

INVESTIGATION OR PROBITY?
INVESTIGATIONS INTO THE AFFAIRS OF THE
KIOWA-COMANCHE INDIAN AGENCY, 1867

By William E. Unrau*

Writing for *Harper's New Monthly Magazine* in 1870, Colonel George Ward Nichols described certain factors that in his opinion were responsible for Indian hostility on the Great Plains. Referring to the "Indian Ring," a combination allegedly comprised of certain congressmen, Indian commissioners, superintendents, agents and contractors believed to be reaping enormous profits by the fraudulent handling of Indian annuities, Colonel Nichols complained:¹

In Washington, New York, on the Plains, everywhere, there was a combination to defraud. But worst of all, on the border, where the Indian was unprotected, far removed from chance of detection, the robbery was most barefaced. The Indian was cheated in every way . . . The sutler who sold goods cheated him, the agent who paid his annuities robbed him, the official defrauded him . . . What wonder the Indian became worse than a Bedouin Arab, with his hand against every man and every man's hand against him.

This indictment, especially of the agent, echoed the contention of Henry B. Whipple, Episcopal Bishop of Minnesota who as early as 1862 had warned President Lincoln that field agents for the Indian Department often were selected not for their personal qualifications, but rather as a reward for party work. "John Doe desires a place, because there is a tradition on the border that an Indian agent with fifteen hundred dollars a year can retire upon an ample fortune in four years," charged Whipple. "The Indian bewildered, conscious of wrong, but helpless, has no refuge

*William E. Unrau, a native of Kansas, is a graduate of Bethany College, Lindsburg, Kansas where he is presently Associate Professor of History and Political Science and Chairman, Division of Social Sciences. Dr. Unrau holds his Ph. D. in history from the University of Colorado, and here received the Danforth Teacher Award among other awards at different times from other institutions, including the University of Wyoming. He also serves on the Board of Directors, Kansas Association of Teachers of History and Social Sciences. Dr. Unrau is the author of a number of published articles relating to Plains Indian history, including "Indian Agent v. the Army: Some Background Notes to the Kiowa-Comanche Treaty of 1865" in *Kansas Historical Quarterly* (Vol. XXX), summer, 1944.—Ed.

¹ Colonel George Ward Nichols, "The Indian: What We Should Do With Him," *Harper's New Monthly Magazine*, XL (April, 1870), p. 733.

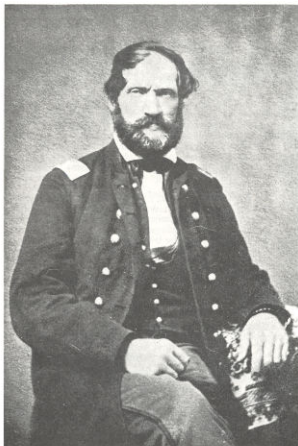
but to sink into depths of brutishness never known to his father."²

Conditions in Indian country during the sixties obviously varied from one agency to another, but on the southern plains, roughly the area south of the Arkansas river where by the end of the Civil War the Kiowas and Comanches (and their allies, the Southern Cheyennes and Arapahoes) constituted the principal barrier to immediate white settlement, charges of agent duplicity and chicanery were particularly pointed. When, in July, 1867, the *Leavenworth Conservative* charged that "... the Indian office is a general rendezvous for agents, contractors, traders, and the small army of associated ringmasters, who hover like buzzards about the rich spoils which tempt their avarice,"³ it turned out that the charge was primarily directed at Kiowa-Comanche agent Jesse Henry Leavenworth (1807-1885), son of General Henry Leavenworth, famous dragoon commander who had been instrumental in maintaining peace among the tribes of the southern border some thirty years earlier.

Like his famous father young Leavenworth pursued a military career, but never with great dedication. He resigned his West Point commission in 1836 and after working for a while as a civil engineer in Chicago and as a lumber merchant in Milwaukee, he traveled west in 1860 to seek his fortune in Colorado Territory. It was as a judicial official in the turbulent mining camps in and around Blackhawk and Georgetown that Leavenworth emerged as a man of prominence, an individual upon whose shoulders considerable responsibility for containing the Confederate threat to the Territory was expected to rest. But during the summer and early fall of 1863, less than two years after his return to the regular army as commander of the Second Regiment Colorado Volunteers, Colonel Leavenworth fell victim to a series of Territorial political maneuvers that on September 28 led to his dishonorable expulsion from the army. Aware of the cynicism of those who had accused him of "irregular and deceptive conduct in organizing his regiment," he secured a hearing with the Judge Advocate General in Washington, and by order of President Lincoln dated March 5, 1864, Leavenworth was officially cleared of the charges that had led to his abrupt dismissal. Now the way was clear for him to resume his military career, perhaps with a pro-

² Henry B. Whipple, *Indian Affairs in Minnesota*, 37 Cong., 2 Sess., *Senate Miscellaneous Documents No. 77* (Serial 1124), p. 5.

³ *Leavenworth Conservative* (Kansas), July 11, 1867.



COLONEL JESSE HENRY LEAVENWORTH

motion, but by then he was disillusioned with the establishment. While in Washington he was offered a position in the Interior Department as agent for the Kiowas and Comanches; Indian affairs on the southern plains following the War would certainly become increasingly complex and here was an opportunity to play a significant role in the inevitable conflict between the army, the settlers and the tribes.⁴

If Leavenworth believed that his return to the frontier in 1864 as an Indian agent would silence those who had questioned his public virtue, he soon was to be keenly disappointed. Serious efforts to censure him and to force his dismissal came in January, 1867, but by then he was familiar with the manner in which agents could be abused by merchants who sought lucrative government contracts or by aggressive military commanders and angry frontier newspaper editors. To complicate matters, the conduct of certain agents then employed by the Indian Department on the Southern Plains added little stature to the position Leavenworth now enjoyed, and, in fact, seemed to suggest that general indictments concerning malpractices in the southern agencies were not without substance.

The operations of Hiram W. Farnsworth, Kansas agent at Council Grove, Kansas, who brazenly speculated in Indian timber lands and who subsequently moved on to greater profits as a dealer in questionable Indian depredation claims, or Milo Goodkins, Wichita agent at Towanda Springs who left the Indian service in 1866 after being charged with fraud and embezzlement, are concrete examples of predatory activity that did take place, but the lack of probity in some instances could not implicate all who served in that region. As Senator John Wilkinson of Minnesota (a state with its share of Indian difficulty) wisely pointed out in June, 1864, "It is very popular to say that all agents are wicked thieves [but] no office in the United States is more

⁴ Caroline Thomas Furman, "Colonel Jesse Henry Leavenworth," *Chronicles of Oklahoma*, XIII, No. 1 (March, 1933), pp. 14-16; Francis B. Heitman, *Historical Register and Dictionary of the United States Army* (Washington, 1903), Vol. I; Dawson Scrapbooks, Library Division, State Historical Society of Colorado, Vol. V; *Daily Rocky Mountain News* (Denver), February 6, 1861; Thomas M. Marshall (ed.), "Minutes of the Eureka District," *Early Records of G&P Co. County, Colorado, 1850-1861* (Denver, W. F. Robinson Company, 1920), pp. 61, 96, 99; Judge Advocate General's Report, Washington, February 18, 1864, typed copy, Second Colorado Veterans Papers, Manuscript Division, State Historical Society of Colorado. For a summary account of Leavenworth's conflict with Colorado Territorial officials see William Unrau, "The Civil War Career of Jesse Henry Leavenworth," *Montana the Magazine of Western History*, Vol. XII, No. 2 (Spring, 1962), pp. 74-84.

difficult to perform. The vagabonds who hang around the border are the real troublemakers."⁶

Jesse Leavenworth's initial experiences as an Indian agent add creditability to the contentions of Senator Wilkinson. Soon after he accepted his new assignment he was ordered to purchase and deliver supplies for the Navajos who then were being moved to the Bosque Redondo reservation in eastern New Mexico Territory. Federal law stipulated that purchases for the tribes be made upon written requisition of the superintendent in charge (in this case the head of the New Mexico Superintendency), but in this instance an exception was made.

Because of the nomadic state of the "wild and untractable Kiowas and Comanches," and because Indian commissioner William Dole considered Leavenworth an exceptionally trustworthy agent, it was agreed that he would be allowed to exercise judgement independent of any superintendent, the only qualification being a requirement to consult with Dole and the Interior Department on fundamental policy matters. Thus certain advantages Leavenworth now enjoyed were obviously offset by his being made vulnerable to criticism, especially in regard to the handling of government contracts.⁷

It was not long before Leavenworth was charged with operating the Kiowa-Comanche agency for his own profit. On August 8, 1864, he purchased on the New York market supplies for the Bosque Redondo reservation worth \$17,640. He was aware of the immense distance to New Mexico, but recent experiences as an army officer on the frontier had taught him that even with the cost of transportation taken into consideration, prices on the eastern market often were lower than at such Missouri river towns as Atchison, Leavenworth and Westport. Then, so he would not be accused of favoring eastern merchants over those who oper-

⁶ D. N. Cooley to Hiram W. Farnsworth, August 15, 1865, Records of the Office of Indian Affairs, Letters Sent, National Archives, hereafter cited as OIA, LS; Farnsworth to Lewis Bogy, March 5, 1867, Hiram W. Farnsworth Papers, Manuscript Division, Kansas State Historical Society; John B. Sanborn, Thomas Murphy, James Steele, William S. Harney and Jesse H. Leavenworth to James Harlan, October 31, 1863, Report of the Commissioner of Indian Affairs, 1865, 39 Cong., 1 Sess., *Senate Executive Document No. 1* (Serial 1248), p. 730; Milo Goodkine to Elijah Sells, October 31, 1865, Records of the Office of Indian Affairs, Letters Received, Wichita Agency, National Archives; *Congressional Globe*, 39 Cong., 1 Sess., pt. 3, p. 2875.

⁷ Dole to Leavenworth, May 15, 1864, OIA, LS; U. S. *Statutes at Large*, XII, 628; Report of the Commissioner of Indian Affairs, 1865, 39 Cong., 1 Sess., *Senate Executive Document No. 1* (Serial 1248), p. 814.

ated in the border country, he completed the Navajo contract with Carney and Stevens, prominent army contractors and dealers in Indian goods with warehouses at Leavenworth, Kansas. This second contract marked the beginning of a close association between Carney and Stevens and the Kiowa-Comanche agency, and while Leavenworth was now open to the charge of favoritism, it must be remembered that contracts were awarded only upon the submission of public bids as stipulated in the federal statutes. Thomas Carney, in addition to serving as governor of Kansas in 1864, was "the richest man in the state," and the firm of which he was senior partner was one of the largest and most prosperous on the Missouri river. Thus it was relatively simple for this commercial baron to underbid less enterprising concerns and to dominate much of the Indian contracting business; at the same time, however, it was possible, indeed probable, that agent Leavenworth's relationship with Carney and Stevens would be viewed with suspicion.⁷

The announcement on March 13, 1865 that the Joint Congressional Committee on the Condition of the Indian Tribes would, among other things, "examine fully into the conduct of the Indian agents" was welcome news to those who hoped to even scores with the Leavenworth merchants and perhaps dispose of agent Leavenworth as well. On June 30, 1866, William B. Baker, representing certain Atchison and Santa Fe merchants charged that Indian Commissioner William Dole, Agent Jesse Leavenworth and the firm of Carney and Stevens had in 1864 made an excess profit of \$25,000 on the Navajo contract. Leavenworth quickly denied the charge and countered with the claim that Baker motivated by "either malice or complete ignorance." In Washington, however, where Dole had been replaced by D. N. Cooley, Baker's indictment was not ignored. Special commissioners Charles Bogy, N. W. Irwin and J. K. Graves were dispatched to the Southern Plains to have a look at affairs of the Kiowa-Comanche agency.⁸

⁷ Leavenworth to Dole, August 2, 1864, Office of Indian Affairs, Letters Received, New Mexico Superintendency, National Archives; testimony of Samuel G. Colley, March 7, 1865, Condition of the Indian Tribes, Report of the Joint Committee Appointed Under Joint Resolution of March 3, 1865, with an appendix, 39 Cong., 2 Sess., Senate Report No. 156 (Serial 1279), 35; Voucher File, 1854-1856, Office of Indian Affairs, Letters Received, Kiowa, Comanche and Apache Agency, National Archives, hereafter cited as OIA, LR, Kiowa-Comanche; U. S. Statutes at Large, XII, 529; Albert Castel, *A Frontier State at War: Kansas, 1861-1865* (Ithaca, Cornell University Press, 1958), p. 94.

⁸ Dole to All Superintendents and Agents, March 13, 1865, OIA, LR; Frank D. Reeve, "The Federal Indian Policy in New Mexico, 1858-1880," *New Mexico Historical Review*, XII, No. 3 (July, 1937), pp. 260-261.

On November 12, 1866 the commissioners presented a report that was favorable to Leavenworth. Advising that the Kiowa-Comanche agent had been diligently attending to his job, Bogy and Irwin explained that to that date Leavenworth had received no compensation for travel, that he had no funds with which to pay his couriers and interpreters and that he was energetically pursuing his responsibilities under "disadvantageous and destitute conditions." Charges of profiteering were blandly dismissed without so much as a reference to Baker's accusations.*

Two months later Leavenworth's operations were again subjected to criticism, this time by a military official at Fort Dodge on the Arkansas. Writing to Major General Winfield S. Hancock who was then making plans for a military campaign into Indian country that spring, Major Henry Douglas on January 13, 1867 charged Leavenworth (and other agents) with "drawing a large profit" from the illegal sale of arms and ammunition to the Indians. The agent was also accused of showing favoritism in his dealings with tribal headmen and of selling Indian annuities for his own profit. In contrast to Baker, Douglas qualified his charge by admitting, "How much of this is true I know not, but from all I can learn there seems to be at least some foundation to the story," but his caution was virtually ignored by Hancock. Eager for action, the General endorsed Douglas' dispatch and sent it on to General William T. Sherman, divisional commander at St. Louis, who in turn relayed it on to General Grant in Washington.

After Secretary of War Stanton and military committees in congress had been drawn into the affair the War Department was given blanket authority to halt the sale of guns and ammunition to the southern tribes, even though this action was a violation of federal trade statutes that dated back to Jackson's administration and which by act of congress on July 26, 1866, had been relaxed in favor of traders licensed by local judicial officials, not agents representing the Indian Department. Agent Leavenworth's protest that the tribes would starve unless they could obtain arms for hunting small game were ignored, and without a shot having been fired, and without the slightest attempt to determine the reliability of the original dispatch from Major Douglas, the matter was handled as a major crisis,

* Charles Bogy and N. W. Irwin to Lewis Bogy, November 12, 1866, Office of Indian Affairs, Letters Received, Upper Arkansas Agency, National Archives.

a subversive affair in which Indian agents were consorting with traders in a deceitful game.¹⁰

With Leavenworth again under suspicion, those who resented his unflinching dedication to enforce what remained of the federal trade code, and who were cognizant of delicate relationships then prevailing between the Interior and War Departments, took prompt action in preparation for a conference at Fort Larned between Hancock, Leavenworth and certain Kiowa headmen, scheduled for May 1. Fredrick F. Jones, a renegade trader with headquarters at Fort Dodge, spearheaded the anti-agent campaign.

In a nine-page letter sent to Secretary Stanton on April 26, 1867, the vindictive trader charged Leavenworth with a list of avaricious practices that, if based on irrefutable evidence, would have required the agent's immediate dismissal. On February 5, 1866, claimed Jones, Leavenworth had obtained 964 buffalo robes from the Arsapohes by illegally paying for them with government annuities; a few days later, 249 additional robes were secured in the same manner, as were substantial quantities of wolf skins, mules and Indian lariats. Most of these commodities were sold to Durfee and Company at Leavenworth; moreover, Jones claimed that he had been forced to haul the goods to Leavenworth in government wagons and that he had been paid in Indian annuities that the Kiowa-Comanche agent kept at "secret burial sites." Other crimes listed included profits from the traffic in Indian captives and "spending money too freely" while on extended absences from agency headquarters at Fort Larned. On the same day that Jones wrote Stanton, John A. Atkin, another Fort Dodge trader, dispatched a similar complaint; he claimed to have received 263 buffalo robes from Leavenworth for freighting some of the agent's contraband to warehouses in Leavenworth.¹¹

With their letters on file in Washington, Jones and Atkin believed they were well prepared for Hancock's examination into the conduct of Indian affairs on the southern plains. As they saw it, there was a good chance

¹⁰ Henry Douglas to Winfield Hancock, January 13, 1867 and William T. Sherman to Headquarters, U. S. Army, January 26, 26, 1867, Records of the War Department, U. S. Army Commands, Division of Missouri, 1867-1868, Special File, National Archives; Progress of Indian Hostilities, 40 Cong., 1 Sess., *Senate Executive Document No. 13* (Serial 1308), pp. 52-55, 106; U. S. *Statutes at Large*, XVI, 290; Leavenworth to N. G. Taylor, May 18, 1867, OIA, LR, Kiowa-Comanche.

¹¹ Fredrick F. Jones to Stanton, April 26, 1867 and John T. Atkins to Stanton, April 26, 1867, OIA, LR, Kiowa-Comanche.

that Leavenworth would demand that Hancock take action against unlicensed traders like themselves; if, on the other hand, they could produce "evidence" of the agent's own profiteering—"proof" that had been sent directly to the Secretary of War—perhaps Hancock would be thrown off guard and their own commercial activity would not be subjected to close scrutiny.

At the Fort Larned conference of May 1, 1867, the opponents came face to face. General Hancock and his aides were there, smarting from their recent failure to engage the Southern Cheyennes and Sioux; so were Jones, Atkin and Thomas H. Kincaid, as was Satanta in company with some lesser lights of the Kiowa tribe. Leavenworth was prepared to defend his actions, while Henry M. Stanley, the correspondent who would eventually find Livingston and fame in Africa, anxiously awaited developments that would make spectacular copy for his eastern readers.

Since Stanley's account became the principal source of information (and confusion) concerning the meeting, his comments, especially those with reference to agent Leavenworth, are of considerable importance. In contrast to Satanta, described by Stanley as "firm and unyielding," one whose name was on everyone's lips and who "stood before the glittering council with a solemn and even ascetic aspect," the agent was characterized in a manner quite the opposite:¹²

Colonel Leavenworth is now a cripple . . . [and] his back is bent and his beard is silvered by age. He has a very astute look, and he has a good deal of red tapeism in his system. His coat pockets are always full of official documents and sundry other papers that smack of old fogym . . . The ends of said paper can be seen sticking out an inch or so, and on each and all will be found legibly inscribed, "Leavenworth, Indian Agent."

As if to match this description, Fredrick Jones continued with the character assassination. Seizing the initiative before the council officially convened, he informed General Hancock, "I understand that Colonel Leavenworth told Satanta not to talk much today, but to go down to Fort Zarah [Zarah] tomorrow and he would make it all right. He may not, therefore, talk much as he would have done." Leavenworth quickly denied this charge, but the Fort Dodge traders had their trump cards ready. Now they revealed to Hancock the content of the letters sent to Stanton; to support their case they introduced Thomas H. Kincaid, another trader who claimed that early that year Leavenworth had sold nine hundred dollars of Indian goods to

¹²*Missouri Democrat* (St. Louis), May 13, 1867.

Charles Whitaker, a licensed trader who from his headquarters at Big Bend served as an outlet for Leavenworth's illicit commerce. Stanley knew a story when he heard one, and he made the most of it. "We have reason to believe," he wrote for the *Missouri Democrat*, "that the censure [of Leavenworth] was not undeserved, as may appear from a careful investigation of evidence, which is our unpleasant lot to make public."¹³

Following this volley of abuse it was Satanta's turn to complain how his agent refused him his annuities; Leavenworth countered by reminding him that there was on file in Washington documentary evidence that he and his bands had only recently been involved in depredations in Texas and that the Indian Commissioner had agreed that "until all . . . captives were returned without ransom [and] until assurances were had that no more depredations would be committed, no annuities should be given." To his credit, General Hancock wisely advised Satanta, "I have nothing to do with that matter . . . I cannot tell you anything about your agent [for] I have no control over him whatever . . ." That night, in a letter to Sherman, Hancock described the testimony of Jones and the other traders as of little importance—their principal objective was to prevent a general Indian war that might create a hardship for their commercial ventures—and the charges brought against Leavenworth were, in his opinion, at best conjectures.¹⁴

Hancock's circumspection was matched by Stanley's indiscretion. The correspondent worked on his manuscript for several days, waiting for new developments, but in this he was disappointed. Finally, on May 13, his Fort Larned story was printed in the *Missouri Democrat* in St. Louis. To this point Agent Leavenworth displayed no great concern over statements made by the traders for Hancock had judiciously announced that commissioner Taylor would be given a transcript of the conference, and if an official inquest resulted, there was no need for worry. But it was another matter to have the charges exhibited unchallenged in an influential paper, a paper printed almost at the doorstep of General Sherman's divisional headquarters. Reflecting on the fact that public opinion concerning Indian policy was sufficiently confused without the assistance of opportunistic traders and irresponsible newspaper correspondents, Leavenworth took immediate counter measures. On

¹³ *Ibid.*

¹⁴ *Ibid.* Hancock to Sherman, May 1, 1867. Records of the War Department, Headquarters of the Army, Letters and Telegrams Received, 1806-1867, National Archives.

the day following the publication of Stanley's story, the agent fired a curt letter to commissioner Taylor, "See *Mo. Dem.* of 13th. I demand a full and searching investigation of all my official acts." This dispatch was followed by another the next day in which Leavenworth gave Taylor complete details of an abortive trading expedition south of Fort Dodge that previous January, an expedition in which Frederick Jones had participated and over which Leavenworth had earned the eternal hatred of the unlicensed traders for having turned down their claims for damages.¹⁵

Others drawn into the affair needed no encouragement to denounce the charges. On the day that Leavenworth demanded an official inquest, commissioner Taylor received affidavits from three individuals who had read Stanley's story. One was from Big Bend Kansas trader Charles Whitaker who termed Kincaid's story "a base lie, a villainous misrepresentation" and part of a plot to destroy the reputation of established traders; another was from E. H. Durfee who advised Taylor that the only robes his firm had ever purchased from Leavenworth was an inferior lot worth about \$160 and which had been a gift to the agent from the Indians as a token of appreciation. As for the charges that Leavenworth was in partnership with William Matthewson, both Durfee and Matthewson in no uncertain terms denied this to be the case.¹⁶

Nevertheless, the Indian Department did not accept these denials over the charges of Jones, Atkin and Kincaid without conducting an independent investigation; besides, Leavenworth had demanded just such action. Selected for the job of special investigator was Warren W. H. Lawrence of Topeka, former Kansas Secretary of State and member of the first state legislature. Owner and operator of a

¹⁵ Leavenworth to Taylor, May 14, 15, 1867, OIA, LR, Kiowa-Comanche. At the abortive trade expedition to the Mulberry Creek area south of Fort Dodge on January 27, Frederick Jones and others claimed that the Kiowas stole sugar, rice, apples, flour as well as saddles and mules; moreover, they claimed that while at the Indian camp a Kiowa war party came in with scalps of seventeen Negro soldiers. Whether the traders were "invited" to visit the camp is problematical, but their account concerning the Negro scalps was subsequently revealed as a complete and malicious fabrication, *Progress of Indian Hostilities*, 40 Cong., 1 Sess., *Senate Executive Document No. 13* (Serial 1308), pp. 101-103; Report of the Indian Peace Commission, January 14, 1864, 40 Cong., 2 Sess., *House Executive Document No. 97* (Serial 1397), 11-13; Hancock to Sherman, May 1, 1867, Records of the War Department, Headquarters of the Army, Letters and Telegrams Received, 1866-1867, National Archives.

¹⁶ Affidavits of Charles Whitaker, E. H. Durfee and William Matthewson, all date May 14, 1867, OIA, LR, Kiowa-Comanche.

freighting firm, Lawrence was well informed on the subject of competition in the Indian trade and, in fact, was far from sympathetic to the problems of Indian agent; as he later admitted to Leavenworth, "I have to state I was prejudiced against you when first assigned to the case." After several weeks of detailed investigation from "all angles," Lawrence reported that the charges were "completely without foundation." He was, in fact, so impressed with the information he had gathered that he later wrote Leavenworth, "You have unlimited influence and control over the Indians. My observations confirm that you are an exception to the general rule, so far as collusion with the Indian traders is concerned. Your removal at this time would be attended with calamity." Six months later the Indian Peace Commission released testimony taken at Fort Dodge not long after Lawrence had conducted his investigation; collectively, the reports represented a blanket exoneration of Agent Leavenworth and a cutting indictment against those traders who had fabricated reports concerning Indian depredations.¹⁷

In the meantime the Indian Department was involved with a case against Leavenworth that called attention to events dating back to the early fall of 1865. Since funds for presents, interpreters and other expenses incurred at the Little Arkansas Peace Treaty¹⁸ were not immediately made available by Congress, the Peace Commissioners diverted \$10,000 from the Kiowa-Comanche annuity fund based on the Fort Atkinson Treaty of 1863. Although planned as a temporary arrangement, the "loan" became a permanent transaction. With the proclamation of the Little Arkansas Treaty in May, 1866, some relief appeared in sight, but annuity payments continued to fall behind schedule. By the spring of 1867 Leavenworth fully realized the critical state of affairs, but his demands that the "loan" be repaid in the form of supplies were ignored. Reports that railroad construction crews on the Smoky Hill route were being hampered by the tribes prompted Congress to provide well over \$100,000 for the Hancock military expedition, but the repayment of \$10,000 diverted by the

¹⁷ Warren W. H. Lawrence to Leavenworth, July (no day given), 1867, OIA, LR, Kiowa-Comanche; Report of the Indian Peace Commissioners, January 14, 1868, 40 Cong., 2 Sess., *House Executive Document No. 27* (Serial 1227), pp. 11-13.

¹⁸ For the background and particularly the role played by Leavenworth in this Treaty see William E. Unrau, "Indian Agent vs. the Army: Some Background Notes on the Kiowa-Comanche Treaty of 1866," *Kansas Historical Quarterly*, XXX, No. 2 (Summer, 1964), pp. 129-162.

Peace Commissioners was considered less pressing, and so Leavenworth was left to counsel his wards as best he could.¹⁹

The disruption of Indian affairs following General Hancock's abortive expedition to the Arkansas was of considerable importance to those who were determined to keep financial assistance for the southern tribes at a minimum. In July, 1867, Governor Samuel Crawford of Kansas learned that thirty-eight wagons of supplies were headed for the southern agencies. Crawford, who at the time was having trouble enlisting his cholera-infested Eighteenth Kansas Cavalry and who was in an ugly mood after Sherman had informed him that "the Indians had not delayed the progress of the [rail] road one hour," decided the time for action had arrived. To Sherman he wrote that unless authority for seizure of the annuity train were immediately granted, he (Crawford) would order his men to burn the wagons on the spot; to Kansas Senator E. G. Ross he boomed, "Congress might with equal propriety and justice, have forwarded a train of supplies. . . to the rebel army after the first battle of Bull Run, and upon that demand [sic] or expected their surrender, as to expect hostile Indians to stop the war by giving them annuities."²⁰

By then, however, Sherman had decided to "flush the Indians out with the Peace Commission," and so to appease the Governor, the Tenth Kansas Cavalry on July 20 was permitted to intercept the supply train at Emporia and to escort it to Camp Grierson (some sixty miles east of Fort Larned). From there it was moved to Fort Larned, and in mid-September, to the Medicine Lodge Treaty grounds where the goods were utilized in much the same manner as the Kiowa-Comanche annuities in 1865.²¹

Unaware of this strategy, Leavenworth proceeded with the affairs of his agency. Following his encounter with General Hancock and the Fort Dodge traders, he concluded that it was impossible to confine hostilities to the area north of the Arkansas. On May 17 he wrote Taylor that all contact with the Kiowas and Comanches had been lost; this

¹⁹ Leavenworth to the Commissioner of Indian Affairs, March 6, 1867; Leavenworth and Thomas Murphy to the Commissioner of Indian Affairs, March 16, 1867, OIA, LR, Kiowa-Comanche.

²⁰ Samuel J. Crawford, *Kansas in the Sixties* (Chicago, A. C. McClurg, 1911), 251; Crawford to E. G. Ross, June 29, 1867, Governor's Correspondence, Samuel Crawford, 1866-1868, Subject File, Archives Division, Kansas State Historical Society.

²¹ Sherman to Stanton, June 17, 1867, Records of the War Department, Headquarters of the Army, Letters and Telegrams Received, 1866-1867, National Archives; *Leavenworth Conservative*, July 27, 1867.

being the case, the Commissioner was instructed to detain the spring annuity shipment until matters could be discussed with General Sherman. On the 22nd Sherman assured Leavenworth that his Indians were not among those considered hostile, and on June 3, Interior Secretary Browning, Sherman and Leavenworth in conference agreed that until some peace commissioners could be sent into Indian country, Hancock's men would be confined to patrol duty along the railroad and overland routes.²³

Aware of no immediate threats to the welfare of his Indians, Leavenworth was pleased to learn that contrary to his May 17 dispatch to Taylor, the supply train was on its way to Indian country. Then came the shocking news that Crawford's men had seized the supplies. Not sure of the outcome, but suspecting that these supplies would be handled in much the same manner as the \$10,000 consignment had been in 1865, Leavenworth decided to take matters in his own hands.

In early August, after securing the half-hearted support of Thomas Murphy, Central Superintendent at Atchison, Leavenworth negotiated a contract for William Matthewson to deliver \$10,342.00 worth of supplies to the Kiowa-Comanche agency. Accordingly, Matthewson journeyed south to the Little Arkansas area where he purchased 325 beeves from William Griffenstein. After some of the stock had been delivered Leavenworth explained in somewhat less than realistic terms that the transaction had been made in preparation for the "oncoming peace treaty."

Whether the treaty would actually materialize was, in Leavenworth's opinion, an open question; more certain was the fact that his wards would not starve in the meantime. And if the Indian Commissioner took exception to his having exceeded his authority, he could fall back on at least three arguments in support of his action: annuities intended for Indians that even Sherman had described as peaceful had been illegally seized by state military authorities; secondly, in July and August, 1867, no one, not even commissioner Taylor had proof that the much-discussed Medicine Lodge Treaty Council would take place. Finally, if these arguments were dismissed as irrelevant, Leavenworth could produce a

²³Thomas Murphy to Taylor, July 27, 1867, Records of the Office of Indian Affairs, Letters Received, Central Superintendency, National Archives, hereafter cited as OIA, LR, Central Superintendency; Leavenworth to Taylor, May 22, 1867, Progress of Indian Restitution, 40 Cong., 1 Sess., Senate Executive Document No. 13 (Serial 1308), pp. 108-109; O. H. Browning to W. T. Otto, June 3, 1867, Records of the War Department, Headquarters of the Army, Letters and Telegrams Received, 1866-1867, National Archives.

long-forgotten issue—the \$10,000 diverted from the Kiowa-Comanche appropriation in 1865 and never repaid to Indians whose destitution since then had become progressively more critical.²³

The Medicine Lodge Treaty Council that finally convened deep in Indian country in the fall of 1867 proved to be an instructive experience for Kiowa-Comanche agent Jesse Leavenworth. Here, some ninety miles south of his headquarters at Fort Larned, he learned that the recent investigation of his agency had come not (as he first believed) at the instance of Stanley's story in the *Missouri Democrat* but rather as a consequence of letters Fredrick Jones and John Atkin had sent directly to Secretary of War Stanton; here again he was accosted by the vindictive Fort Dodge traders who, unaware that their charges by then had been dismissed by special agent Lawrence, continued to spread what Leavenworth termed "their vile and pitiful slander." Finally, it was apparent at the Council that superintendent Murphy was trying to deny the fact that he had supported Leavenworth's negotiation of the Matthewson contract. Commissioner Taylor was there and Murphy, anxious that his own operations at Atchison would not be subjected to detailed investigation, deemed it the wisest policy to let Leavenworth assume full responsibility for the somewhat irregular purchase of supplies.²⁴

Less than three weeks after the Medicine Lodge Treaties had been arranged²⁵ and prior to Commissioner Taylor's return to Washington, Murphy, in a letter to acting commissioner Charles E. Mix, proceeded with his plan to disguise his role in the Matthewson contract. While he could appreciate Leavenworth's "dilemma" at the time the Kiowa-Comanche annuities had been seized, confided Murphy, the agent had clearly exceeded his authority by acting without the permission of the Central Superintendency. Seven days later, on November 21, Murphy again wrote Mix. "Is Leavenworth under my control? Orders come to him through my office, but he communicates directly to Washington." His policy of retrenchment proved effective; although he had originally protested the seizure of

²³ Leavenworth to C. E. Mix, August 10, 1867, OIA, LR, Kiowa-Comanche.

²⁴ Leavenworth to C. E. Mix, December 6, 1867, OIA, LR, Kiowa-Comanche.

²⁵ The Medicine Lodge Treaties are printed in Charles J. Kappler (ed. and comp.), *Indian Affairs: Laws and Treaties* (Washington, 1904), pp. 977-982, 984-986.

the supply train and in fact had informed Leavenworth that Matthewson's profit was "reasonable," he now succeeded in washing his hands of what he considered a dangerous affair.²⁶

When Indian Department officials discovered what appeared to be a misuse of public funds, it was Leavenworth who was placed under suspicion; Murphy's name was not mentioned. The issue came to a climax on December 19, 1867 when Interior Secretary Browning demanded that Commissioner Taylor explain exactly what had been taking place in the disbursement of supplies to the Kiowa-Comanche agency. According to his records, complained Browning, Leavenworth had purchased goods worth \$10,842.94 from Matthewson and Griffenstein at about the time the regular shipment was ostensibly delivered. Was this not an apparent duplication? Were either of the shipments actually delivered to the Indians? Demanding immediate explanations, the Secretary concluded his note to Taylor with a stinging criticism of Leavenworth's illegal assumption of authority.²⁷

Not until the following summer (and after Leavenworth had left the Indian Department) was special agent Albert G. Boone able to satisfy Interior Department authorities that the former Kiowa-Comanche agent was not guilty of subversive activity. But Leavenworth had meanwhile assumed the initiative with letters of explanation to Mix and Taylor, in which he reviewed events from the time the supply train had been apprehended by Crawford's troops. Everything was accounted for and not one Indian Department official had profited from the incident, least of all the Kiowa-Comanche agent.

Thomas Carney, the Leavenworth merchant who had done business with the Department since 1864, also offered explanations; in a letter to Interior Secretary Browning he described Leavenworth as honest and dependable, "one of the best agents in this part of the country." Whatever Carney's motives his testimony was borne out by Boone's official investigation. Describing Leavenworth's accounts and his personal version of the affair as correct in every detail, Boone went on to recommend that Leavenworth be honored with an appointment to a special commission to the

²⁶ Murphy to Mix, November 15, 21, 1867, Leavenworth to Taylor, November 29, 1867, OIA, LR, Kiowa-Comanche; Murphy to Taylor, July 27, 1867, OIA, LR, Central Superintendency.

²⁷ Browning to Taylor, December 19, 1867, OIA, LR, Kiowa-Comanche.

Ute Indians who then held the highly prized Kiowa-Comanche medicine idol.²⁸

Following the Medicine Lodge Council in the fall of 1867 agent Leavenworth had considerable cause to be pessimistic about his own future and that of his Indians. He knew only too well how treaties and Indian appropriations were continually delayed in Congress and he also knew that by giving their support to the treaties, several Kiowa-Comanche headmen had placed their reputations at stake with many impatient members of their tribes. Anticipating no significant change in the affairs of his agency, he dutifully accepted the settlement worked out by the Peace Commission while at the same time confiding to commissioner Taylor that unless President Johnson himself intervened, there was little chance the tribes would be appreciably relieved of their destitute circumstances.²⁹

Leavenworth did not arrive at the site of the proposed Kiowa-Comanche reservation in Eureka Valley (near Fort Cobb) until March, 1868, and by that time several warrior bands had reverted to their old habits of raiding the Texas settlements for captives. In January they seized seven children, in February five more. Other bands turned east to raid the Chickasaw settlements and though troops were stationed at nearby Fort Arbuckle, they refused to "take an interest in the matter." To the west the Navajos, whose illicit livestock operations in New Mexico had finally been brought under control, advanced east toward Eureka Valley and in the process forced many Kiowa-Comanche hunting parties from the Staked Plains.³⁰

Reports of these developments reached Commissioner Taylor who from the perspective of his Washington office held Leavenworth responsible for the depredations; but more pointed criticism came from various military officials on the frontier. On March 6, 1868, Colonel William B.

²⁸ Leavenworth to Mix, December 21, 1867, Leavenworth to Taylor, December 27, 1867, Carney to Browning, November 29, 1867, Boone to Taylor, July 31, 1868, Boone to Mix, October 2, 1868, OIA, LR, Kiowa-Comanche.

²⁹ Leavenworth to Taylor, December 4, 1867, OIA, LR, Kiowa-Comanche.

³⁰ Edward W. Wynkoop to Murphy, February 1, 1868, Murphy to Taylor, February 20, 1868, Philip McKusker (McCosker) to William B. Hazen, December 22, 1868, Indian Affairs in the Military Division of Missouri, 40 Cong., 3 Sess., Senate Executive Document No. 40 (Serial 1360), 13; McCusker to Leavenworth, April 6, 1868, Leavenworth to Taylor, April 23, 1868, OIA, LR, Kiowa-Comanche; Cyrus Harris to General (?), January 22, 1868, Outrages Committed by Indians on the Western and Southwestern Frontiers, 41 Cong., 2 Sess., House Miscellaneous Document No. 139 (Serial 1439), p. 2.

Hazen, a critic of Indian policy in general and the Kiowa-Comanche agency in particular, wrote Major General Philip H. Sheridan that an unidentified Comanche chief had advised him that Leavenworth, not the government, was responsible for the crisis in Eureka Valley; the Indians were starving not because of a shortage of subsistence, but because their agent refused to deliver supplies that were available. The charge was either the calculated effort of a vindictive chief or an example of complete misunderstanding, but Sheridan accepted Hazen's words without qualification. Writing to departmental headquarters at Fort Leavenworth Sheridan not only reiterated Hazen's dispatch but appended the opinion of another subordinate, "Colonel [George A.] Forsyth believes [italics added] the only reason he [Leavenworth] calls for troops is to help consume \$500,000 worth of goods being shipped by speculators, to the Fort Cobb vicinity."⁸¹

The words of Sheridan, Hazen, Forsyth and an unidentified Comanche chief were perhaps sufficient to again place Leavenworth under surveillance, but as in 1867, the assault came from several sources. On March 31, Captain G. T. Robinson, commander of a military detachment assigned to protect surveyors and grading crews on the Seminole and Creek Railroad, reported that Leavenworth was selling whiskey, revolvers and ammunition to the Kiowas and Comanches with singular vengeance. "If ever I get out there [to Fort Cobb]," warned Robinson, "I'll stop that fun or be sent in under arrest, 'You bet!'" But the most vicious charge of all came from Phillip McCusker, Indian interpreter and superintendent Murphy's right hand man who had visions of replacing Leavenworth as Kiowa-Comanche agent. On June 5, McCusker wrote Commissioner Taylor that Leavenworth had as a speculative venture encouraged warrior bands to raid the settlements, but now that his resources for buying captives were depleted, the Indians were turning against him.⁸²

With the exception of the warning on March 10 to Leavenworth that prompt action be taken over reports that his wards were raiding the Chickasaw settlements, Taylor

⁸¹ Taylor to Leavenworth, March 10, 1868, *ibid.*, 1; Colonel George Ward Nichols, "The Indian; What We Should Do With Him," *Harper's New Monthly Magazine*, XL (April, 1870), 783-785; letter dictated to William B. Hazen by a Comanche chief, Hazen to Sheridan, March 8, 1868, Sheridan to Headquarters, Department of Missouri, May 22, 1868, OIA, LR, Kiowa-Comanche.

⁸² G. T. Robinson to George A. Reynolds, March 31, 1868, Leavenworth to Taylor, April 22, 1868, Phillip McCusker to Taylor, June 5, 1868, McCusker to Edward Palmer, June 5, 1868, Murphy to Mix, August 20, 28, September 21, 1868, OIA, LR, Kiowa-Comanche.

ignored the charges of Hazen, McCusker and the others. Leavenworth's part in the Matthewson contract was then under investigation and his four-year appointment was about to expire; moreover, his age and physical condition were evidence of the fact that he probably would not seek reappointment. Thus from Taylor's position, it was expedient to overlook charges that perhaps were no more reliable than those filed with Secretary Stanton by Douglas and Atkin in 1867. It was also expedient for him not to intercede on Leavenworth's behalf for this might only complicate Congressional action on the proposed Medicine Lodge settlement. Clearly, the Kiowa-Comanche agent would have to fend for himself.

On the frontier the Indians continued to spread terror through the settlements of north-central Texas. Previous forays had been largely the work of individual bandits or small, unorganized parties, but now the disillusioned Leavenworth learned that bands of Kiowas and Comanches were organizing with the announced purpose of seizing captives wherever they could be found; moreover, they were operating with the encouragement of tribal headmen who had staunchly supported the Medicine Lodge Treaties.

On May 21, 1868, after learning that the Kiowas had murdered eight more settlers and that both tribes were planning new forays against the Chickasaws, Leavenworth bitterly wrote Taylor, "My patience with them and their promises are exhausted." All annuities were to be withheld until the raids ceased and until all captives were delivered to the proper authorities; if this failed, the tribes were to be handed over to General Sherman and his troops.²²

Leavenworth's patience was indeed exhausted. Less than a week after his letter to Taylor he left his post on the Southern Plains. He headed to Washington to settle his accounts with the Indian Department, after which he announced plans to return to the Milwaukee home he had left nearly a decade ago. S. T. Walkley was temporarily assigned to the vacant agency and, not surprisingly, was immediately subjected to the type of treatment that had been commonplace with Leavenworth. Speculators and traders demanded their usual concessions and when these were denied, Walkley was viciously abused and charged with irregular practices. Had he been informed of such developments Leavenworth would not have been shocked nor would he have been surprised to learn of equally irritating conditions Brigadier General Hazen subsequently experi-

²² Leavenworth to Taylor, April 3, 28, May 21, 1868, OIA, LR, Kiowa-Comanche.

enced at the hands of the Indians, General Sheridan and Governor Crawford after Sherman on August 10, 1868 ordered district military commanders "to construe themselves as agents of the Indians." But these were no longer the concerns of Jesse Leavenworth; for him it was less painful to recall the various charges of subversion when, on September 2, 1868, thirty-five headmen of his former agency testified to his unflinching probity and requested that commissioner Taylor send him back to Eureka Valley.²⁴

During the troublesome four years that Leavenworth served as an Indian agent journalists, generals, congressmen and peace commissioners debated the "Indian Question," but in the final analysis, most of their arguments came down to a problem over which the agents had little control—economy in federal Indian appropriations.

On the frontier the settlers could complain about Indian depredations, about the failure of the army to perform its duty and about corruption in the agencies, but again, conditions underlying these complaints were largely beyond the control of responsible agents. Blissfully ignorant of substantial obstacles to be overcome in reducing the wilderness to a garden, the settlers often failed to solve such problems as transportation, prices and markets; lacking the means to make the return journey, it was not difficult for many to seize upon unverified accounts of agent chicanery as the principal factor underlying Indian discontent and violence.

Frugal congressmen and inherent tribal obstinacy represented scapegoats of some consequence, yet someone intimately involved in the process of settlement was needed as a public target. As Jesse Leavenworth knew, and as others eventually realized, no one was better suited for the role of frontier subversive than the one closest to the Indian himself—*his agent*.

²⁴ S. T. Walkley to W. B. Hazen, October 10, 1868, Hazen to Sherman, November 10, 1868, Battle of the Washita, 40 Cong., 3 Sess., Senate Executive Document No. 18 (Serial 1360), pp. 15-16, 18-21; Murphy to Hazen, April 21, 1868, OIA, LR, Central Superintendency; Leavenworth to Taylor, June 18, 1868, X's representing the signatures of thirty-five tribal headmen to Taylor, September 2, 1868, OIA, LR, Kiowa-Comanche; W. B. Hazen, "Some Corrections of Life on the Plains," *Chronicles of Oklahoma*, III, No. 4 (December, 1925), 298; A. O. Farnham to C. E. Mix, October 5, 1868, OIA, LR, Upper Arkansas; Sheridan to Crawford, October 8, 1868, Governor Samuel J. Crawford Telegram Copy Book, 1864-1868, Archives Division, Kansas State Historical Society; Crawford, *Kansas in the Sixties*, pp. 317-318; General Orders No. 4, Headquarters, Division of Missouri, August 10, 1868, Records of the War Department, Office of the Adjutant General, General Orders, Division of Missouri, 1865-1868, National Archives.