars that followed the end of the American Civil War in 1865.

In recent years, as Professor Fixico demonstrates, there has been a revolution in the thinking and writing about Indian peoples in Kansas and the West. Studies have investigated new themes such as Native Americans and the environment, intermarriage with whites, tribal life, the importance of oral traditions, and the biographies of important figures. For the period after the Civil War, these more recent studies have focused on the Americanization policies of the U.S. government and the efforts of Native Americans to retain and redefine their own identities. Some of the most important struggles occurred in the meeting between Indians and missionaries, as well as the reaction of Indians to the boarding-school experiences..

So, although the literature is rich in some areas, much work is left to be done. As the following article indicates, we need a greater body of ethnohistorical studies of tribes, more emphasis upon Native American perspectives, new research on the urban Indian experience, and studies of leadership, tribal economies, and Indian gaming. Professor Fixico here offers a fine blueprint for future work in American Indian history and a worthy addition to the journal's award-winning "Review Essay Series."

Rita G. Napier
University of Kansas
Virgil W. Dean
Kansas State Historical Society

stract forces such as Manifest Destiny and greed for gold. Embracing indigenous peoples, new tribes, and white settlement, Kansas was indeed a cross-section of diverse cultures throughout the nineteenth century.

The earliest writings about Plains Indians involving Kansas began in 1835 with John Treat Irving's *Indian Sketches: Taken During an Expedition to the Pawnee Tribes: In Two Volumes*. Later works, such as James R. Mead's *Hunting and Trading on the Great Plains, 1859–1875*, have continued to describe the early life of Plains Indians. And still more recent and insightful studies include John C. Ewers, *Plains Indian History and Culture: Essays on Continuity and Change*, and Howard Meredith, *Dancing on Common Ground: Tribal Cultures and Alliances on the Southern Plains*.[2]

The early works about Plains Indians have been cultural descriptions that have both depicted them as nomadic primitive peoples and enshrined them as stewards of nature. Overall, scholars have estimated that perhaps twenty-four to twenty-eight different Indian groups or tribes called the Great Plains their homelands. Intermittent contact with each other and with the natural environment forged a human–nature relationship in the American West.

The buffalo perhaps best symbolized the interaction of life and religion for many Great Plains tribes. An estimated five million buffalo roamed the Southern Plains, a vastly spacious area of eighty-two thousand square miles in Kansas alone. The Plains were a seemingly endless haven for buffalo, antelope, coyotes, wild turkeys, and birds of various species. This continuous enormous landscape, with its wide sky, flat land, rolling hills, prairie, and wild grasses of two hundred types, clearly influenced the thinking of native peoples and shaped their cultures. To address the writings about these people, we must begin to think about Kansas before statehood, without boundaries, and view it as a part of a region known as the Central Plains. It is common knowledge among historians, environmentalists, and observers of nature in general that the Great Plains encompasses this part of the country. Noted historian Walter Prescott Webb described this region in two of his works, *The Great Plains* and *The Great Frontier*.[3] Geographically located in the center of the continent, Kansas witnessed many changes to its indigenous peoples.

Environmental historians Donald Worster, Dan Flores, Richard White, and other scholars in the 1980s and 1990s described the importance of the West in shaping communities and cultures.[4] White insightfully connects native peoples to

2. John Treat Irving, *Indian Sketches: Taken During an Expedition to the Pawnee Tribes: In Two Volumes* (Philadelphia: Carey, Lea and Blanchard, 1835); James R. Mead, *Hunting and Trading on the Great Plains, 1859–1875*, ed. Schuyler Jones (Norman: University of Oklahoma Press, 1986); John C. Ewers, *Plains Indian History and Culture: Essays on Continuity and Change* (Norman: University of Oklahoma Press, 1997); Howard Meredith, *Dancing on Common Ground: Tribal Cultures and Alliances on the Southern Plains* (Lawrence: University Press of Kansas, 1995).

3. Walter Prescott Webb, *The Great Plains* (Boston: Ginn and Co., 1931); Webb, *The Great Frontier* (Boston: Houghton Mifflin, 1952).

4. *See* Donald Worster, "New West, True West: Interpreting the Region's History," *Western Historical Quarterly* 18 (April 1987): 141–56; Worster, *Under Western Skies: Nature and History in the American West* (New York: Oxford University Press, 1992); Dan Flores, "Bison Ecology and Bison Diplomacy: The Southern Plains from 1788 to 1850," *Journal of American History* 78 (September 1991): 465–85; Flores, *The Natural West: Environmental History in the Great Plains and Rocky Mountains* (Norman: University of Oklahoma Press, 2001); Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991). For an interesting look at the horse's impact on the Plains environment, *see* James E. Sherow, "Workings of the Geodialectic: High Plains Indians and Their Horses in the Region of the Arkansas River Valley, 1800–1870," *Environmental History Review* 16 (Summer 1992): 61–84. Sherow concludes, "Horses proved both an innovative addition, and a vexation to High Plains Indians. Regardless of how Indians viewed their place in nature, environmental flux, caused both by people and other forces, rendered many of their adaptation strategies ineffective."

other peoples and the environment, and in his "The Cultural Landscape of the Pawnees," recently published in Rita Napier's edited volume *Kansas and the West: New Perspectives*, he describes the impact of environment on shaping native life.[5]

Although there are 562 federally recognized tribes to date, not all have a written history. Each of the tribes in Kansas, however, has a standard published work. For example, historian William E. Unrau's *The Kansa Indians: A History of the Wind People, 1673–1873*, describes the early history and culture of the Kansa, or Kaw, Indians.[6] Other tribal histories, including Mildred P. Mayhall's *The Kiowas*; Donald J. Berthrong's *The Southern Cheyennes*; Virginia Cole Trenholm's *The Arapahoes, Our People*; and Ernest Wallace and E. Adamson Hoebel's *The Comanches: Lords of the South Plains*, have examined these regular early visitors to the Kansas area and depicted their mobile lifestyle on horseback largely in pursuit of the buffalo. These noble equestrians of the Central Plains have continued to attract scholarly interest, and their histories have appeared in important publications such as John H. Moore, *The Cheyenne: A History and Demography*.[7] While the major tribes now have their classic histories, we can expect younger scholars to complete the task by writing tribal histories about all Indian nations who shared the central stage called Kansas.

The early works about Plains Indians have depicted them as nomadic primitive peoples and enshrined them as stewards of nature.

Beyond published tribal histories, however, it is important to recognize that native peoples, or any group, have their own stories and oral traditions of "how things began." In such creation stories, lessons are told about how people learned to follow certain ways and understand how life was meant to be. They viewed themselves as a part of the earth, belonging to it and to the sun. Both the sun and earth gave character to this region and nourished all life. The following Pawnee creation story describes how these people began life in the Kansas area as they knew it.

> After Tirawa had created the sun, moon, stars, the heavens, the earth, and all things upon the earth, he spoke, and at the sound of his voice a woman appeared on the earth. Tirawa spoke to the gods in the heavens and asked them what he should do to make the woman happy and that she might give increase. The Moon spoke and said, "All things that you have made, you have made in pairs, as the Heavens and the Earth, the Sun and the Moon. Give mate to the woman so that the pair may live together and help one another in life." Tirawa made a man and sent him to the woman; then he said "Now I will speak to both of you. I give you the earth. You shall call the earth 'mother.' The heavens you shall call 'father.' You shall also call the moon 'mother,' for she

5. Richard White, "The Cultural Landscape of the Pawnees," in *Kansas and the West: New Perspectives*, ed. Rita Napier (Lawrence: University Press of Kansas, 2003), 62–75, originally published in the *Great Plains Quarterly* 2 (Winter 1982): 31–40.

6. William E. Unrau, *The Kansa Indians: A History of the Wind People, 1673–1873* (Norman: University of Oklahoma Press, 1971).

7. Mildred P. Mayhall, *The Kiowas* (Norman: University of Oklahoma Press, 1962); Donald J. Berthrong, *The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875–1907* (Norman: University of Oklahoma Press, 1976); Berthrong, *The Southern Cheyennes* (Norman: University of Oklahoma Press, 1963); Virginia Trenholm, *The Arapahos: Our People* (Norman: University of Oklahoma Press, 1970); Ernest Wallace and E. Adamson Hoebel, *The Comanches: Lords of the South Plains* (Norman: University of Oklahoma Press, 1952; 1987); John H. Moore, *The Cheyenne Nation: A Social and Demographic History* (Lincoln: University of Nebraska Press, 1987); *see also* F. Todd Smith, *The Wichita Indians: Traders of Texas and the Southern Plains, 1540–1845* (College Station: Texas A&M Press, 2000); Cecile Elkins Carter, *Caddo Indians: Where We Come From* (Norman: University of Oklahoma Press, 1995). Both the Wichitas and the Pawnees were of Caddoan stock.

rises in the east; and you shall call the sun 'father,' for he rises in the east. In time you, woman, shall be known as 'mother,' and the man shall be known as 'father.' I give the sun to give you light. The moon will also give you light. The earth I give you, and you are to call her 'mother,' for she gives birth to all things. . . . Never forget to call the earth 'mother,' for you are to live upon her. You must love her, for you must walk upon her."[8]

Euro-American invasion in its many forms resulted in the Native American struggle for identity.

The earth is a circle and to live with the earth is the way of the Pawnees and other early peoples of this region. This was the way life was meant to be, according to elders of tribes who passed along stories to the next generations. Unlike written histories, stories in the oral tradition were about significant experiences so that younger listeners could gain knowledge and learn important values.

In the twentieth century native scholars began to write about their people. John Joseph Mathews, part-Osage, is the recognized authority of Osage history with his classics *Wah'Kon-Tah: The Osage and the White Man's Road* and *The Osages: Children of the Middle Waters*. Since the 1980s the number of native historians has increased. They include James Riding In, a Pawnee historian who completed his doctoral dissertation "Keepers of Tirawahut's Covenant: The Development and Destruction of Pawnee Culture" at UCLA in 1991; David Edmunds (Cherokee), who wrote *The Potawatomis: Keepers of the Fire*; Carter Blue Clark (Creek), author of *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century*; and Jackie Rand (Choctaw), historian and professor at the University of Iowa who is completing a doctoral dissertation on the Kiowas.[9] At present an estimated twenty-five American Indians hold doctorates in history, and they are writing native perspectives informed by a personal knowledge.

The plains world of native people living in Kansas involved all of the indigenous groups. They adjusted to life in this demanding region, and frequently the tribes' hunting domains overlapped. Relationships were important, and peoples such as the Southern Cheyennes and Arapahos formed permanent alliances much like that of the Sacs and Foxes in Kansas and Oklahoma.

The Kansa, Osage, and Pawnee tribes were the earliest indigenous peoples of Kansas, and they vied for this land. Well before the arrival of the white man, the Indian nations competed for hunting territories. James R. Christianson's "The Early Osage—'The Ishmaelites of the Savages'" records the fierce Osage claim to the area beginning in the seventeenth century.[10] Indigenous tribes fought battles among themselves and forged their peace, and new conflicts made native peoples

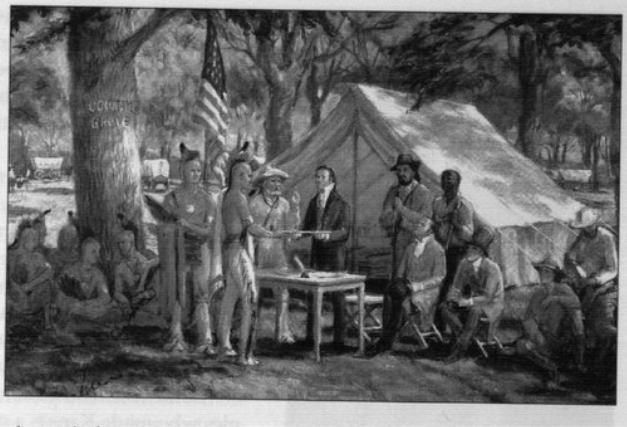
8. George A. Doresey, ed., *The Pawnee Mythology* (1906; reprint, Lincoln: University of Nebraska Press, 1997), 13–14; *see also* Gene Weltfish, *The Lost Universe: Pawnee Life and Culture* (Lincoln: University of Nebraska Press, 1965, 1977). Katherine Ann Smith, "Mother Earth, Woman Spirit: Women and the Feminine Character as Symbol and Reality in the Nineteenth Century Plains Indian Culture" (Ph.D. diss., Saint Louis University, 1992), explored the "importance of the feminine presence in both the women's and the men's ritual and spiritual activities, social structure, and prosaic endeavors."

9. John Joseph Mathews, *Wah'Kon-Tah: The Osage and the White Man's Road* (Norman: University of Oklahoma Press, 1932); Mathews, *The Osages, Children of the Middle Waters* (Norman: University of Oklahoma Press, 1961); James Thomas Riding In, "Keepers of Tirawahut's Covenant: The Development and Destruction of Pawnee Culture" (Ph.D. diss., University of California–Los Angeles, 1991); R. David Edmunds, *The Potawatomis: Keepers of the Fire* (Norman: University of Oklahoma Press, 1978); Carter Blue Clark, *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century* (Lincoln: University of Nebraska Press, 1994).

10. James R. Christianson, "The Early Osage—'The Ishmaelites of the Savages,'" *Kansas History: A Journal of the Central Plains* 11 (Spring 1988): 2–21.

acutely aware of the importance of relationships with each other and with the earth.

The initial hostilities between Indians and whites in Kansas produced "contact" literature about early Indian wars and attacks. In 1825 at Council Grove, federal officials negotiated with the Osages for passage of the Santa Fe Trail across their lands, but not all regional tribes accepted these terms. Historian Robert Trennert noted in "Indian Policy on the Santa Fe Road: The Fitzpatrick Controversy of 1847–1848" that from the trail's opening in 1821 tribes such as the Comanche, Kiowa, Pawnee, Cheyenne, and Arapaho regularly attacked this economic lifeline of trade that connected the United States and New Mexico.[11] The Council Grove treaty opened the region to many thousand "intruders," which drastically changed the "earth" as the native peoples had known it and immeasurably altered a way of life.



An artist's rendition of negotiations between federal officials and Osages to allow the Santa Fe Trail to pass across their lands. This painting, entitled Osage Treaty at Council Grove—1825, *is by Kansas artist Charles Goslin.*

During the spring in 1846 the Kaws signed the Greenwood Treaty at Council Grove, ceding their reservation along the Kansas River for a smaller one to the south. They received an annual payment of one thousand dollars for education, and a mission school was built for them in February 1851. In 1873 increased American settlement activity in Kansas forced the Kaws to agree to remove southward to Indian Territory. This "conquest" of Indian Kansas is aptly examined in a number of works by historian William E. Unrau.[12]

Euro-American invasion in its many forms resulted in the Native American struggle for identity, a theme examined in Unrau's *Mixed-Bloods and Tribal Dissolution: Charles Curtis and the Quest for Indian Identity*. Increased contact between Indians and whites yielded mixed marriages between tribes and between Indians and whites. Charles Curtis, who served as vice president of the United States from 1929 to 1933, was the product of one such union.[13]

As a whole, biographical studies dealing with members of Kansas tribes are few. Perhaps the most noted individual of the eastern tribes to come to Kansas, Kennekuk, the Kickapoo prophet, is described by George A. Schultz in his article "Kennekuk, The Kickapoo Prophet," and by Joseph B. Herring in the biography *Kenekuk: The Kickapoo Prophet* and his article "The Prophet Kenekuk and the Vermillion Kickapoos: Acculturation Without Assimilation."[14] Plains Indian leaders

11. Robert A. Trennert, "Indian Policy on the Santa Fe Road: The Fitzpatrick Controversy of 1847–1848," ibid. 1 (Winter 1978): 243–53.

12. William E. Unrau, *Indians of Kansas: The Euro-American Invasion and Conquest of Indian Kansas* (Topeka: Kansas State Historical Society, 1991); Unrau, *The Kansa Indians*; Unrau, *The Kaw People* (Phoenix: Indian Tribal Series, 1975); Unrau, "Removal, Death, and Legal Reincarnation of the Kaw People," *Indian Historian* 9 (Winter 1976): 2–9; H. Craig Miner and William E. Unrau, *The End of Indian Kansas: A Study of Cultural Revolution, 1854–1871* (Lawrence: Regents Press of Kansas, 1978).

13. William E. Unrau, *Mixed-Bloods and Tribal Dissolution: Charles Curtis and the Quest for Indian Identity* (Lawrence: University Press of Kansas, 1989).

14. George A. Schultz, "Kennekuk, The Kickapoo Prophet," *Kansas History: A Journal of the Central Plains* 3 (Spring 1980): 38–46; Joseph B. Herring, "The Prophet Kenekuk and the Vermillion Kickapoos: Acculturation Without Assimilation," *American Indian Quarterly* 9 (Summer 1985): 295–307; Herring, *Kenekuk: The Kickapoo Prophet* (Lawrence: University Press of Kansas, 1998).

Biographies of Kansas Native Americans include Stan Hoig's The Kiowas and the Legend of Kicking Bird. *Photographed here is the Kiowa chief Kicking Bird, a man who pursued peace amid conflict and hostilities.*

are treated in the perceptive work of Stan Hoig, *The Peace Chiefs of the Cheyennes* and *The Kiowas and the Legend of Kicking Bird*. Hoig portrayed Kicking Bird as a romantic figure pursuing peace during conflict among the Kiowas.[15] Nineteenth-century Cheyenne, Arapaho, and Kiowa peace leaders led their people during difficult times and faced factionalism within their communities while dealing with the U.S. government.

Historian Steven Crum has notably chronicled the contribution of Henry Roe Cloud, a Winnebago educator and reformer, in his article "Henry Roe Cloud, A Winnebago Indian Reformer: His Quest for American Indian Higher Education." Roe Cloud established the Roe Institute in Wichita, Kansas, in September 1915 to train Indian leaders to handle religious, economic, and health concerns among American Indians. This early all-Indian high school later was renamed the American Indian Institute and as such became one of the first schools of higher education for American Indians in the twentieth century.[16]

Some recent scholarship has focused on the culture and history of native peoples who made Kansas a part of their homeland, such as Karl Schlesier's *Wolves of Heaven: Cheyenne Shamanism, Ceremonies, and Prehistoric Origins*.[17] The work of anthropologists and historians who are interested in cultural history and communities forged this field of literature that began during the 1950s. Historian Willard Rollings has more recently offered us a cultural history of the Osages in his book *The Osage: An Ethnohistorical Study of Hegemony on the Prairie-Plains*.[18] Simultaneously, the newly arrived eastern tribes experienced considerable cultural change. Contact between Plains and eastern tribes is yet to be explained in a body of literature for the public.

In the history of every region of the world and in the history of any country, "unseen forces" of human desire are at work and have enormous impact. The human desire for land, gold, natural resources, and for a home are the emotional engines driving the human spirit of the Anglo-American, cloaked as "Manifest Destiny" and the moving spirit of the "frontier" so aptly described by Frederick Jackson Turner in his historic essay. Such desire of the human spirit impacted early Kansas, even before it became a territory. The Gold Rush of the forty-niners drove desperate men across Kansas to California. A decade later, fifty-niners rushing to Pike's Peak in Colorado or trying their luck in Nevada for gold or silver or to discover another Comstock Lode increased the number of white visitors through Kansas. By June 1859 as many as one hundred thousand miners and "wannabe" rich people invaded mining areas of Colorado, and by the end of the next decade tens of thousands more settlers were carving their 160-acre homesteads out of the prairies of Kansas. Meanwhile, the Indians watched the crazed

15. Stan Hoig, *The Peace Chiefs of the Cheyennes* (Norman: University of Oklahoma Press, 1980); Hoig, *The Kiowas and the Legend of Kicking Bird* (Niwot: University Press of Colorado, 2000). Margaret Coel studied another noted Plains leader in *Chief Left Hand, Southern Arapaho* (Norman: University of Oklahoma Press, 1981).

16. Steven J. Crum, "Henry Roe Cloud, A Winnebago Indian Reformer: His Quest for American Indian Higher Education," *Kansas History: A Journal of the Central Plains* 11 (Autumn 1988): 171–84. The institute closed in 1933.

17. Karl Schlesier, *Wolves of Heaven: Cheyenne Shamanism, Ceremonies, and Prehistoric Origins* (Norman: University of Oklahoma Press, 1987).

18. Willard H. Rollings, *Osage: An Ethnohistorical Study of Hegemony on the Prairie-Plains* (Columbia: University of Missouri Press, 1992).

white men who sought the yellow rocks. One can easily imagine that the rapid influx of settlers, miners, and cattlemen crossing Kansas alarmed the native peoples who felt the need to protect their homelands.[19]

This "white expansion" into the West, of course, was not supposed to happen. During the three decades prior to the American Civil War, following the Indian Removal Act of 1830, the United States government moved eastern woodland tribes to the West to make way for settlement east of the Mississippi River. Naturally, this relocation involved the Kansas region, which was a part of a larger area called the Indian country, and it included present Nebraska, Kansas, and Oklahoma. As many as nineteen tribes from the East came west to new homeland, according to one government census report of 1829. In his article "Emigrant Indian Objections to Kansas Residence," Joseph T. Manzo observed that many of these emigrant Indians were dissatisfied with their new lands in Kansas. Another removed tribe, the Kickapoos, was examined by Arrell M. Gibson in *The Kickapoos: Lords of the Middle Border*. Joseph B. Herring described the experience of two more emigrant tribes in "The Chippewa and Munsee Indians: Acculturation and Survival in Kansas, 1850s–1870." Herring found that the future of these two tribes of eighty members was insecure in the scramble for land, as more Indian groups and Euro-American settlers populated the area.[20]

In the history of every region of the world, "unseen forces" of human desire are at work and have enormous impact.

The U.S. government's Indian policy remained in constant flux, and as a result the role of the military on the Plains did as well. The Military Road near the eastern border of the "Indian frontier," according to Eloise Frisbie Robbins, who chronicled the road in "The Original Military Post Road Between Fort Leavenworth and Fort Scott," was intended to "cordon" off the Indian country and "to provide for protective control" of the frontier.[21] But soon, as traffic across and to the plains increased, Fort Riley, Kansas, to the west became a popular outpost and base of operation for U.S. troops patrolling the overland trails. The important presence of Fort Riley is described by James E. Sherow and William S. Reeder Jr. in "A Richly Textured Community: Fort Riley, Kansas, and American Indians, 1853–1911," and by William A. Dobak in "Fort Riley's Black Soldiers and the Army's Changing Role in the West, 1867–1885."[22]

19. *See* West, *Contested Plains*; West, *The Way to the West: Essays on the Central Plains* (Albuquerque: University of New Mexico Press, 1995); Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton and Co., 1987). Turner's famous "frontier thesis" first appeared in the paper "The Significance of the Frontier in American History," presented in Chicago on July 12, 1893. Useful in this regard are Turner, *The Frontier in American History* (New York: Henry Holt, 1920); David M. Wrobel, *The End of American Exceptionalism: Frontier Anxiety From the Old West to the New Deal* (Lawrence: University Press of Kansas, 1993); Gerald D. Nash, *Creating the West: Historical Interpretations, 1890–1990* (Albuquerque: University of New Mexico Press, 1991); Allan G. Bogue, *Frederick Jackson Turner: Strange Roads Going Down* (Norman: University of Oklahoma Press, 1998); Wilbur R. Jacobs, *On Turner's Trail: 100 Years of Writing Western History* (Lawrence: University Press of Kansas, 1994); Richard W. Etulain, ed., *Writing Western History: Essays on Major Western Historians* (Albuquerque: University of New Mexico Press, 1991), especially 73–166.

20. Joseph B. Herring, "The Chippewa and Munsee Indians: Acculturation and Survival in Kansas, 1850s–1870," *Kansas History: A Journal of the Central Plains* 6 (Winter 1983/84): 212–20; Joseph T. Manzo, "Emigrant Indian Objections to Kansas Residence," ibid. 4 (Winter 1981): 247–54; Arrell M. Gibson, *The Kickapoos: Lords of the Middle Border* (Norman: University of Oklahoma Press, 1963). Also helpful is Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994).

21. Eloise Frisbie Robbins, "The Original Military Post Road Between Fort Leavenworth and Fort Scott," *Kansas History: A Journal of the Central Plains* 1 (Summer 1978): 91, 90–100.

22. James E. Sherow and William S. Reeder Jr., "A Richly Textured Community: Fort Riley, Kansas, and American Indians, 1853–1911," ibid. 21 (Spring 1998): 2–17; William A. Dobak, "Fort Riley's Black

John M. Chivington and his militia slaughtered 450 innocent Indian men, women, and children under a white flag of truce.

As American Indians sought to create yet another place for themselves in the rapidly changing West, the antebellum struggle to determine the future of enslaved Americans reached Kansas. The sectional struggle that was Bleeding Kansas variously impacted the region's Indian population. Gary L. Cheatham has described the division among Kansans before and after the outbreak of civil war in two *Kansas History* articles: "'Within the Limits of the Southern Confederacy': The C.S.A.'s Interest in the Quapaw, Osage, and Cherokee Tribal Lands of Kansas" and "Divided Loyalties in Civil War Kansas," which also involved Osage warriors who pursued Confederate troops. While two-thirds of the Osages remained loyal to the Union, most Cherokees in Kansas sided with the Confederacy. But either way, the War Between the States proved devastating to most Indian tribes.[23]

On the plains just west of Kansas, the indirect consequences of the Civil War also were disastrous. In the fall of 1864 Colorado's territorial governor succeeded in convincing Indians in the area to camp at Fort Lyon on Sand Creek. Colonel John M. Chivington and his militia attacked the peaceful Indian encampment led by Cheyenne chief Black Kettle. Chivington's command slaughtered 450 innocent Indian men, women, and children under a white flag of truce and the American flag. As hostile relations increased between Indians and whites, settlers found themselves watchful of Indians, and vice versa. Language and cultural differences led to misunderstandings and war.[24]

Post-Civil War Kansas experienced regular attacks by the Cheyennes, Lakotas, Arapahos, Comanches, Apaches, and Kiowas. Slimly populated by whites and relatively unprotected against attack, western Kansas especially was a dangerous area. In addition to their dependency on hunting buffalo, Plains tribes lived a raiding economy—a cultural norm for Native Americans but viewed by whites as an act of war. As a result, hostilities toward Indians increased.[25]

Soldiers and the Army's Changing Role in the West, 1867–1885," ibid. 22 (Autumn 1999): 214–27; *see also* Dobak and Thomas D. Phillips, *The Black Regulars, 1866–1898* (Norman: University of Oklahoma Press, 2001); Dobak, *Fort Riley and Its Neighbors: Military Money and Economic Growth, 1853–1895* (Norman: University of Oklahoma Press, 1998).

23. Since most of the tribes fought for the South, they had little choice but to sign new treaties with the federal government further reducing their land holdings. Gary L. Cheatham, "Divided Loyalties in Civil War Kansas," *Kansas History: A Journal of the Central Plains* 11 (Summer 1988): 93–107; Cheatham, "'Within the Limits of the Southern Confederacy': The C.S.A.'s Interest in the Quapaw, Osage, and Cherokee Tribal Lands of Kansas," ibid. 26 (Autumn 2003): 172–85; *see also* Laurence M. Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: Free Press, 1995). Historian Kevin J. Abing demonstrated how missionaries laboring to "civilize" the Shawnees exacerbated sectional turmoil among the Indians in their charge in "Before Bleeding Kansas: Christian Missionaries, Slavery, and the Shawnee Indians in Pre-Territorial Kansas, 1844–1854," *Kansas History: A Journal of the Central Plains* 24 (Spring 2001): 54–70.

24. Alvin M. Josephy Jr., *The Civil War in the American West* (New York: Knopf, 1992).

25. David Dixon, "A Scout With Custer: Edmund Guerrier on the Hancock Expedition of 1867," *Kansas History: A Journal of the Central Plains* 4 (Autumn 1981): 155–65; *see also*, among many others, Robert M. Utley, *The Indian Frontier of the American West, 1846–1890* (Albuquerque: University of New Mexico Press, 1984); Ramon S. Powers, "The Kansas Indian Claims Commission of 1879," *Kansas History: A Journal of the Central Plains* 7 (Autumn 1984): 199–211; William E. Unrau, "Indian Water Rights to the Middle Arkansas: The Case for the Kaws," ibid. 5 (Spring 1982): 52–69. The military activities of Generals George Armstrong Custer and Philip Sheridan, who served in Kansas and throughout the Plains, are well documented and really beyond the scope of this essay, but of course their exploits are an important part of the Plains Indian story during these post-war years, as is the plight of the Northern Cheyennes, who have been treated by a number of scholars. *See*, for example, John H. Monnett, *Tell Them We Are Going Home: The Odyssey of the Northern Cheyennes* (Norman: University of Oklahoma Press, 2001); Ramon Powers, "The Northern Cheyenne Trek Through Western Kansas in 1878: Frontiersmen, Indians, and Cultural Conflict," *Trail Guide* 16 (September–December 1972): 2–35; Alan Boye, *Holding Stone Hands: On the Trail of the Cheyenne Exodus* (Lincoln: University of Nebraska Press, 1999).

The mounting conflicts convinced a congressional committee in 1865 to gather evidence on the Indian wars. Its work resulted two years later in the "Report on the Condition of the Indian Tribes." This study pushed Congress to pass an act to establish the Indian Peace Commission with the goal to bring an end to the Sioux war and all Indian wars. During October 1867 military officials held a council at Medicine Lodge Creek in southwest Kansas, where ensuing talks led to the Kiowas, Comanches, Arapahos, and Cheyennes accepting lands in western Oklahoma. Treaties were signed, but the Medicine Lodge council did not end war on the Southern Plains.[26]

The struggle between native peoples and encroaching white interests often resulted in violence, as is evident here in this painting by Charles Schreyvogel, aptly entitled The Duel—Tomahawk and Sabre.

Tension persisted between Indians and whites and among the diverse Indian peoples. In 1868 the Cheyennes and Kaws quarreled over stolen horses. The latter killed seven Cheyennes, recovered Kaw horses, and seized about forty more horses belonging to the Cheyennes. In retaliation, as many as four hundred Cheyennes unsuccessfully attacked the Kaws on June 3, 1868, at Council Grove. Pioneers pushing westward also continued to anger native peoples. The U.S. government struggled to find a solution to the tensions caused by ever increasing white settlement on Indian lands, now promised via treaties, and to try to prevent further violence between and among the races. Because of its central location, Kansas witnessed much movement of Indians and whites and the conflict that resulted. Such encounters are well examined by Stan Hoig in his *Tribal Wars of the Southern Plains*.[27]

The West had become a dynamic venue in which easterners could "try their luck," and their endeavors only heightened dissension between native peoples and newcomers. In the wake of the Civil War the cattle business exploded on a scale never seen before. Entrepreneur Joseph G. McCoy maneuvered the Kansas Pacific Railroad to transport cattle to packinghouses in Chicago and St. Louis. Cattle trails southward to Texas brought beef to Abilene, Kansas, a quiet little town—almost a ghost town—when McCoy selected it for his cattle business. An onslaught of stock pens, barns, corrals, saloons, and a hotel to lodge cowboys transformed Abilene into a thriving cowtown. McCoy's success influenced other railroads to become involved in the cattle shipping business, which led to the development of additional cowtowns such as Ellsworth, Wichita, Newton, and Dodge City. During the 1870s and 1880s railroads developed networks of track

26. Douglas C. Jones, *The Treaty of Medicine Lodge: The Story of the Great Treaty Council as Told by Eyewitnesses* (Norman: University of Oklahoma Press, 1966); United States Congress, Joint Special Committee, *Condition of the Indian Tribes. Report of the Joint Special Committee, appointed under joint resolution of March 3, 1865* (1867; reprint Millwood, N.Y.: Kraus Reprint Co., 1973). J. Norman Heard, *Handbook of the American Frontier: Four Centuries of Indian–White Relations. Volume III: The Great Plains* (Metuchen, N.J.: Scarecrow Press, 1993), is a useful reference, arranged alphabetically to cover events, treaties, and principal characters of the Great Plains.

27. Stan Hoig, *Tribal Wars of the Southern Plains* (Norman: University of Oklahoma Press, 1993). Hoig includes some coverage of the 1867 treaty conference at Medicine Lodge.

The passage of the Homestead Act of 1862 resulted in rapid development of Kansas during the final decades of the nineteenth century. Here Native Americans watch as wagon trains bring settlers into their homelands.

across central and western Kansas, creating a boom in white settlement throughout lands once held by native peoples.[28]

In 1876 Northern Plains Indians scored their greatest victory against the United States at the Battle of the Little Big Horn, ironically coming one hundred years after the founding of the country. Following the Little Big Horn, the defeat of the Northern Plains Indians involving the Dakotas, Northern Cheyennes, and Northern Arapahos brought peace to the Great Plains until the Ghost Dance movement of 1890. The Wounded Knee massacre of Chief Big Foot and about 150 of his people permanently ended the Indian wars.

As William E. Unrau demonstrates in his superb overview of the conflict between Indians and whites for Kansas, *Indians of Kansas: The Euro-American Invasion and Conquest of Indian Kansas*, Kansas helped change the West at the cost of Native Americans and their homelands.[29] Unseen forces of human nature—desire, greed, and ambition—had encouraged pioneers to cross the Kansas plains on the Oregon Trail to the promised land of the Pacific Northwest. Continued human traffic included many who chose to carve homesteads out of the sun-baked prairie grasslands. This occurrence induced the U.S. Congress to pass the Kansas–Nebraska Act of 1854 to secure a territory for white settlers, which led to the displacement of Kansas's native peoples, the passage of the Homestead Act of 1862, and the rapid settlement and development of the state during the latter decades of the century.[30]

The effects of Manifest Destiny brought a permanency of white settlement to Kansas. From the Indian perspective, indigenous tribes, including the Kaws, were defeated and forced to accept reservations in Indian Territory to the south. Annie Heloise Abel wrote her thesis "Indian Reservations in Kansas

28. Joseph G. McCoy, *Historic Sketches of the Cattle Trade of the West and Southwest* (1874; reprint, Glendale, Calif.: Arthur H. Clark Co., 1980); Jimmy M. Skaggs, *The Cattle-Trailing Industry: Between Supply and Demand, 1866–1890* (Lawrence: University Press of Kansas, 1973); Don Worcester, *The Chisholm Trail: High Road of the Cattle Kingdom* (Lincoln: University of Nebraska Press for Amon Carter Museum of Western Art, 1980); Stan Hoig, *Jesse Chisholm: Ambassador of the Plains* (Niwot: University Press of Colorado, 1991). Chisholm, a mixed-blood trader, opened a trading post on the Arkansas River and then established his famous trail to the Canadian River in Indian Territory in 1865.

29. Unrau, *Indians of Kansas*.

30. The classic study of land distribution in Kansas is Paul Wallace Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854–1890* (Ithaca: Cornell University Press, 1954); *see also* Gates, with a chapter by Robert W. Swenson, *History of Public Land Law Development* (Washington, D.C.: Government Printing Office, 1968); H. Craig Miner, *West of Wichita: Settling the High Plains of Kansas, 1865–1890* (Lawrence: University Press of Kansas, 1986).

and the Extinguishment of Their Title" at the University of Kansas in 1902, describing the displacement of Indian tribes on to reservations.[31]

Eastern tribes, removed to Kansas in the 1830s, later were forced to accept smaller reservations, a process described as early as 1914 by Charles R. Green in his *Sac and Fox Indians in Kansas: Mokohoko's Stubbornness; Some History of the Band of Indians Who Staid behind Their Tribe 16 Yrs. as Given by Pioneers.*[32] In *The Prairie People, Continuity and Change in Potawatomi Indian Culture 1665–1965*, noted anthropologist James Clifton observed the various removals of the Potawatomis, noting that one Potawatomi band was removed several times; some continued living in Kansas, while others of this same group were removed again to Indian Territory. In an overall survey of the literature, William Unrau has compiled a list of sources on the removed Indians in his *The Emigrant Indians of Kansas: A Critical Bibliography.*[33]

Adjusting to their new homelands in Kansas, native peoples experienced many outside forces that impacted their communities. Religious groups played a central role for many years in the effort to educate Indian youth throughout the West. Mary Alice Bordenkircher's 1931 thesis, "A Historical Study of the Mission Schools in Early Territory Now Comprising Kansas," is still useful. More recently Kevin Abing described missionaries working among the newly arrived Shawnees in his article "A Holy Battleground: Methodist, Baptist, and Quaker Missionaries Among Shawnee Indians, 1830–1844."[34] During these pivotal years of change, the Potawatomis endured problems with alcoholism among their people. Jeanne P. Leader suggested in her article, "The Pottawatomies and Alcohol: An Illustration of the Illegal Trade," that alcohol was probably the most destructive force in changing Indian lives physically and mentally.[35]

Reservations drastically altered the lives of Indians in Kansas and throughout the West. With the Indian "out of the way," white settlers built farms, towns, and businesses. Kansas became a state in 1861, Colorado joined the union in 1876, Congress admitted North Dakota and South Dakota, Montana, and Washington in 1889, and the following year Idaho and Wyoming became states. Utah came in

From the Indian perspective, indigenous tribes were defeated and forced to accept reservations in Indian Territory.

31. Annie Heloise Abel, "Indian Reservations in Kansas and the Extinguishment of Their Title" (master's thesis, University of Kansas, 1902). Her thesis was published in *Kansas Historical Collections, 1903–1904* 8 (1904): 72–109.

32. Charles R. Green, *Sac and Fox Indians in Kansas: Mokohoko's Stubbornness* (Olathe, Kans.: 1914); Green, *Early Days in Kansas: In Keokuk's Time on the Kansas Reservation* (1913; reprint, Lyndon, Kans.: Osage County Historical Society, 1998).

33. William E. Unrau, *The Emigrant Indians of Kansas: A Critical Bibliography* (Bloomington: Newberry Library [by] Indiana University Press, 1979); James Clifton, *The Prairie People, Continuity and Change in Potawatomi Indian Culture 1665–1965* (Lawrence: Regents Press of Kansas, 1977).

34. Mary Alice Bordenkircher, "A Historical Study of the Mission Schools in Early Territory now Comprising Kansas" (master's thesis, Kansas State Teachers College of Emporia, 1931); Kevin Abing, "A Holy Battleground: Methodist, Baptist, & Quaker Missionaries Among Shawnee Indians, 1830–1844," *Kansas History: A Journal of the Central Plains* 21 (Summer 1998): 118–37; *see also* Stephen A. Warren, "The Baptists, the Methodists, and the Shawnees: Conflicting Cultures in Indian Territory, 1833–1834," ibid. 17 (Autumn 1994): 149–61; Mark Stephen Joy, "'Into the Wilderness': Protestant Missions Among the Emigrant Indians of Kansas, 1830-1854" (Ph.D. diss, Kansas State University, 1992); Charles R. King, "Physician to Body and Soul: Jotham Meeker—Kansas Missionary," *Kansas History: A Journal of the Central Plains* 17 (Winter 1994–1995): 262–73.

35. Jeanne P. Leader, "The Potawatomies and Alcohol: An Illustration of the Illegal Trade," *Kansas History: A Journal of the Central Plains* 2 (Autumn 1979): 157–65; *see also* William E. Unrau, *White Man's Wicked Water: The Alcohol Trade and Prohibition in Indian Country, 1802–1892* (Lawrence: University Press of Kansas, 1996), which draws on "Indian petitions, official reports, court records, and treaties to examine how the West was really won."

A new era of Indian education began in Kansas in 1879 with the opening of Haskell Indian boarding school in Lawrence. Haskell students pose for this photograph in ca. 1887.

1896, Oklahoma in 1907, and Arizona and New Mexico became the last of the forty-eight continental states in 1912.

For Anglo America, the task of completing a country was done, but for American Indians, a new unknown era lay ahead. During the mid-1880s, 187 reservations had been created, covering 181,000 square miles with 243,000 Indians from various tribes.

During the reservation years of the late-nineteenth century, the federal government sent Indian youth of the plains region to various boarding schools. Many native children found themselves at Chilocco in Oklahoma, Carlisle in Pennsylvania, and other locations as the government continued to open more schools. In 1870 the federal government appropriated $140,000 to be spent on Indian education. As a result Chemawa Indian School opened in 1880, Albuquerque Indian School began in 1884; and Carson, Phoenix, and Santa Fe began operating in 1890, with Pierre following in 1891 and Flandreau in 1893. In 1900 Congress appropriated two million dollars to be spent on boarding schools and day schools for more than twenty thousand Indian students. Rainy Mountain in Oklahoma, Genoa in Nebraska, and Sherman Institute in California soon were established, and others followed.

This new era of Indian education commenced in Kansas in 1879, when Haskell Indian boarding school opened as a government sponsored opportunity for Indian youth. Historian Donald J. Berthrong described this transition of Cheyenne and Arapaho students to boarding-school life in "From Buffalo Days to Classrooms: The Southern Cheyennes and Arapahos and Kansas."[36] Tribal life and Indian families changed drastically, altering the communal lifestyle of native peoples. The disruption of Indian families for nearly the first half of the twentieth century is told by Brenda J. Child, a Red Lake Chippewa historian, in *Boarding School Seasons: American Indian Families, 1900–1940*. Other works have documented the attendance of Indian youth at Haskell and other schools throughout the West.[37]

While Indian boarding schools were converted into day schools and many have since been closed, Haskell Indian School has continued to thrive. It has undergone tremendous transitions, having been a boarding school, a vocational school, high school in 1927, junior college in 1970, and since 1993, with federal

36. Donald J. Berthrong, "From Buffalo Days to Classrooms: The Southern Cheyennes and Arapahos and Kansas," *Kansas History: A Journal of the Central Plains* 12 (Summer 1989): 101–13.

37. Brenda J. Child, *Boarding School Seasons: American Indian Families, 1900–1940* (Lincoln: University of Nebraska Press, 1998). *See*, among many others on this important and controversial subject, David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875–1928* (Lawrence: University Press of Kansas, 1995); K. Tsianina Lomawaima, *The Story of Chilocco Indian School: They Called It Prairie Light* (Lincoln: University of Nebraska Press, 1994). Also worthy of mention here is the exceptional study by Marilyn Irvin Holt, *Indian Orphanages* (Lawrence: University Press of Kansas, 2001).

government approval, the Haskell Indian Nations University.[38] While Haskell continues to be the leading Indian school of higher education, it has become a member of the American Indian Higher Education Consortium of thirty-two tribal colleges that are located on reservations throughout the United States.

As the tribes became increasingly adjusted to their new homes in Kansas, their cultures changed with increasing contact with the white man. Again, survival was the question, and how to do so involved a century's lesson of learning to adapt. As long as the tribes adopted new ways based on their own needs, rather than perceived needs as defined by the Indian agents and the federal government, the tribes exercised a considerable amount of autonomy over their cultural ways and communities. Writers and scholars such as William Rosecrans Honnell and Caroline Cain Durkee have examined the dynamics of change between Indians and whites in Kansas in such works as *Willie Whitewater: The Story of W. R. Honnell's Life and Adventures among the Indians as He Grew Up with the State of Kansas, as told by him to Caroline Cain Durkee.*[39]

Time has always been the test for all things and for all people. Evan B. Hocker has studied the cultural changes encountered by native peoples of Kansas in his thesis "Surviving as Renegades: Cultural Change and Adaptation among the Shawnees, 1800–1845"; and historian Joseph B. Herring documented this change for Indians in the state during the latter part of the nineteenth century in his well-researched study *The Enduring Indians of Kansas: A Century and a Half of Acculturation.*[40]

The changes that came for these Indian peoples are also noted in an insightful work by two noted Kansas scholars, H. Craig Miner and William E. Unrau: *The End of Indian Kansas: A Study of Cultural Revolution, 1854–1871.* Anthropologist Becky R. Riel studied these changes between Indians and whites in her doctoral thesis "Voices of Interaction on the Central Plains: An Ethnohistorical Investigation of Culture Contact in Kansas, 1830–1880."[41]

The close of the nineteenth century practically ended Indian life as native people knew it historically. Nevertheless, Indian peoples struggled to hold on to many of their traditions and have continued to do so throughout the twentieth century; thus, American Indians have been remarkably successful in retaining their native identity even into the twenty-first century.

The close of the nineteenth century practically ended Indian life as native people knew it historically.

38. Keith A. Sculle, "'The New Carlisle of the West': Haskell Institute and Big-Time Sports 1920–1932," *Kansas History: A Journal of the Central Plains* 17 (Autumn 1994): 192–208, examined one interesting portion of Haskell's history—the relationship between its sports programs and the assimilationists' objectives. *See also* John Bloom's essay on Haskell in S. Elizabeth Bird, ed., *Dressing in Feathers: The Construction of the Indian in American Popular Culture* (Boulder, Colo.: Westview Press, 1996); Charles A. O'Brien, "The Evolution of Haskell Indian Junior College, 1884–1974" (master's thesis, University of Oklahoma, 1975).

39. William Rosecrans Honnell, *Willie Whitewater: The Story of W. R. Honnell's Life and Adventures among the Indians as He Grew Up with the State of Kansas, as told by him to Caroline Cain Durkee* (Kansas City, Mo.: Burton Publishing Co., 1950).

40. Joseph B. Herring, *The Enduring Indians of Kansas: A Century and a Half of Acculturation* (Lawrence: University Press of Kansas, 1990); Herring, "'The Great Spirit Taught Us': The Indians' Peaceful Struggle to Remain in Kansas" (Ph.D. diss., Texas Christian University, 1986); Evan B. Hocker, "Surviving as Renegades: Cultural Change and Adaptation among the Shawnees, 1800–1845" (master's thesis, University of Oklahoma, 1995).

41. Miner and Unrau, *The End of Indian Kansas*; Becky R. Riel, "Voices of Interaction on the Central Plains: An Ethnohistorical Investigation of Culture Contact in Kansas, 1830–1880" (master's thesis, Wichita State University, 1998).

American Indian scholarship has changed as a result of the work of a new generation of historians and other writers.

Since the 1980s the literature on American Indians has continued to increase at a significant rate. Histories, ethnologies, biographies, and even autobiographies are the focus of scholars and writers. Ethnohistorians are the main contributors to the literature, although policy historians and biographers as well as military historians continue to contribute a fair amount of the literature about native peoples.

More specifically, Paul H. Carlson produced a general study, *The Plains Indians*, that describes the general native populations who resided in early Kansas and the West.[42] Cultural studies are an important part of the recent literature focusing on native peoples in Kansas. Additionally, scholars and writers have examined Indians in the twentieth century in what is sometimes called Modern American Indian History. Boarding-school life is a popular subject among historians and anthropologists while others continue to write about Indian–white conflicts over land.

American Indian scholarship has changed as a result of the work of a new generation of historians and other writers, starting in the early 1970s. Instead of being a part of the environment, where Frederick Jackson Turner and other frontier historians once placed Indian peoples, often leaving them out of the big picture of American history, scholars now have moved native peoples to center stage.

Furthermore, the "inside" story from an inner perspective of how and why Indian people thought as they did became part of the genre of rewriting Indian history, including studies about Kansas Indians. Other scholars shared in this effort to present the native experience. This new genre provoked the question, "Do you have to be Indian to write from an Indian perspective?" The answer is an emphatic "No," as long as the non-Indian scholar learns the ways and mind of the native group with whom he or she is working. Non-Indian scholars who are very familiar with native ways and tribal values have written insightful works. This fact is proven by Nancy Evans Pearson in her "'Walking the Red Road': Seventy-Two Narratives of the Indians in Kansas" and by a number of other Kansas scholars.[43]

The literature on American Indians in Kansas is rich with the details of important historical events, but more can be done. The recent past holds promise, with exciting topics ranging from specific issues to progress in modern Indian America. At least three areas cry out for scholarly attention. First, the tribal histories of the four remaining reservation tribes need to be updated, as all are experiencing healthy economies heading into the twenty-first century. These potential writing efforts would build on existing works already discussed in this essay. Another area of interest is the urban situation of Native Americans in Kansas. As a result of the relocation program from 1952 to 1973, more than two-thirds of the en-

42. Paul H. Carlson, *The Plains Indians* (College Station: Texas A&M University Press, 1998).

43. Nancy Evans Pearson, "'Walking the Red Road': Seventy-Two Narratives of the Indians of Kansas" (master's thesis, Wichita State University, 1992). For another example, *see* Bonnie Lynn-Sherow and Susannah Bruce, "'How Cola' from Camp Funston: American Indians and the Great War," *Kansas History: A Journal of the Central Plains* 24 (Summer 2001): 84–97; Sherow and Reeder, "A Richly Textured Community," 2–17. The latter convincingly demonstrates that Fort Riley was "more than a staging site for warfare and police action"; it "served as a place for Indian peoples to socialize and to engage in commerce. It was a human community, a richly textured community, and a place where soldiers, diverse civilians, and scores of Indian cultures mingled." Both studies illuminate more of the complexity that is the American Indian's story in Kansas and elsewhere.

tire Indian population live in urban areas. But what has happened to them? Indian organizations, Indian centers, and sociocultural activities like powwows are an integral part of Indian lives.[44] A third possible subject area is an ethnohistorical approach, examining American Indian leadership in Kansas, tribal economics, and Indian gaming. In addition, these topic areas, explored from a native point of view, would help Kansans better understand the concerns and views of Indian people on issues facing them today.

Two additional areas calling for attention are in federal-Indian law and education. As the tribes in Kansas exercise their rights in the gaming industry and acquire increasing land bases, legal issues such as tribal sovereignty and repatriations of sacred objects and burial remains are becoming increasingly important. With growing numbers of native students attending universities of higher education, Indian education, from the earliest histories of Christian missions to Haskell Indian Nations University, will required updating. New studies about educated American Indians becoming involved in the mainstream society also will be needed. New topics could focus on Indian progress in education. If writers and scholars would turn some of their attention to these areas, society would become more informed about the daily working relations between tribes and the state of Kansas, and the public would gain insight to native people's role in modern mainstream growth and development.

During the past two centuries native peoples have adapted to new ways that have altered their basic cultures. But traditions, such as tribal dress and powwows, continue to survive, as is evidenced here in this late twentieth-century photo of Eliza Clay Bear and her granddaughter attending a traditonal Potawatomi gathering at the Topeka fairgrounds.

It is impressive that the native peoples of Kansas have survived into the twenty-first century, yet if we knew more about Indian survival and adaptation, we would not be so impressed. Native peoples are accustomed to change and changing on their own terms. To survive, one must be willing to adapt. This lesson in practicality is one that has been exercised by the tribes of Kansas. They will continue to adapt and adopt new ways that will alter their basic culture and continue to introduce new tribal values that very much mirror those of the western mainstream. Yet, evidence of the old ways and of ancient traditions survives in the present lives of the native peoples of Kansas. These traditions, often modified for modern life, help form and shape today's Indian identity while retaining many customs from the past. KH

44. Donald L. Fixico, *The Urban Indian Experience in America* (Albuquerque: University of New Mexico Press, 2000); Fixico, *The American Indian Mind in a Linear World: American Indian Studies and Traditional Knowledge* (New York: Routledge, 2003). Clyde Ellis, *A Dancing People: Powwow Culture on the Southern Plains* (Lawrence: University Press of Kansas, 2003). As indicated, many late-twentieth and early twenty-first-century issues are yet to be examined by scholars, but some helpful studies are Walter Echo-Hawk and Roger Echo-Hawk, *Battlefield and Burial Grounds: The Indian Struggle to Protect Ancestral Graves in the United States* (Minneapolis: Lerner Publications, 1993); Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington: Indiana University Press, 1994); Jerry Allen Schultz, "The Kickapoo Nation School: Local-Level Politics, Collaboration, and Indian Education" (Ph.D. diss., University of Kansas, 1992).

EDITOR'S NOTE

With this issue, *Kansas History: A Journal of the Central Plains* completes its twenty-sixth year and looks forward to the special one ahead—2004, the sesquicentennial anniversary of Kansas Territory. Many activities will commemorate this 1854 event of vast national significance, and the journal, with the support of the Territorial Sesquicentennial Commission, will do its part with the publication of a special double issue (Spring/Summer 2004) containing new scholarship and edited documents reflecting on the era and the issues. Contributors include Nicole Etcheson, whose excellent new book on Bleeding Kansas was just released by the University Press of Kansas; Rita Napier, coeditor of the journal's review essay series and editor of an important new anthology, *Kansas and the West: New Perspectives* (University Press of Kansas, 2003); and, among others, Craig Miner, an outstanding writer and scholar, whose most recent book, also from the University Press of Kansas, is *Kansas: A History of the Sunflower State, 1854–2000* (2002).

This past year was a good one for the journal's "Review Essay Series," which will be interrupted by the special spring/summer territorial issue but will resume in the autumn. Special thanks are due the last four contributors: Pamela Riney-Kehrberg, Iowa State University; Carol K. Coburn, Avilla University; H. Roger Grant, Clemson University; and Donald L. Fixico, University of Kansas; as well as to the authors of our first six essays, Rita G. Napier, Gunja SenGupta, James E. Sherow, Thomas Fox Averill, James N. Leiker, and William M. Tsutsui and Marjorie Swann. Because of the fine work turned in by these scholars, for the second year in a row, *Kansas History* received national recognition: in September the American Association for State and Local History presented the

Editor Virgil W. Dean and Co-editor Rita G. Napier, University of Kansas, receiving the AASLH Award of Merit for Kansas History's *"Review Essay Series" from Terry Davis (left), the organization's president and CEO, and Charles Bryan (right), president and CEO, Virginia Historical Society and chair of the AASLH, Providence, Rhode Island, September 19, 2003.*

KSHS with an Award of Merit for the "Review Essay Series."

We also are delighted to here recognize another fine article, Kristen Tegtmeier Oertel's "'The Free Sons of the North' versus 'The Myridons of Border-Ruffianism': What Makes a Man in Bleeding Kansas?" published in the journal's autumn 2002 issue. For her important essay, examining certain gender issues during the territorial era, Dr. Oertel, an assistant professor of history at Millsaps College, Jackson, Mississippi, received this year's Edgar Langsdorf Award for Excellence in Writing. As always, the recipient of the annual award, which goes to the author of the article judged to be most superior considering construction, evidence of research, and contribution to the advancement of knowledge, was determined by a five-member panel of judges. This year's committee, to whom we are very grateful, was chaired by James R. "Pete" Shortridge, professor of geography, University of Kansas. He was ably assisted by James C. Juhnke, Bethel College; Shelley Hickman Clark, University of Kansas; Jim Hoy, Emporia State University; and Rachel Goossen, Washburn University.

With the help of scholars such as these, who also serve as peer reviewers, *Kansas History* strives to keep its readers abreast of the most recent scholarship and to serve as a forum for scholarly discourse. Last summer the editor received a letter from author Joseph B. Rosa, a prominent western historian and longtime friend and supporter of the Kansas State Historical Society, that contributes to that discourse. We thought many of our readers would be interested in Mr. Rosa's comments:

> I read with great interest and much profit the article "Doctor Diamond Dick, Leavenworth's Flamboyant Medicine Man," by L. Boyd Finch, in the Spring [2003] issue of the magazine. It provides us with an interesting account of the life of George B. "Diamond Dick" McClellan, and his later career as a "Medicine Man." However, I find myself at odds with the author concerning the claim that McClellan was a member of Buffalo Bill's Combination during the early 1870s. I can find no mention of him in my own materials, and neither could I find any reference to him in Sandra K. Sagala's book *Buffalo Bill Actor: A Chronicle of Cody's Theatrical Career* (Heritage Books, 2000), the most complete and accurate account available.
>
> I suspect that "Diamond Dick," as invented by Colonel Sam Hall as a dime novel hero, was also responsible for some inventions of his own.

The journal appreciates those readers who, from time to time, express their opinions on various issues raised within its pages. As mentioned in our editorial policy, we welcome "letters responding to any of the articles published in this journal," and "with the correspondent's permission," will consider for publication "those that contribute substantively to the scholarly dialogue by offering new insights or historical information."

Virgil W. Dean

REVIEWS

Rumors of Indiscretion: The University of Missouri Sex Questionnaire Scandal in the Jazz Age

by Lawrence J. Nelson

xv + 323 pages, photographs, notes, essay on sources, index.
Columbia: University of Missouri Press, 2003, cloth $39.95.

Lawrence Nelson has put forth a fine volume that uses solid scholarship to recount and evaluate a truly sensational story. This 1929 scandal garnered national attention. To say it rocked the University of Missouri community would be an understatement. One of the most compelling attributes of this work is how skillfully Nelson negotiates the fine line separating actual events and the controversy surrounding them. The fact that the story revolves around Jazz Age sexuality makes this feat all the more impressive.

In brief, the "scandal" stemmed from an undergraduate student research project for a sociology course entitled The Family. As Nelson makes plain, survey research was very common during this period. This survey, however, proved anything but ordinary. Three questions directly addressed sexuality and relationships, another inquired about "trial" or "companionate" marriage. When the public learned of the survey, the university was immediately thrust into a high-profile public relations nightmare. What makes the tale especially intriguing is that the university was mired in a drama in which it was the central spectacle. Nelson records the many influences that had bearing on the situation from appropriations debates in the state legislature to key personalities on and off the campus and a wildly divergent public opinion. After a hasty investigation by the Curator's Executive Board, two faculty associated with the survey, Max Meyer and Herbert DeGraff, were dismissed; the Mizzou senior whose survey set off the firestorm, Orval Hobart Mower, lost his appointment as a lab assistant but was allowed to continue his studies. Nelson notes "an internationally renowned scholar with nearly three decades of service and one of the most popular and effective professors on campus had been summarily fired by a country editor and two Ozark lawyers" (p. 90). This move was validated by the full Board of Curators, which, in turn, led to an major AAUP investigation. This resulted in the ouster of the university president Stratton Brooks.

There is much to praise in this work. Nelson examines this controversy from multiple angles. He shows how the survey did not occur in a vacuum, but was emblematic of an era marked by sweeping social changes. Each chapter, following a chronological progression of events, contains sub-sections that provide helpful markers and elaboration on the various issues. Transitions between chapters are marvelous—all but compelling the reader to begin the next chapter without taking a break. Furthermore, one gets an almost palpable sense of the strained emotions and escalating political significance through well-chosen and carefully honed testimony from a variety of related transcripts. This deft use of quotations, combined with twenty-four illustrations, gives the narrative an almost interactive quality. Nelson's nearly thirty pages of meticulous notes are an absolute historiographic treasure. In general the work is a rich blend of social and political history. It also has the added value of filling an important chapter in the history of twentieth-century American higher education.

The central issue, according to Nelson, was the growing gulf separating youth from those of the Victorian generation. As it related to the frankness of the survey in particular, Nelson observes: "here was a university with a president who didn't want such things discussed, presiding over a student body that included those who were determined to do so" (p. 198). Though the survey was a scandal in many respects, Nelson demonstrates that the real battle was for social stability and meaning in a period of profound change—and one especially pitched in the Midwest.

This book deserves to be taken seriously. It is most suitable for upper-division undergraduate courses and could be useful in any number of graduate seminars. The story is engaging, carefully exploring the boundaries of decency in the late 1920s; the fact that Nelson tells it well only adds to the value of this new and noteworthy monograph.

Reviewed by Frank E. Johnson, *professor of history, Mid-America Nazarene University, Olathe.*

Interpreters with Lewis and Clark: The Story of Sacagawea and Toussaint Charbonneau

by W. Dale Nelson

x + 174 pages, photographs, notes, bibliography, index. Denton: University of North Texas Press, 2003, cloth $24.95.

The Lewis and Clark Bicentennial in 2004–2006 has been the catalyst for many new books and articles about the Corps of Discovery and their remarkable expedition across the continent. The numerous scientific, diplomatic, geographic, and social components of the twenty-eight-month journey provide a plethora of avenues by which to explore this epic journey. W. Dale Nelson has chosen the small Charbonneau family as the lens through which we view the expedition. He has done a commendable job searching out the scant records about the lives of Toussaint Charbonneau, Sacagawea, and Jean Baptiste to provide an intriguing story about these three historic figures during and after their time as members of the Corps of Discovery.

This thin volume, just 131 pages of narrative, covers the events of the expedition in which Toussaint Charbonneau and his wife, Sacagawea, play prominent roles. Newcomers to this topic may want to supplement this volume with books on the expedition by James Rhonda, Stephen Ambrose, or Gary Moulton. *Interpreters with Lewis and Clark* does include some of the more remarkable and harrowing events experienced on the expedition.

The author seems particularly interested in revising history's view of Toussaint Charbonneau. Meriwether Lewis, who was never fond of Charbonneau, may have done the most damage when he described him as "a man of no particular merit." Nelson seeks to redeem Toussaint's character through numerous examples of his skills and contributions to the expedition. Charbonneau is credited as being a first-class cook (by frontier standards), having a strong knowledge of Indian tribes, serving as a very able interpreter, and having the ability to strike better trade bargains with tribes than most others in the expedition.

Although Nelson provides a number of examples where Charbonneau assisted the expedition, in many situations he remains a character of questionable morals and value. Nelson describes one particularly unnerving incident where Clark, York, Charbonneau, Sacagawea, and their baby, Jean Baptiste, almost met their end. A sudden downpour turns into a flash flood. Trapped in a ravine, where they had sought shelter, it now becomes a deathtrap. Clark, who was fonder of Charbonneau and Sacagawea than was his co-captain, describes Toussaint in this situation as "much Scared and nearly without motion." Although Charbonneau finally assists in pulling his wife to safety, credit really belongs to Clark's swift actions.

Another well-documented incident occurred when a pirogue nearly capsized that Charbonneau was piloting. When recording this near disaster, it was Lewis who described Charbonneau as "perhaps the most timid waterman in the world," not an asset when 80 percent of the journey was spent on the river. The journals also record incidents where he lost horses and gear and withheld vital information attained from the Shoshones. One of the more disturbing accusations against him, which occurred prior to the expedition, involved Charbonneau being accused of raping a young Indian girl. It appears that Charbonneau's greatest loyalty always remained to himself and his enterprises as a free trader and interpreter for hire.

The number of date errors in this volume is disturbing. The first is on the book jacket itself, where it states that Lewis and Clark's first meeting with Sacagawea was 1803 when in reality it was November 4, 1804. Also, pages 6 and 7 contain a number of errors regarding ages of members and when events took place. An editor easily could have corrected these and I question why they were not caught.

Charbonneau outlived most of the other thirty-two-member Corps of Discovery. He provided service on Stephen Long's expedition in 1806 and was later employed as a government interpreter from 1819 to 1839. His son, Jean Baptiste, was raised by William Clark in St. Louis, but he, too, chose a life in the western frontier. Nelson includes interesting information about Jean Baptist's service as a guide for Stephen Kearney in 1846 and his activities relating to the California and Colorado gold rushes.

History has been much kinder to Sacagawea than to her husband. Nelson strives to bestow Charbonneau with a better place in history. He succeeds in providing the reader with an interesting story and a healthy bibliography from which to draw your own conclusions.

Reviewed by Mary W. Madden, *assistant director of education and outreach, Kansas State Historical Society.*