
Reexamining the American Genocide Debate: Meaning, Historiography, and New Methods

BENJAMIN MADLEY

NATIVE AMERICANS SUFFERED A catastrophic demographic decline following sustained contact with Europeans. From a pre-contact population of perhaps 5,000,000 or more, the number of American Indians within the continental United States and its colonial antecedents fell to some 240,000 individuals by 1880–1900. The cataclysm thus ranks among the major long-term population disasters of world history. Some scholars assert that introduced diseases were the primary cause of this catastrophe, while others argue that colonialism, war, and diseases combined to wreak demographic devastation.¹

I am grateful to William Bauer, Colin Calloway, John Demos, John Faragher, Albert Hurtado, Paul Kelton, Ben Kiernan, Timothy Macholz, William Marotti, Preston S. McBride, Edward Melillo, Jeffrey Ostler, Christopher Parsons, Peter Stacey, Russell Thornton, and the *American Historical Review*'s editors and anonymous reviewers for their help with this essay.

¹ Estimates of the pre-contact Native American population in North America and in what would become the continental United States vary dramatically and remain contested. The following are some influential estimates. In 1841, the artist George Catlin estimated 16,000,000; and in 1860 the missionary Emmanuel Domenech estimated 16,000,000 to 17,000,000 in North America, not including Mexico, “two centuries ago.” In 1928 and 1939, anthropologists James Mooney and Alfred Kroeber estimated 1,152,950 and 1,025,950 respectively for the native population north of Mexico. Estimates then trended upward. In 1976, anthropologist Douglas H. Ubelaker estimated 1,850,011 for the continental United States. In 1983, anthropologist Henry Dobyns estimated “approximately 18 million Native Americans living north of civilized Mesoamerica in the early years of the sixteenth century.” Four years later, demographer Russell Thornton estimated “5+ million” in “the conterminous United States,” and in 1992 geographer William Denevan estimated 3,790,000 in North America, excluding Mexico and Central America. Catlin, *Letters and Notes on the Manners, Customs, and Condition of the North American Indians*, 2 vols. (London, 1841), 1: 6; Domenech, *Seven Years' Residence in the Great Deserts of North America*, 2 vols. (London, 1860), 1: 429; Mooney, *The Aboriginal Population of America North of Mexico* (Washington, D.C., 1928), 33; Kroeber, *Cultural and Natural Areas of Native North America* (Berkeley, Calif., 1939), 131; Ubelaker, “Prehistoric New World Population Size: Historical Review and Current Appraisal of North American Estimates,” *American Journal of Physical Anthropology* 45, no. 3 (1976): 661–665, here table 2, 664; Dobyns, *Their Number Become Thinned: Native American Population Dynamics in Eastern North America* (Knoxville, Tenn., 1983), 42; Thornton, *American Indian Holocaust and Survival: A Population History since 1492* (Norman, Okla., 1987), 32, 60; Denevan, ed., *The Native Population of the Americas in 1492*, 2nd ed. (Madison, Wis., 1992), xxviii. The Indian Office reported 243,299 American Indians in 1887, while the Census Bureau reported 237,196 in 1900. United States Department of the Interior, *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1900: Indian Affairs—Report of the Commissioner and Appendixes* (Washington, D.C., 1900), 48; United States Bureau of the Census, *Indian Population in the United States and Alaska, 1910* (Washington, D.C., 1915), 10. According to Thornton, “the single most important factor in American Indian population decline was an increased death rate due to diseases introduced from the Eastern Hemisphere”; *American Indian Holocaust and Survival*, 44. Epidemiologist and microbiologist Francis L. Black wrote, “Approximately 56 million people died as a result of European exploration in the New World [and] most died of introduced diseases.” Black, “Why Did They Die?” *Science* 258 (December 11, 1992): 1739–1740, here

Academics continue to debate whether or not Native Americans—or any groups of them—suffered genocide during the conquest and colonization of the Americas. It is a question that should matter not just to scholars and Native Americans, but to all U.S. citizens. Although the political and administrative boundaries of the United States have been imposed upon indigenous peoples, they form a cohesive unit of historical analysis with real meaning and repercussions for scholars, American Indians, and non-Indians in both the past and present. While the stakes of the debate as it relates to Native Americans may echo those in other genocide debates, new methods of inquiry will help to move this particular debate forward. Examining statements of genocidal intent, massacres, state-sponsored body-part bounties, and mass death in government custody can provide scholars with a rubric for locating, evaluating, or ruling out possible instances of genocide. Detailed case studies are crucial to this approach. They can reframe the debate by focusing on the question of genocide for particular tribes rather than all Native Americans. Applying these methods to two specific cases—Connecticut’s Pequot Indians and California’s Yuki Indians—suggests how this approach might then be used to locate and define other cases of genocide within and beyond the Americas.²

THE NEAR-ANNIHILATION OF North America’s indigenous peoples remains a formative event in U.S. history. Along with wars, real estate transactions of often questionable validity, the making and breaking of treaties, forced removal, confinement to reservations, and the 1887 Dawes Allotment Act, which reduced federally recognized Native American landholdings by about 90,000,000 acres, the American Indian population cataclysm played a central role in the clearing of hundreds of millions of acres for colonization. These lands, in turn, provided the vast geography and the cornucopia of natural resources upon which the modern United States was built. Thus, how we explain the Native American population catastrophe informs how we understand the making of the U.S. and its colonial origins.

In 1622, the *Mayflower* passenger Robert Cushman wrote of America: “Our land is full . . . their land is empty. This then is a sufficient reason to prove our going thither to live lawful: their land is spacious and void, and they are few and do but run over the grass, as do also the foxes and wild beasts. They are not industrious, neither have [they] art, science, skill or faculty to use either the land or the commodities of it; but all spoils, rots, and is marred for want of manuring, gathering, ordering, etc.” Articulating the *vacuum domicilium*, or “empty domicile,” theory, which many would cite in attempting to justify their conquest and colonization of North America, Cushman claimed that American Indians did not inhabit their homelands fully enough, either in population density or in economic development, to justify their having legal ownership, particularly in so-called “empty” areas. Cushman

1739. For additional scholarship on the causes, dynamics, and impact of introduced diseases on Native Americans see footnote 7.

² Thornton noted this debate in “Native American Demographic and Tribal Survival into the Twenty-First Century,” *American Studies* 46, no. 3–4 (2005): 23–38, here 31.

was not alone in such thinking.³ In 1516, the English lawyer Thomas More anticipated that colonists would, and preachers John Donne and John Cotton and even Pennsylvania proprietor William Penn later asserted that legally they could, seize “voyde and vacannt,” “abandoned” or unfilled, “vacant,” and “Waste, or unculted Country.”⁴ The English philosopher and Carolina Colony secretary John Locke then contended in 1690 that colonists could obtain legal title to such Indian land with his “agricultural argument,” which suggested that agriculturally unimproved lands could be taken by those who improved them.⁵ Meanwhile, “Old World” diseases such as diphtheria, influenza, malaria, measles, scarlet fever, smallpox, typhus, and whooping cough killed great numbers, diminishing many Native American populations while buttressing the specious *vacuum domicilium* theory in some Europeans’ minds. Thus emerged the almost canonical trope of American Indian population decline as a natural disaster created by biological forces, and the expropriation of increasingly “empty” Native American lands as a just response to opportunities created by regrettable, but inevitable, natural devastation.⁶

Disease did kill untold numbers of Native Americans, and scholars continue to explore the causes, dynamics, variability, and magnitude of disease-induced population losses. Yet the emphasis on disease as the prime agent of American Indian demographic decline tends to overshadow the equally undeniable role of violence in the population catastrophe and in the conquest of the United States. The determination of whether or not such violence constituted genocide requires a more careful examination of the role of human agency in this cataclysm and whether or not some colonizers committed what legal scholar William Schabas has called “the crime of crimes.”⁷ It requires an exploration of the possibility of genocide in the

³ R. C., “Reasons and Considerations Touching the Lawfulness of Removing out of England into the Parts of America [1622],” in John Demos, ed., *Remarkable Providences, 1600–1760* (New York, 1972), 25–31, here 28.

⁴ Thomas More, *A Fruteful, and Pleasaunt Worke . . . Called Vtopia*, trans. Raphe Robynson (1516; repr., London, 1551), 73; John Donne, “A Sermon Preached to the Honourable Company of the Virginian Plantation,” November 13, 1622, in George R. Potter and Evelyn M. Simpson, eds., *The Sermons of John Donne*, 10 vols. (Berkeley, Calif., 1953–1962), 4: 274; John Cotton, “Gods Promise to His Plantations” (London, 1630), in *The Old South Leaflets: Twelfth Series* ([Boston], 1894), no. 6, 6; William Penn, *A Brief Account of the Province of Pennsylvania, Lately Granted . . . to William Penn and His Heirs and Assigns* (London, 1681), 1.

⁵ James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge, 1993), 169. David Armitage called this the “agriculturalist argument” in “John Locke, Carolina, and the *Two Treatises of Government*,” *Political Theory* 32, no. 5 (2004): 602–627, here 618. Locke asserted that whatsoever a man “removes out of the State [of] Nature” and “hath mixed his Labour with,” he “thereby makes it his Property.” He then proposed an expansive definition of wasteland available for expropriation: “if either the Grass of his Inclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on as Waste, and might be the Possession of any other.” Locke specified: “several Nations of the *Americans* . . . are rich in Land, and . . . yet for want of improving it by labour, have not 1/100 part of the Conveniences we enjoy.” John Locke, *Two Treatises of Government: In the Former, the False Principles and Foundation of Sir Robert Filmer, and His Followers Are Detected and Overthrown* (1690; repr., London, 1698), 185, 194, 196, emphasis in the original. Locke’s views of property and colonialism are contested. For recent discussion, see Armitage, “John Locke, Carolina, and the *Two Treatises of Government*.”

⁶ Bubonic plague and cholera probably arrived later.

⁷ For scholarship on the causes, dynamics, variability, and demographic impact of Native American death due to introduced diseases, see Alfred W. Crosby, “Virgin Soil Epidemics as a Factor in the Aboriginal Depopulation in America,” *William and Mary Quarterly*, 3rd series, 33, no. 2 (1976): 289–299; William H. McNeill, *Plagues and Peoples* (New York, 1977), 199–216; Dobyns, *Their Number Become Thinned*; Thornton, *American Indian Holocaust and Survival*; David E. Stannard, “Disease and Infer-

foundations of U.S. history, or at least that of some regions. These are difficult issues. Nonetheless, the question of whether genocide occurred in the United States and its colonial antecedents should be on conference agendas, discussed in classrooms, debated in public forums, and pursued in scholarly journals because the stakes are so high for scholars, American Indians, and all U.S. citizens.

If the conquest and colonization of some regions of the United States, if not the entire nation, involved deliberate attempts to annihilate Native American peoples, scholars will need to reevaluate current interpretive axioms and address new quandaries. Scholars could, for example, reexamine the assumption that indirect effects of colonization, such as the spread of disease, rather than deliberate actions, such as murder, were the leading cause of death in most or all encounters between newcomers and Native Americans. Exceptionalist interpretations of U.S. history—which suggest that the United States is fundamentally unlike other nations—may also lose validity as researchers compare genocides in the U.S. to other mass killings and place them within global comparative frameworks. Where scholars document a genocide, it will be necessary to evaluate what roles colonial, federal, state, and territorial governments played, as well as whether the event was part of a recurring regional or national pattern. Larger questions then follow. What tended to catalyze genocide? Who ordered and carried out the killing? Why do we not know more about these events? Did democracy drive mass murder? And, ultimately, was genocide central to the making of the contemporary United States?⁸

Given its political, economic, psychological, and health ramifications, the genocide question is particularly urgent for the approximately 5,220,000 U.S. citizens of self-reported Native American ancestry. Should tribes press for official apologies, reparations, and control of land where genocidal events took place? Should tribes marshal evidence of genocide in cases involving tribal sovereignty and federal recognition? How should Native American communities commemorate mass murder while also emphasizing successful accommodation, resistance, survival, and cultural renewal? The psychological issues related to genocide are also fraught. What happens when a tribal member learns that she or he is a descendant of both perpetrators

tility: A New Look at the Demographic Collapse of Native Populations in the Wake of Western Contact,” *Journal of American Studies* 24, no. 3 (1990): 325–350; Douglas H. Ubelaker, “Patterns of Demographic Change in the Americas,” *Human Biology* 64, no. 3 (1992): 361–379; Dean R. Snow, “Microchronology and Demographic Evidence Relating to the Size of Pre-Columbian North American Indian Populations,” *Science* 268 (June 16, 1995): 1601–1604; Jared Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (New York, 1997); David S. Jones, “Virgin Soils Revisited,” *William and Mary Quarterly*, 3rd series, 60, no. 4 (2003): 703–742; Jones, *Rationalizing Epidemics: Meanings and Uses of American Indian Mortality since 1600* (Cambridge, Mass., 2004); Paul Kelton, *Epidemics and Enslavement: Biological Catastrophe in the Native Southeast, 1492–1715* (Lincoln, Neb., 2007). For one study of how disease has been used to limit the discussion of violence, see Kelton, *Cherokee Medicine, Colonial Germs: An Indigenous Nation’s Fight against Smallpox, 1518–1824* (Norman, Okla., forthcoming 2015), chap. 4. Quotation from William Schabas, *Genocide in International Law: The Crime of Crimes* (New York, 2002), 212.

⁸ Some works addressing U.S. exceptionalism include Seymour Martin Lipset, *American Exceptionalism: A Double-Edged Sword* (New York, 1996); Siobhán McEvoy-Levy, *American Exceptionalism and US Foreign Policy: Public Diplomacy at the End of the Cold War* (New York, 2001); Jonathan A. Glickstein, *American Exceptionalism, American Anxiety: Wages, Competition, and Degraded Labor in the Antebellum United States* (Charlottesville, Va., 2002). Sociologist Michael Mann posited a relationship between democracy and ethnic cleansing in *The Dark Side of Democracy: Explaining Ethnic Cleansing* (New York, 2005).

and victims? How might Native American people reconcile increased knowledge of genocide—sometimes at the hands of the United States—with their frequently intense patriotism? Finally, what role might acknowledgment of genocide have on the “intergenerational/historical trauma” in some Native American communities and that trauma’s connection to present-day illnesses, substance abuse, domestic violence, and suicide?⁹

The question of genocide in the history of the United States and its colonial antecedents also poses explosive political, economic, educational, and psychological questions for all U.S. citizens. Acknowledgment and reparations are central issues. Should elected government officials tender public apologies to Native Americans, as Presidents Ronald Reagan and George H. W. Bush did in the 1980s for the relocation and internment of some 120,000 Japanese Americans during World War II? Reparations are an important subordinate issue. Should federal officials offer compensation to American Indians, along the lines of the more than \$1.6 billion that Congress awarded to 82,210 of those Japanese Americans and their heirs? The question of commemoration is closely linked. Will non-Indian citizens support or tolerate the commemoration of mass murders committed by some of the nation’s forefathers with the same kinds of monuments, museums, and state-legislated days of remembrance that today commemorate the Armenian genocide and the Holocaust? Will genocides against Native Americans join those systematic mass murders in school curricula and public discourse?¹⁰

Steps have been taken toward federal acknowledgment of some wrongs done to Native Americans. In 1989 and 1990, Congress passed the National Museum of the American Indian Act and the Native American Graves Protection and Repatriation Act, which in combination mandate that federally funded institutions protect Native American gravesites and return human remains and objects taken from Native Americans under certain circumstances. In 2000, the head of the federal government’s Bureau of Indian Affairs, Kevin Gover, publicly apologized for that organization’s role in the lethal “removal of the southeastern tribal nations” and “the ethnic cleansing that befell the western tribes.” Gover, who is Comanche and Pawnee, also acknowledged “the cowardly killing of women and children” and “tragedy on a scale so ghastly that it cannot be dismissed as merely the inevitable consequence of the clash of competing ways of life.”¹¹ Four years later, six U.S. senators and a congresswoman introduced “A joint resolution to acknowledge a long history of of-

⁹ The 2010 census reported 5,220,579 people as being Native American or part Native American. See Karen R. Humes, Nicholas A. Jones, and Roberto R. Ramirez, “Overview of Race and Hispanic Origin: 2010,” March 2011, www.census.gov/prod/cen2010/briefs/c2010br-02.pdf; Eduardo Duran, Judith Firehammer, and John Gonzalez, “Liberation Psychology as the Path toward Healing Cultural Soul Wounds,” *Journal of Counseling & Development* 86, no. 3 (2008): 288–295, here 292. For more on intergenerational trauma, see Yael Danieli, ed., *International Handbook of Multigenerational Legacies of Trauma* (New York, 1998). In 2007, several hundred Indian and non-Indian participants at the 37th Annual United Indian Health Services Annual Board and Staff Meeting for northwestern California discussed the connection between the historical trauma resulting from genocide and contemporary Native American health issues.

¹⁰ Eric K. Yamamoto and Liann Ebesugawa, “Report on Redress: The Japanese American Internment,” in Pablo de Greiff, ed., *The Handbook of Reparations* (New York, 2006), 257–283, here 257–258, 269–270, 274.

¹¹ Kevin Gover, “Remarks of Kevin Gover, Assistant Secretary-Indian Affairs: Address to Tribal Leaders,” *Journal of American Indian Education* 39, no. 2 (2000): 4–6, here 4–5.

ficial depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.” The resolution noted how “Native Peoples suffered and perished . . . during . . . forced removal . . . during bloody armed confrontation and massacres [and] on numerous reservations.”¹² After failing in 2004, 2005, and 2007, the resolution passed in a diluted form in 2009. This apology, signed by President Barack Obama that year, “recognizes . . . years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes.” It also “apologizes . . . to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States.” It does not, however, address genocide.¹³ Still, by coming close to the issue, the apology generated substantial resistance as well as support, because the implications were, and remain, profound. It is little wonder that most scholars have avoided the genocide question, or that it remains unresolved. However, the deadlocked American genocide debate is also to blame.

IN 1944, THE EMINENT JURIST Raphaël Lemkin minted a new word for an ancient crime: “genocide.” Four years later, the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide, which included the following definition:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

The Genocide Convention thus provides an internationally recognized, though restricted, rubric for evaluating possible instances of genocide. First, perpetrators must evince “intent to destroy” a group “as such.” Second, perpetrators must commit at least one of the five genocidal acts against one of the four protected groups. The Convention does not allow for the prosecution of crimes committed before 1948, but it does provide a useful analytical tool: a frame for evaluating the past and comparing similar events across time.¹⁴

¹² *To Acknowledge a Long History of Official Depredations and Ill-Conceived Policies by the United States Government Regarding Indian Tribes and Offer an Apology to All Native Peoples on Behalf of the United States*, S.J. Res. 37, 108th Cong., 2nd Sess., 2004, and H.J. Res. 98, 108th Cong., 2nd Sess., 2004.

¹³ *To Acknowledge a Long History of Official Depredations and Ill-Conceived Policies by the United States Government Regarding Indian Tribes and Offer an Apology to All Native Peoples on Behalf of the United States*, S.J. Res. 15, 109th Cong., 1st Sess., 2005; H.J. Res. 3, 109th Cong., 1st Sess., 2005; S.J. Res. 4, 110th Cong., 1st Sess., 2007; H.J. Res. 3, 110th Cong., 1st Sess., 2007; Department of Defense Appropriations Act, 2010, H.R. 3326, 111th Cong., 1st Sess., 2009.

¹⁴ Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, D.C., 1944), xi–xii, chap. 9; *Convention on the Prevention and Punishment of the Crime of Genocide, Adopted by the General Assembly of the United Nations on 9 December 1948*, United Nations—Treaty Series, vol. 78: No. 1021, 280. The *Nullem crimen sine lege* concept (no

Scholars soon began using this new tool. Lemkin planned chapters on “Genocide against the American Indians” and “The Indians in North America (in part)” for two genocide histories that he was working on, but he died in 1959 before he could complete either project.¹⁵ In the 1960s and 1970s, informed by the rising awareness of the Holocaust and genocide, a few activists and scholars began using the term to describe historical violence against American Indians. President Reagan focused additional attention on genocide by endorsing the Genocide Convention in 1984. Three years later, anthropologist Russell Thornton published the first scholarly monograph addressing genocide in the continental United States as a whole. Thornton argued that genocide was one of several causes of Native American demographic decline, but that only in certain cases did it result in total extermination.¹⁶ The following year, the United States ratified the Convention, with caveats. Meanwhile, the field of genocide studies was beginning to coalesce, and some of its foundational publications touched on questions of genocide in colonial New England and the nineteenth-century U.S.¹⁷

crime without law) bars the prosecution of genocide perpetrators for crimes committed before their nation became a party to the UN Genocide Convention.

¹⁵ Michael A. McDonnell and A. Dirk Moses, “Raphael Lemkin as Historian of Genocide in the Americas,” *Journal of Genocide Research* 7, no. 4 (2005): 501–529, here 502; “Deaths,” *New York Times*, August 31, 1959, 21. For more on Lemkin’s unpublished writing about Native Americans and genocide, see John Docker, “Are Settler-Colonies Inherently Genocidal? Re-reading Lemkin,” in A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York, 2008), 81–101.

¹⁶ SS officer Adolf Eichmann’s 1961 trial—in combination with the film *Judgment at Nuremberg* and political scientist Raul Hilberg’s book *The Destruction of the European Jews*—introduced the Holocaust to many in the United States. Holocaust-related art, literature, media, and scholarship then proliferated. Peter Novick, *The Holocaust in American Life* (Boston, 1999), 133; *Judgment at Nuremberg*, dir. Stanley Kramer (Roxlome Films, 1961); Lawrence Baron, “The First Wave of American ‘Holocaust’ Films, 1945–1959,” *American Historical Review* 115, no. 1 (February 2010): 90–114, here 90; Raul Hilberg, *The Destruction of the European Jews* (Chicago, 1961). In 1966, the Cree Indian folk singer-songwriter Buffy Sainte-Marie sang “of the genocide basic to this country’s birth.” Academics William Sturtevant and Samuel Stanley wrote about genocide in “the Eastern States” two years later, and in the 1970s Native American activists adopted the term. By 1979, ethnic studies scholar Jack Norton argued that according to the Genocide Convention, certain northwestern California Indians suffered genocide under U.S. rule. Five years later, in the English translation of *The Conquest of America: The Question of the Other*, Tzvetan Todorov asserted: “the sixteenth century perpetrated the greatest genocide in human history.” Buffy Sainte-Marie, “My Country ’Tis of Thy People You’re Dying,” on *Little Wheel Spin and Spin* (LP record, Vanguard, 1966). Political scientist Adam Jones kindly pointed this out to me. William C. Sturtevant and Samuel Stanley, “Indian Communities in the Eastern States,” *The Indian Historian* 1, no. 3 (1968): 15–19, here 17; Peter Matthiessen, *In the Spirit of Crazy Horse* (New York, 1983), 415, 429, 478; Jack Norton, *Genocide in Northwestern California: When Our Worlds Cried* (San Francisco, 1979); Tzvetan Todorov, *The Conquest of America: The Question of the Other*, trans. Richard Howard (New York, 1984), 5. For 1960s and 1970s histories addressing violence against American Indians, see, for example, Theodora Kroeber, *Ishi in Two Worlds: A Biography of the Last Wild Indian in North America* (Berkeley, Calif., 1961); Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York, 1970); Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* (Chapel Hill, N.C., 1975). For Ronald Reagan and the Genocide Convention, see Bernard Gwertzman, “Reagan Will Submit 1948 Genocide Pact for Senate Approval,” *New York Times*, September 6, 1984, A1, A9; Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham, N.C., 1991), 142; Thornton, *American Indian Holocaust and Survival*, xvi, 44.

¹⁷ LeBlanc, *The United States and the Genocide Convention*, 145, Appendix D. In 1986, scholars founded the journal *Holocaust and Genocide Studies* and from the first issue included articles addressing genocide and Native Americans. Historian Frank Chalk’s and sociologist Kurt Jonassohn’s 1990 edited collection *The History and Sociology of Genocide* included essays on Native Americans in colonial New England and in the nineteenth-century U.S. while arguing that Indians suffered genocide, primarily

The 1992 quincentenary of Christopher Columbus's arrival in the Western Hemisphere catalyzed new assertions that American Indians had suffered genocide. In his book *American Holocaust*, American studies scholar David Stannard argued: "From almost the instant of first human contact between Europe and the Americas firestorms of microbial pestilence and purposeful genocide began laying waste the American natives."¹⁸ Historian Richard White responded that while "Instances of what can only be called genocide *did* occur against particular Indian peoples . . . finding specific instances of genocide does not make the entirety of American Indian policy genocidal."¹⁹ Thornton then critiqued Stannard's work for focusing on genocide to the exclusion of the axiom that "Populations constantly change in size due to births and deaths (and migrations)."²⁰ Other scholars also began mentioning genocide against Native Americans while emphasizing different theses. For example, ethnic studies scholar Ward Churchill suggested that genocide began with the European invasion and continued into the post-Cold War era through "genocidal . . . Internal Colonialism."²¹

Twenty-first-century scholars have offered additional assertions that Native Americans suffered genocide.²² Still, while histories of violence against American

through famine, massacres, and "criminal neglect." That same year, sociologist Helen Fein touched on "Genocide in North America." Seena B. Kohl, "Ethnocide and Ethnogenesis: A Case Study of the Mississippi Band of Choctaw, a Genocide Avoided," *Holocaust and Genocide Studies* 1, no. 1 (1986): 91–100; Frank Chalk and Kurt Jonassohn, "Indians of the Americas, 1492–1789," in Chalk and Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, Conn., 1990), 173–180; Chalk and Jonassohn, "Indians of the United States in the Nineteenth Century," *ibid.*, 195–203, see 203 for assertion of genocide against American Indians described above; Fein, "Contextual and Comparative Studies II: Other Genocides," *Current Sociology* 38, no. 1 (1990): 79–91, here 80–82.

¹⁸ David E. Stannard, *American Holocaust: The Conquest of the New World* (New York, 1992), xii, emphasis in the original.

¹⁹ Richard White, "Morality and Mortality," *New Republic*, January 18, 1993, 33–35, here 35, emphasis in the original.

²⁰ Russell Thornton, review of Stannard, *American Holocaust*, *Journal of American History* 80, no. 4 (1994): 1428.

²¹ Women's and gender studies scholar M. Annette Jaimes mentioned "genocidal examples" of "the U.S. destruction of its indigenous population," while scholars Lenore A. Stiffarm and Phil Lane Jr. proclaimed, "Surely, there can be no more monumental example of sustained genocide—certainly none involving a 'race' of people as broad and complex as this—anywhere in the annals of human history." Jaimes, "Introduction: Sand Creek: The Morning After," in Jaimes, ed., *The State of Native America: Genocide, Colonization, and Resistance* (Boston, 1992), 1–12, here 3; Stiffarm with Lane, "The Demography of Native North America: A Question of American Indian Survival," *ibid.*, 23–53, here 37; Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco, 1997), 97, 159, 289–290.

²² English and Native American studies professor Elizabeth Cook-Lynn wrote about "Anti-Indianism and Genocide" in 2001. Four years later, media and cultural studies scholar Andrea Smith wrote of "the more than 500 years of genocide that Native peoples have faced," while historian Mark Levene discussed examples of "the Anglo-American drive to rapid state-building and genocide." In 2008, historian Alfred A. Cave argued, "While examples of state-sponsored extermination of indigenous populations can be found in the records of every colonial power in the Americas, they were . . . not the rule and were aimed not at all Indians but at a limited number of specific tribal groups." In 2010, historian Gregory D. Smithers addressed the importance of racial thinking in North American genocides, while in 2011 historian Brenden Rensink summarized "the state of Native American genocide studies." Cook-Lynn, *Anti-Indianism in Modern America: A Voice from Tatekeya's Earth* (Urbana, Ill., 2001), 185; Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, Mass., 2005), 5; Levene, *Genocide in the Age of the Nation State*, 2 vols. (London, 2005), 2: 84; Cave, "Genocide in the Americas," in Dan Stone, ed., *The Historiography of Genocide* (New York, 2008), 273–295, here 276, 279–288; Smithers, "Rethinking Genocide in North America," in Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (Oxford, 2010), 322–341; Rensink, "Genocide of Native Americans: His-

Indians abound, detailed case studies marshaling substantial evidence of both genocidal intent and specific genocidal acts to support the broad thesis of genocide in America remain few and far between.²³ Examples include Thornton's three brief case studies, Stannard's four short studies, and the eighty-eight pages of *Blood and Soil* that historian Ben Kiernan dedicated to instances of genocide in "Colonial North America, 1600–1776" and "Genocide in the United States."²⁴

In opposition, other scholars have claimed that Native Americans rarely, or never, suffered genocide. In 1992, historian James Axtell called "'genocide' . . . inaccurate as a description of the vast majority of encounters between Europeans and Indians."²⁵ In 1994, religious studies scholar Steven Katz deemed "the depopulation of the New World . . . largely an *unintended* tragedy."²⁶ Five years later, historian Robert Utley asserted that using the term "genocide" in relation to American Indians "grossly falsifies history," since "No more than a tiny portion of the white population of the United States, mainly in the West, ever advocated" the "intentional obliteration" of American Indians "by means of mass physical annihilation."²⁷ In 2004, historian William Rubinstein insisted that "American policy towards the Indians . . . never actually encompassed genocide," and historian Guenter Lewy

torical Facts and Historiographic Debates," in Samuel Totten and Robert K. Hitchcock, eds., *Genocide of Indigenous Peoples: A Critical Bibliographic Review* (New Brunswick, N.J., 2011), 15–36, here 16.

²³ Some twenty-first-century histories addressing violence against Native Americans include Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge, Mass., 2001); Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820–1875* (Norman, Okla., 2005); Ned Blackhawk, *Violence over the Land: Indians and Empires in the Early American West* (Cambridge, Mass., 2006); Karl Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York, 2008); Peter Rhoads Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York, 2008); Alfred A. Cave, *Lethal Encounters: Englishmen and Indians in Colonial Virginia* (Santa Barbara, Calif., 2011).

²⁴ Thornton briefly addressed the Yana, Yuki, and Tolowa genocides in *American Holocaust and Survival*, 109–113, 200–208; Stannard touched on the Pequot War, King Philip's War, the Cherokee, and California Indians in *American Holocaust*, 111–117, 121–124, 134–146; Ben Kiernan addressed "Seventeenth-Century Virginia," "The Pequot War," "King Philip's War," "Extermination and Genocidal Massacres in the Eighteenth Century," "War, Expansion, and Genocidal Massacres," "the Trail of Tears," "Extermination in Texas," "Genocide in California," and "Genocidal Massacres on the Great Plains" in Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven, Conn., 2007), chaps. 6 and 8. For my own case studies see Benjamin Madley, "California's Yuki Indians: Defining Genocide in Native American History," *Western Historical Quarterly* 39, no. 3 (2008): 303–332; Madley, "When 'The World was Turned Upside Down': California and Oregon's Tolowa Indian Genocide, 1851–1856," in Adam Jones, ed., *New Directions in Genocide Research* (New York, 2012), 170–196; Madley, "The Genocide of California's Yana Indians," in Samuel Totten and William S. Parsons, eds., *Centuries of Genocide: Critical Essays and Eyewitness Accounts*, 4th ed. (New York, 2012), 16–53; Madley, "California and Oregon's Modoc Indians: How Indigenous Resistance Camouflages Genocide in Colonial Histories," in Andrew Woolford, Jeff Benvenuto, and Alexander Laban Hinton, eds., *Colonial Genocide in Indigenous North America* (Durham, N.C., 2014), 95–130.

²⁵ James Axtell, *Beyond 1492: Encounters in Colonial North America* (New York, 1992), 261.

²⁶ Steven T. Katz, *The Holocaust in Historical Context: The Holocaust and Mass Death before the Modern Age*, 2 vols. (New York, 1994), 1: 20, emphasis in the original.

²⁷ Robert M. Utley, "Total War on the American Indian Frontier," in Manfred F. Boemeke, Roger Chickering, and Stig Förster, eds., *Anticipating Total War: The German and American Experiences, 1871–1914* (Cambridge, 1999), 399–414, here 401, 399. Utley did concede that "In one sense the concept of genocide is relevant: cultural genocide" (400), by which he meant assimilation policies. Yet his argument ignored the genocidal crimes, as specified by the Genocide Convention, that some argue took place during the United States' attempt to assimilate American Indians.

agreed: “Genocide was never American policy, nor was it the result of policy.”²⁸ In 2014, historian Gary Anderson added that “Genocide did not occur in America,” but “ethnic cleansing” did.²⁹

Two factors have polarized the American genocide debate. First, not all participants agree on what genocide means. Second, most participants frame the debate in collective terms, rather than exploring the question on a tribe-by-tribe basis. This framing has emphasized that a verdict of genocide or not genocide be rendered for the continental United States as a whole (and sometimes all of the Americas) from first contact to the present. For the debate to move forward, both issues must be addressed.

The American genocide debate is in part the struggle to define a word. Most participants who stated a particular definition began with the Genocide Convention, but Stannard, Lewy, Thornton, Alfred Cave, and Kiernan are among the few who accepted it unmodified. Others disagreed over both who is protected and what crimes are genocidal. Churchill expanded the Convention’s list of protected groups to include any “human group,” while also extending the list of genocidal acts to include physical, biological, and cultural genocide.³⁰ In contrast, Rubinstein narrowed the scope of genocidal acts—“Genocide might . . . be defined as the deliberate killing of most or all members of a collective group”—while excluding “most ‘acts’ which are construed as genocide in international law,” beyond direct killing.³¹ Axtell expanded the scope of protected groups to include any “group, as that group and membership in it are defined by the *perpetrator*,” but limited genocide to “one-sided *mass* killing in which a *state* or other authority *intends* to destroy a group.”³² Katz also expanded the range of protected groups, but insisted: “genocide applies *only* when there is an actualized intent . . . to physically destroy an *entire* group.”³³ Finally, Anderson defined genocide as “a concerted effort to kill large numbers of people or indeed to annihilate a given people” that “a legitimate government must plan, organize, and implement.”³⁴

Genocide is, however, more than an academic concept. It is a crime defined by an international legal treaty and subsequent case law. On December 9, 1948, the United Nations General Assembly adopted the Genocide Convention and its definition “unanimously and without abstentions.”³⁵ It remains the only authoritative international legal definition. Moreover, unlike at least twenty-two alternative definitions proffered since 1959, it has teeth. To date, 146 nations have signed or are parties to the Genocide Convention. In addition, it is supported and further defined—as a legal instrument—by a growing body of international case law. The Con-

²⁸ William D. Rubinstein, *Genocide: A History* (Harlow, 2004), 53; Guenter Lewy, “Were American Indians the Victims of Genocide?,” *Commentary* 118, no. 2 (2004): 55–63, here 63.

²⁹ Gary Clayton Anderson, *Ethnic Cleansing and the Indian: The Crime That Should Haunt America* (Norman, Okla., 2014), 13, 7.

³⁰ Stannard, *American Holocaust*, 281; Lewy, “Were American Indians the Victims of Genocide?,” 61; Thornton, “Native American Demographic and Tribal Survival into the Twenty-First Century,” 31–32; Cave, “Genocide in the Americas,” 275; Kiernan, *Blood and Soil*, 11; Churchill, *A Little Matter of Genocide*, 431–433.

³¹ Rubinstein, *Genocide*, 2, 3, emphasis in the original.

³² Frank Chalk and Kurt Jonassohn quoted in Axtell, *Beyond 1492*, 261, emphasis in the original.

³³ Katz, *The Holocaust in Historical Context*, 127, 128, emphasis in the original.

³⁴ Anderson, *Ethnic Cleansing and the Indian*, 13.

³⁵ LeBlanc, *The United States and the Genocide Convention*, 1.

vention thus provides a powerful, though imperfect, definition for investigating possible cases of genocide.³⁶

The second factor polarizing the American genocide debate arises from a focus on judging the entire history of the continental United States, and sometimes the whole Western Hemisphere, from 1492 to the present, as fundamentally genocidal or not genocidal. This is a case of lumping when splitting is in order. Contact between Native Americans and Europeans in the continental United States has spanned centuries, ranged over 2,959,000 square miles, and involved interactions among British, Dutch, French, Mexican, Russian, Spanish, Swedish, Texan, Confederate, and U.S. regimes—all of which changed over time—and hundreds of American Indian peoples, themselves hardly homogeneous or static. Despite some exceptions, scholars on both sides of the debate have largely avoided in-depth analyses of particular regions in specific periods or during particular tribes' demographic declines.³⁷ This dearth of specific case studies, along with definitional differences, helps explain the dispute's abstract and unresolved nature.

It is difficult to argue meaningfully about genocide on a national level without either definitional agreement or robust local studies to support broad conclusions. Thornton blazed a trail by bringing brief tribal case studies into his argument. Stannard touched upon the role of both genocidal intent and genocidal actions, as did Churchill. More recently, Thornton noted, "Physical genocide seems more characteristic of years and decades than of centuries," while Kiernan demonstrated the importance of regional studies, emphasizing genocidal intent, command structures, and genocidal massacres.³⁸ Still, as historian Dan Stone observed in 2008, "it is remarkable that, given the enormous historiography on the colonial period and frontier conflict [in North America], there is not more that directly addresses the question of genocide."³⁹

DESPITE THE PIONEERING WORK DONE by Thornton, Stannard, Kiernan, and others, there remains a need for additional detailed case studies to provide the data that will permit a more accurate and comprehensive assessment of genocide's occurrence and

³⁶ Adam Jones, *Genocide: A Comprehensive Introduction*, 2nd ed. (New York, 2010), 16–20. The participants are listed at United Nations Treaty Collection, http://treaties.un.org/Pages/ViewDetails.aspx?src=UNTSO&tabid=2&mtdsg_no=IV-1&chapter=4&lang=en#Participants. Since 1993, the International Criminal Tribunals for the Former Yugoslavia and Rwanda have tried genocide cases using the Genocide Convention. The International Criminal Court at The Hague, established in 2002, is empowered to try genocide suspects using the Genocide Convention, as embedded in the Rome Statutes. The Extraordinary Chambers in the Courts of Cambodia (also known as the Khmer Rouge Tribunal) began its first trial in 2009 and also uses the Genocide Convention. Some national courts have also found their citizens guilty of genocide. For example, in 2013, a Guatemalan tribunal found that nation's former president, Efraín Ríos Montt, guilty of genocide, although a court later repealed this ruling. Elisabeth Malkin, "Former Leader of Guatemala Is Guilty of Genocide against Mayan Group," *New York Times*, May 11, 2013, A6; Malkin, "Guatemala's Highest Court Overturns Genocide Conviction of Former Dictator," *New York Times*, May 21, 2013, A6.

³⁷ Some exceptions include Thornton, *American Indian Holocaust and Survival*, 109–113, 200–208; Stannard, *American Holocaust*, 111–117, 121–124, 134–146; and Kiernan, *Blood and Soil*, chaps. 6 and 8.

³⁸ Thornton, "Native American Demographic and Tribal Survival into the Twenty-First Century," 32.

³⁹ Dan Stone, "Introduction," in Stone, *Historiography of Genocide*, 1–6, here 3.

frequency in the history of the United States and its colonial antecedents. How might such studies be done? In-depth tribal and geographical case studies covering discrete time periods first require that markers be located indicating the possible occurrence of genocide. Annihilationist statements, massacres, state-sponsored body-part bounties, and mass death in government custody are four ways of locating, and ultimately defining, *prima facie* cases of genocide.

Some non-Indian policymakers articulated their intent to annihilate Native American peoples both before and after 1776. As early as 1622, Virginia Colony leaders responded to an Indian attack by planning “a sharp revenge . . . even to . . . the rooting them out for being longer a people vpon the face of the Earth.”⁴⁰ In 1711, Virginia’s House of Burgesses advocated “exterpating all Indians without distinction of Friends or Enemys.”⁴¹ Forty-four years later, the Massachusetts Bay Colony “require[d] his Majesty’s Subjects of this Province to embrace all Opportunities of pursuing, captivating, killing and destroying all and every” Penobscot Indian.⁴² During Pontiac’s Uprising, Field Marshal Jeffery Amherst ordered a subordinate officer to “Try Every . . . Method, that can Serve to Extirpate this Execrable Race,” later adding, “I Wish to Hear of *no Prisoners*, should any of the Villains be met with in Arms.”⁴³ Thomas Jefferson considered intentional extermination and, as Kiernan observed, repeatedly wrote of the possibility. In 1780, for example—while governor of Virginia—Jefferson wrote to General George Rogers Clark of the Virginia Militia: “the Shawanese, Mingoies, Munsies, and the nearer Wiandots are troublesome thorns in our sides. However we must leave it to yourself to decide . . . If against these Indians, the end proposed should be their extermination, or their removal.”⁴⁴ In 1787 and 1789, President George Washington’s secretary of war, Henry Knox, considered expelling or destroying various American Indian tribes, and in 1790 he ordered General Joseph Harmar “to extirpate, utterly, if possible” resisting Shawnees and their allies in Ohio.⁴⁵

The idea of exterminating American Indians became increasingly common during the nineteenth century. Jefferson was perhaps the first sitting U.S. president to consider genocide when he wrote in 1807, “if ever we are constrained to lift the hatchet against any tribe, we will never lay it down till that tribe is exterminated, or is driven beyond the Mississippi,” adding: “In war, they will kill some of us; we shall destroy all of them.”⁴⁶ In 1830, President Andrew Jackson went further, telling the U.S. Congress to overcome “melancholy reflections” resulting from driving Indians

⁴⁰ Susan Myra Kingsbury, ed., *The Records of The Virginia Company of London*, 4 vols. (Washington, D.C., 1906), 3: 683.

⁴¹ R. A. Brock, ed., *The Official Letters of Alexander Spotswood, Lieutenant-Governor of the Colony of Virginia, 1710–1722: Now First Printed from the Manuscript in the Collections of the Virginia Historical Society*, 2 vols. (Richmond, Va., 1882), 1: 134.

⁴² Spencer Phips, “A Proclamation” (Boston, November 3, 1755), 1.

⁴³ Amherst, memorandum, May 4, 1763, in Sylvester K. Stevens and Donald H. Kent, eds., *The Papers of Col. Henry Bouquet*, 18 vols. (Harrisburg, Pa., 1940), 2: 161; Amherst to Bouquet, June 29, 1763, *ibid.*, 204, emphasis in the original. Ben Kiernan generously provided the first quotation.

⁴⁴ Jefferson quoted in Kiernan, *Blood and Soil*, 318–323, 328–329.

⁴⁵ Knox quoted in Roscoe R. Hill, ed., *Journals of the Continental Congress, 1774–1789*, 34 vols. (Washington, D.C., 1936), 32: 330; Knox quoted in Walter Lowrie and Matthew St. Clair Clarke, eds., *American State Papers: Documents, Legislative and Executive, of the Congress of the United States, from the First Session of the First to the Third Session of the Thirteenth Congress, Inclusive, Commencing March 3, 1789, and Ending March 3, 1815*, 38 vols. (Washington, D.C., 1832), 4: 13, 97.

⁴⁶ Jefferson quoted in Kiernan, *Blood and Soil*, 328.

“to the tomb” with this cheerful thought: “true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another.”⁴⁷ Americans listened. By 1856, the governor of Washington Territory, Isaac Stevens, could proclaim, to “deafening cheers” in the territorial House of Representatives, that “*war shall be prosecuted until the last hostile Indian is exterminated.*”⁴⁸ The definition of “hostile Indian” might be debatable in this quotation, while exterminating such “hostile Indians” may here suggest war crimes—that is, violations of the laws of war—rather than genocide. Yet in other instances, leaders clearly meant to target all Indian people belonging to a particular tribe or nation. In 1862, General John Pope of the U.S. Army wrote to a subordinate officer: “It is my purpose utterly to exterminate the Sioux.”⁴⁹ Military and political leaders sometimes condoned such policies. In 1868, Representative James M. Cavanaugh of Montana declared in Congress, “I like an Indian better dead than living. I have never in my life seen a good Indian (and I have seen thousands) except when I have seen a dead Indian.”⁵⁰ Later that year, General Ulysses S. Grant, in the final weeks of his successful presidential campaign, warned: “the settlers and emigrants must be protected, even if the extermination of every Indian tribe [is] necessary.”⁵¹ The following year, General Philip Sheridan reportedly proclaimed, “The only good Indians I ever saw were dead.”⁵² Less famously, in 1873 the head of the U.S. Army, General William T. Sherman, telegraphed subordinates that in attacking the Modocs, “You will be fully justified in their utter extermination.”⁵³ Even as late as 1886, Theodore Roosevelt announced, “I don’t go so far as to think that the only good Indians are the dead Indians, but I believe nine out of every ten are, and I shouldn’t like to inquire too closely into the case of the tenth.”⁵⁴ The fact that Roosevelt—a man of intense political ambition—could joke about genocide suggests the acceptance of such ideas by many voters even late in the nineteenth century.

Of course, some documented exterminatory statements may have been no more than rhetoric. Still, words—especially those of political and military leaders—often lead to actions. Thus, the route from annihilationist language to exterminatory acts needs to be carefully delineated, since expressions of genocidal intent alone do not constitute genocide.

Massacres were often the physical manifestations of annihilationist statements. The study of massacres—defined here as predominantly one-sided intentional kill-

⁴⁷ Jackson quoted in James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789–1897*, 10 vols. (Washington, D.C., 1896), 2: 521.

⁴⁸ Editor and Isaac Stevens in “Arrival of Gov. Stevens,” *Pioneer and Democrat* (Olympia), January 25, 1856, 2, emphasis in the original.

⁴⁹ Jno. Pope, Major-General, to Col. H. H. Sibley, September 28, 1862, in United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 4 series, 130 vols. (Washington, D.C., 1880–1901), series 1, vol. 13, 686.

⁵⁰ Cavanaugh quoted in F. and J. Rives and George A. Bailey, *The Congressional Globe: Containing the Debates and Proceedings of the Second Session, Fortieth Congress* (Washington, D.C., 1868), 2638. Preston McBride kindly provided this quotation.

⁵¹ Grant paraphrased in “The Indian Peace Commissioners—Political Matters—Business Prospects,” *New York Times*, October 16, 1868, 1.

⁵² Sheridan quoted in Edward S. Ellis, *The History of Our Country from the Discovery of America to the Present Time*, 8 vols. (Indianapolis, 1900), 6: 1483.

⁵³ W. T. Sherman, General, to Gen. Schofield, April 12, 1873, in *Daily Alta California* (San Francisco), April 14, 1873, 1.

⁵⁴ Roosevelt quoted in Hermann Hagedorn, *Roosevelt in the Bad Lands* (Boston, 1921), 355.



FIGURE 1: John Barber, “The Moravian Indian Martyrs” (1850), from John W. Barber and Elizabeth G. Barber, *Historical, Poetical and Pictorial American Scenes . . . to Which Is Added a Historical Sketch, of Each of the United States* (New Haven, Conn., 1850), 77. Courtesy of the Beinecke Library, Yale University, New Haven, Connecticut. In 1782, Pennsylvania militiamen bludgeoned to death and scalped at least ninety Christian Delaware Indians—the majority women and children—at Gnadenhütten, Ohio.

ings of five or more noncombatants or relatively poorly armed or disarmed combatants, often by surprise and with little or no quarter—can serve four functions in reexamining the American genocide debate. First, because they are one hallmark of genocide, the substantial number of known massacres suggests the need for a more thorough examination of the American genocide question. Second, the reporting of massacres often flags those regions or times when immigrants and their allies may have committed genocide against Native Americans. Third, the killings themselves can constitute genocide, or at least “genocidal massacres,” which sociologist Leo Kuper defined as “the annihilation of a section of a group—men, women and children, as for example in the wiping out of whole villages.”⁵⁵ Finally, the close study of patterns of *repeated* massacres can help researchers locate genocidal intent and uncover genocidal command structures.

The accompanying map locates fifty-five reported massacres, each involving the killing of between twenty-six and one thousand Native Americans in what are now

⁵⁵ Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, Conn., 1981), 10.



Downloaded from <https://academic.oup.com/ahr/article/120/1/98/47185> by guest on 20 March 2024

thirty-one states, from 1539 to 1890. (See the Appendix for a list of the sources on which the map is based.) It is in no way comprehensive. Detailed investigations of specific regions' and Native American nations' histories will likely reveal a greater density of massacres across both time and space than is represented on this map. Taken alone, "massacre on the scale of Sand Creek, Wounded Knee and Mystic" may be "demographically insignificant" to the overall American Indian population cataclysm, as White has suggested.⁵⁶ However, it is not obligatory to limit our search for the latter's causes to only one major factor. As scholars study massacre clusters and move toward calculating the total number of Native Americans massacred in American history, the cumulative demographic impact of these mass killings will be revealed as significant, even if they do not approach the number of deaths caused by disease.

State-sponsored body-part bounties—rewards officially paid for Native Americans' heads and scalps—are another manifestation of exterminationist intent and genocidal crimes that appear frequently in the history of the United States and its colonial antecedents. The act of mutilating enemies is not unusual in world history, and Native Americans sometimes scalped non-Indians, but an examination of bounty programs can serve five functions in reexamining the American genocide debate. First, they indicate sustained, institutionalized killing and its intentional support by authorities who provided both funding and legal impunity to bounty hunters. Second, these programs point to killing policies that deliberately abandoned traditional European rules of war, or *jus in bello*, when administrators offered bounties for the heads or scalps of civilians, women, and children, and because it was often difficult to distinguish between heads and scalps belonging to so-called enemy versus friendly Indians, or between "hostiles" and children or other blameless members of a targeted "enemy" group. Third, because bounty programs often involved considerable monetary sums, studying them can help scholars map genocidal command structures. Fourth, because administrators sometimes kept records of bounties paid or body parts collected, these bounty programs generated quantitative evidence of genocidal state-sponsored crimes. Finally, such programs had demographic impacts beyond the direct killing of individuals. By forcing Indians to evade bounty hunters, body-part bounties interfered with subsistence, housing, medical care, and reproduction, thus providing additional, less direct, evidence of genocide.⁵⁷ In sum, bounty programs may flag regions or times when governments or their agents institutionalized genocide against Native Americans.

Policymakers offered bounties for Native American heads or scalps in at least twenty-three states or their colonial, territorial, or Mexican antecedents. In 1637, during the Pequot War, Connecticut militiamen apparently instituted the first head bounty in what would become the United States. Four years later, the Dutch of New Amsterdam promised "Ten fathoms of Wampum for each head of the . . . Raritans, and 20 fathoms of Wampum for every head of the Indians who have most barbarously

⁵⁶ White, "Morality and Mortality," 35.

⁵⁷ Discussing Spanish colonialism in Latin America, demographer Massimo Livi Bacci observed that violence and brutality worsened the indigenous demographic crisis caused by colonialism. Bacci, *Conquest: The Destruction of the American Indians*, trans. Carl Ipsen (Malden, Mass., 2008), 74.

murdered our people on *Staten Island*.”⁵⁸ Officials frequently offered bounties for both Indian prisoners and heads. For example, in 1674 Virginia offered “three matchcoates for every prisoner . . . and one matchcoate for [every] head.”⁵⁹ Such dual bounty systems complicate the genocidal intent of these programs by suggesting that officials were more interested in taking prisoners than heads and scalps. Yet the small number of prisoners paid for under dual bounty programs, relative to the numbers of heads and scalps, may suggest that the effect was otherwise. As to intent, the tempo of head and scalp bounty offerings now accelerated. In 1675, during King Philip’s War, Connecticut and Massachusetts offered “for ever[y] Head one Coat.”⁶⁰ Connecticut introduced the first specific scalp bounty, promising its Narragansett allies one coat for each Wampanoag “Head-skin” and twenty for King Philip’s head. Narragansetts promptly delivered “about Eighteen Heads,” and Benjamin Church’s company later brought King Philip’s head to Plymouth for “their *Præmium* [of] *Thirty Shillings*,” receiving what may have been the first monetary body-part bounty.⁶¹ Thirteen years later, French officials in Canada promised ten beaver pelts for each “Maquae” scalp taken along the upper Connecticut River (in New Hampshire and Vermont), and in 1689, Massachusetts, Plymouth, and Connecticut agreed to pay “eight pounds, per head, for every fighting Indian man.”⁶² French officials now added another innovation: bounties for killing Native American women, in this case in upper New York. In 1694, Massachusetts seems to have offered the first bounties for the heads and scalps of American Indian children; in 1695 it specified £25 for women or children “under the age of fourteen years, that shall be killed.”⁶³ Head bounties

⁵⁸ For Connecticut in 1637, see Lion Gardiner, *A History of the Pequot War . . . in the Year 1638* (Cincinnati, 1860), 21–22. For the Dutch in 1641, see “Ordinance of the Director and Council of New Netherland, Offering a Reward for the Heads of Raritan Indians, Passed 4 July, 1641,” in E. B. O’Callaghan, comp. and trans., *Laws and Ordinances of New Netherland, 1638–1674* (Albany, N.Y., 1868), 28–29, emphasis in the original.

⁵⁹ For Virginia in 1674, see “An Act for the Safeguard and Defence of the Country against the Indians,” in William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619*, 13 vols. (New York, 1823), 2: 331–333, here 332.

⁶⁰ For Connecticut and Massachusetts in 1675, see “Articles, Covenants and Agreements Had, Made and Concluded by . . . the Six Present Sachems of the Whole Narhaganset Country . . . and the Govenours of the Said Massachusetts, and Connecticut . . .,” in W. Hubbard, *The Present State of New-England* (London, 1677), 21–23, here 21–22. Connecticut and Massachusetts simultaneously offered two coats for every prisoner.

⁶¹ N. S., *The Present State of New-England, with Respect to the Indian War* (London, 1676), 9; T. C., *Entertaining Passages Relating to Philip’s War Which Began in the Month of June, 1675* (Boston, 1716), 45, emphasis in the original. Connecticut simultaneously offered two coats for every prisoner and forty for King Philip alive. See N. S., *The Present State of New-England, with Respect to the Indian War*, 9.

⁶² For French officials in 1688, see “Examination of Magsigpen, an Indian,” in John Romeyn Brodhead, ed., *Documents Relative to the Colonial History of the State of New York*, 15 vols. (Albany, N.Y., 1853), 3: 561–562. For Massachusetts, Plymouth, and Connecticut in 1689, see “By the Commissioners of the Colonies of the Massachusetts, Plymouth and Connecticut, for Managing the Present War against the Common Enemy,” in James Sullivan, *The History of the District of Maine* (Boston, 1795), 412–413.

⁶³ For French bounty, see Louis XIV to M. de Frontenac and M. de Champigny, May 8, 1694, in E. B. O’Callaghan, ed., *Documents Relative to the Colonial History of the State of New York*, 15 vols. (Albany, N.Y., 1855), 9: 573. For Massachusetts in 1694 and 1695, see “An Act for Encouraging the Prosecution of the Indian Enemy & Rebels, and Preserving Such as Are Friends,” in *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 21 vols. (Boston, 1869), 1: 175–176, here 176; “An Act for the Continuation of Several Acts Therein Mentioned, That Are Near Expiring,” *ibid.*, 210–211, here 211. In 1694 and 1695, Massachusetts offered equal monetary rewards for dead victims and living prisoners.

now generally gave way to rewards for lighter, more portable scalps.⁶⁴ In 1697, Massachusetts offered bounties for the scalps of men, women, and “every child of the said enemy under the age of ten years.”⁶⁵

Scalp bounties proliferated during the eighteenth century, sometimes with devastating results. Between 1703 and 1704, for example, Massachusetts apparently paid for 208 Indian scalps. The colony then passed additional scalp bounties in 1706, 1709, and 1710, from 1722 to 1726, and in 1744, 1747, 1755, and 1756. Connecticut offered scalp bounties in 1704, and in 1746 targeted Indian women and children. New York, New Jersey, Pennsylvania, and Maryland instituted nine scalp bounty programs during the eighteenth century. In 1747 alone, New York paid for at least twenty-six Indian scalps. Colonies sometimes amassed substantial war chests. Maryland raised nearly £10,000 to fund Indian scalp and prisoner bounties between 1755 and 1757. Virginia, North Carolina, South Carolina, and Georgia enacted ten head or scalp bounties, while French Louisiana administrators promised bounties in 1703 and 1723. French officials offered fifty écus for each Miami scalp brought to Fort Detroit in 1751, and the British promised scalp bounties in the Ohio River Valley in 1755.⁶⁶

⁶⁴ For the origins of scalping, see James Axtell and William C. Sturtevant, “The Unkindest Cut, or Who Invented Scalping?,” *William and Mary Quarterly*, 3rd series, 37, no. 3 (1980): 451–472. For more on “scalping in America and similar war customs,” see Georg Friederici, *Skalpieren und ähnliche Kriegsgebräuche in Amerika* (Braunschweig, 1906).

⁶⁵ For Massachusetts in 1697, see “An Act for Encouragement of the Prosecution of the Indian Enemy and Rebels,” in *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 1: 292–293, here 292.

⁶⁶ For Massachusetts in 1703–1704, see William Douglass, *A Summary, Historical and Political, of the First Planting . . . and Present State of the British Settlements in North-America* (London, 1760), 556–557. For Massachusetts in 1706–1710, see “An Act to Encourage the Prosecution of the Indian Enemy and Rebels,” in *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 1: 594–595, here 594; “An Act for Reviving and Further Continuing of Several Temporary Acts, Which, by Their Respective Limitations, Are Near Determining and Expiring,” *ibid.*, 639–640, here 640; and “An Act for Reviving and Further Continuing of Several Temporary Acts, Which by Their Respective Limitations, Are Near Determining and Expiring,” *ibid.*, 657–658, here 658. For Massachusetts in 1722–1726, see “An Act to Encourage the Prosecution of the Indian Enemy and Rebels,” in *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 21 vols. (Boston, 1874), 2: 258–259; and “List of the Public Acts,” *ibid.*, 1123–1160, here 1132. For Massachusetts in 1744 and 1747, see “[Act of] October 25, 1744,” in *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 21 vols. (Boston, 1878), 3: 218; and “[Act of] April 23, 1747,” *ibid.*, 342. For Massachusetts in 1755 and 1756, see “Action of House against Penobscots,” in James Phinney Baxter, ed., *The Documentary History of the State of Maine*, 24 vols. (Portland, Maine, 1916), 24: 62; “Proclamation S. Phips,” *ibid.*, 62–64; and “In House of Represent’, June 10, 1756,” *ibid.*, 64–65. For Connecticut in 1704 and 1746, see Charles J. Hoadly, ed., *The Public Records of the Colony of Connecticut, from August, 1689, to May, 1706* (Hartford, Conn., 1868), 464; and “An Act for the More Effectual Carrying on the War and Defending of the Frontiers,” in Hoadly, ed., *The Public Records of the Colony of Connecticut, from May, 1744, to November, 1750, Inclusive* (Hartford, Conn., 1876), 227–229, here 227–228. For New York, see “An Act for Giving a Reward for Such Scalps . . . to the Indians,” in *The Colonial Laws of New York from the Year 1664 to the Revolution*, 5 vols. (Albany, N.Y., 1894), 3: 540–542, here 540; and Colonel Johnson to Governor Clinton, May 7, 1747, in O’Callaghan, *Documents Relative to the Colonial History of the State of New York* (1855), 6: 360–363, here 360–361. For New Jersey, see “At a Meeting of the Commissioners of Indian Affairs the 22d Day of January 1745–6,” in *Collections of the New Jersey Historical Society*, 27 vols. (Newark, N.J., 1852), 4: 305–306; and Jonathan Belcher, “A Proclamation,” in William Nelson, ed., *Documents Relating to the Colonial History of the State of New Jersey*, 33 vols. (Paterson, N.J., 1898), 20: 39–41, here 40. For Pennsylvania, see “At a Council Held in the State House, Saturday the 10th April, 1756,” in *Minutes of the Provincial Council of Pennsylvania*, 17 vols. (Harrisburg, Pa., 1851), 7: 78–83, here 78; “Orders and Instructions of Gov. M. to Capt. Isaac Wayne, Dated at Reading, Jan^{ry}, 1756,” in Samuel Hazard, *Pennsylvania Archives*, 2 series, 19 vols. (Philadelphia, 1853), series 2, vol. 2, 542–543, here 543; and “At a Council Held at Philadelphia [in] 1764,” in *Minutes of the Provincial Council of Pennsylvania*, 17 vols. (Harrisburg, Pa., 1852), 9: 188–190, here 189. For Maryland,

During the nineteenth century, government scalp bounty programs spread south and west. In 1814, Illinois offered \$50 “for the scalp of any Indian—man, woman, or child—who entered an American settlement with ‘murderous intent.’”⁶⁷ The United States apparently promised \$200 for slain or captive enemies during Florida’s Second Seminole War, while in 1835 and 1837, the Mexican states of Sonora and Chihuahua, which then included parts of Arizona, New Mexico, and Texas, paid scalp bounties. The resulting death toll was sometimes substantial: in 1847, one bounty hunter serving Chihuahua estimated having taken 487 Apache scalps, some almost certainly from future U.S. territory. Minnesota and Montana then enacted four scalp bounties between 1863 and 1869. Southern Arizona counties probably offered the last government-sponsored American Indian scalp bounties within the United States, in 1885.⁶⁸

see Dan Wolstenhohue and I. Ridout to Horatio Sharpe, Esq, Lieutenant Governor and Commander in Chief of the Province of Maryland, May 25, 1757, in William Hand Browne, *Archives of Maryland*, 864 vols. (Baltimore, 1888), 6: 557–563, here 559; Sharpe to Baltimore, May 29, 1757, in Browne, *Archives of Maryland*, 864 vols. (Baltimore, 1890), 9: 5–7, here 6; “Assembly Proceedings, June 23–July 8, 1755,” in J. Hall Pleasants, ed., *Archives of Maryland*, 864 vols. (Baltimore, 1935), 52: 172–215, here 177; “An Act for His Majesty’s Service, and Further Defence and Security of This Province,” *ibid.*, 650–656, here 651–653; and “Assembly Proceedings, November 1–December 20, 1765,” in J. Hall Pleasants, ed., *Archives of Maryland*, 864 vols. (Baltimore, 1942), 59: 41–261, here 65. For twenty-six scalps in New York, see “A Receipt,” in Alexander C. Flick, ed., *The Papers of Sir William Johnson*, 14 vols. (Albany, N.Y., 1939), 9: 8; and “An Account of Expenses with Receipt,” *ibid.*, 15–31, here 22–25, 30. For Virginia, see “Minutes of the Virginia Governor’s Council,” October 24, 1711, in *Colonial and State Records of North Carolina*, 26 vols. (Raleigh, 1886), 1: 815; “An Act for Preventing and Repelling the Hostile Incursions of the Indians, at Enmity with the Inhabitants of This Colony,” in William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia*, 13 vols. (Richmond, Va., 1819), 6: 550–552, here 551; “An Act to Amend an Act, Intituled, An Act for Preventing and Repelling the Hostile Incursions of the Indians, at Enmity with the Inhabitants of This Colony,” *ibid.*, 564–565, here 564; “An Act for the More Effectual Preventing and Repelling the Hostile Incursions of the Indians at Enmity with the Inhabitants of This Colony,” in Hening, *The Statutes at Large*, 13 vols. (Richmond, Va., 1820), 7: 121–123, here 122; and “An Act for Augmenting the Forces in the Pay of This Colony to Two Thousand Men; and for Other Purposes Therein Mentioned,” *ibid.*, 163–169, here 165. For North Carolina, see “An Act for appointing a Militia,” in Walter Clark, ed., *The State Records of North Carolina*, 30 vols. (Goldsboro, N.C., 1904), 23: 596–601, here 601; and “An Act for the Encouragement of the Militia and Volunteers Employed in Prosecuting the Present Indian War,” in Clark, *The State Records of North Carolina*, 30 vols. (Goldsboro, N.C., 1905), 24: 15. For South Carolina, see Steven J. Oatis, *A Colonial Complex: South Carolina’s Frontiers in the Era of the Yamasee War, 1680–1730* (Lincoln, Neb., 2004), 146; and “An Act to Impower . . . the Governor . . . and Also to Provide a Fund for Defraying the Charges Arising Thereby,” in Thomas Cooper, ed., *The Statutes at Large of South Carolina*, 10 vols. (Columbia, S.C., 1838), 3: 23–30, here 24. For Georgia, see “At a Council Held in the Council Chamber at Savannah on . . . 9th February 1760,” in Allen D. Candler, ed., *The Colonial Records of the State of Georgia*, 39 vols. (Atlanta, 1907), 8: 248. For French bounties, see Jean-François Lozier, “Lever des chevelures en Nouvelle-France: La politique française du paiement des scalps,” *Revue d’histoire de l’Amérique française* 56, no. 4 (2003): 513–542, here 522–523, 527–528. For the Ohio River Valley, see Captain Robert Orme, “Orders at the Camp on the West Side of the Great Meadows, June the 25th,” journal entry of June 25, 1755, in Winthrop Sargent, *The History of an Expedition against Fort Du Quesne, in 1755: Under Major-General Edward Braddock, Generalissimo of H.B.M. Forces in America* (Philadelphia, 1855), 343–344, here 343.

⁶⁷ John Mack Faragher, *Sugar Creek: Life on the Illinois Prairie* (New Haven, Conn., 1986), 32.

⁶⁸ For the Second Seminole War in Florida, see Nathaniel West, *The Ancestry, Life, and Times of Hon. Henry Hastings Sibley, LL.D.* (Saint Paul, Minn., 1889), 333 n. 2. For Florida, Sonora, and Chihuahua, see Friederici, *Skalpieren und ähnliche Kriegsgebräuche in Amerika*, 56. For 487 scalps, see Ralph A. Smith, “The Bounty Wars of the West and Mexico,” *Great Plains Journal* 28 (1989): 102–121, here 105. For Minnesota, see Oscar Malmros, Adjutant General, “GENERAL ORDERS NO. 41 [July 4, 1863],” in *Executive Documents of the State of Minnesota, for the Year 1863* (Saint Paul, Minn., 1864), 192–193, here 192; “GENERAL ORDERS NO. 44 [July 20, 1863],” *ibid.*, 195–196, here 196; and “GENERAL ORDERS NO. 60 [September 22, 1863],” *ibid.*, 198. For Montana, see George W. Manypenny,

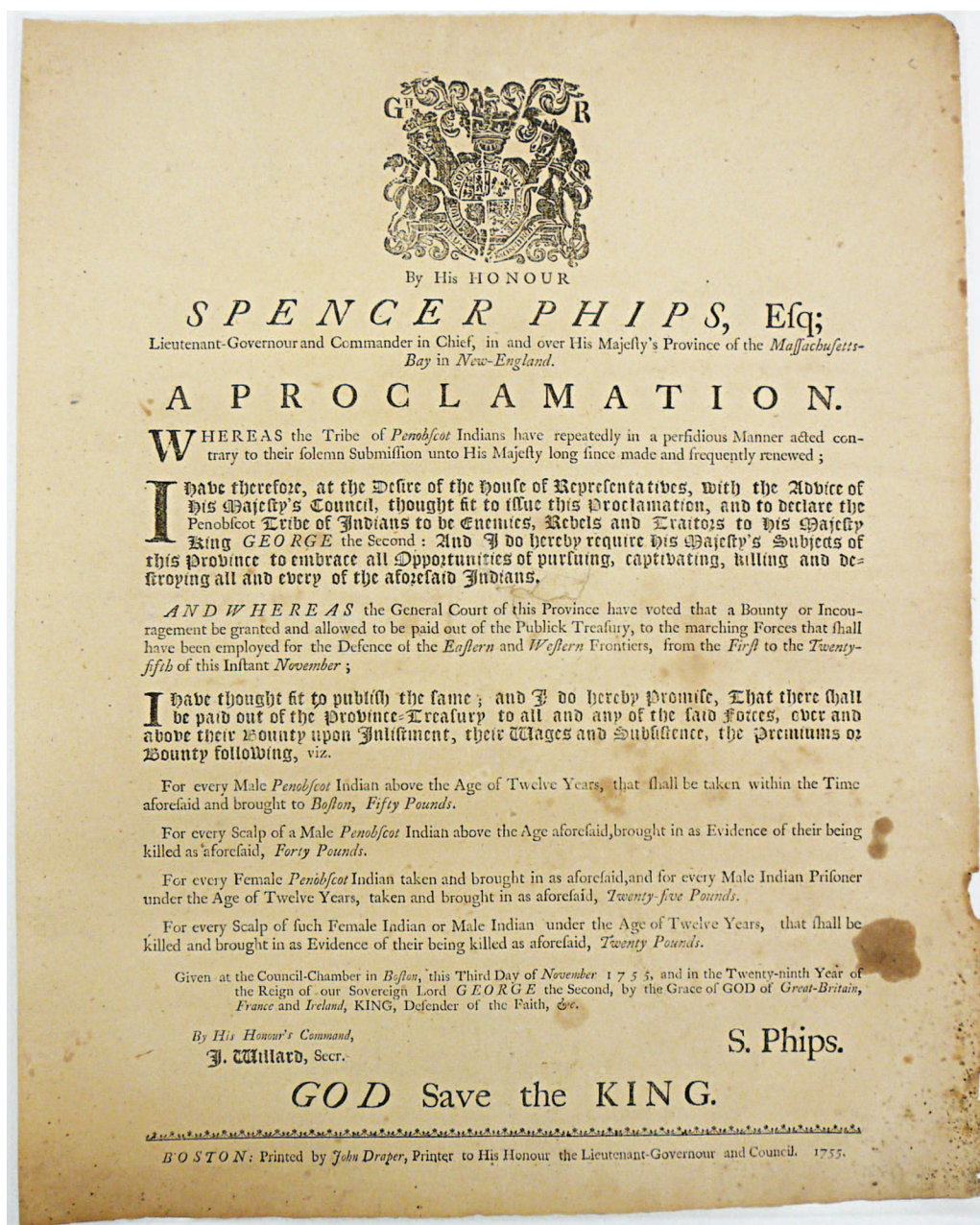


FIGURE 2: Spencer Phips, "A Proclamation" (Boston, November 3, 1755). Courtesy of the University of California, Los Angeles. Note the £20 bounty for the scalps of Penobscot children "under the Age of Twelve Years."

Mass death in government custody can also be indicative of one or more of the five genocidal acts defined by the United Nations Genocide Convention: "Killing

Our Indian Wards (Cincinnati, 1880), 272. For Arizona in 1885, see "Money for Indian Scalps," *New York Times*, October 12, 1885, 1.

members of the group,” “Causing serious bodily or mental harm to members of the group,” “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,” “Imposing measures intended to prevent births within the group,” and “Forcibly transferring children of the group to another group.” Nineteenth-century removal and incarceration on federal reservations proved lethal to large numbers of Native Americans. More than 4,000 Choctaws died of hunger, exposure, accidents, and disease during and immediately after their deportation, under military guard, to Oklahoma in 1832 and 1833. Some 700 Creeks died while being marched from Alabama to Oklahoma in 1836. At least 3,500 others died of disease during the first year after they arrived. And perhaps 8,000 Cherokees “died as a more or less direct result of the Trail of Tears” before, during, and after 1838.⁶⁹

Despite substantial evidence pointing to the lethality of forced removal and confinement on reservations, such policies proliferated. Of some 1,300 Dakota people taken to Crow Creek in 1863, fewer than 1,000 survived to see their first winter there. In the Southwest, the “Long Walk” to New Mexico’s Bosque Redondo Reservation and subsequent malnutrition and illness killed perhaps 2,000, if not more, Navajos between 1863 and 1868.⁷⁰ To the northwest, federal officials deported 153 Modocs from Oregon to Oklahoma in 1873. By 1881, more than a third had died from poor conditions and disease exacerbated by corruption. Inadequately fed, 94 Northern Cheyenne also incarcerated in Oklahoma died between 1876 and 1878, while in 1884, some 400 out of not more than 2,600 Piegiens starved to death at Montana’s Blackfoot Indian Agency. Between 1877 and 1881, some 180 out of 431 Nez Percés also died in federal captivity. Then, in 1886, the U.S. Army made 498 Chiricahua Apaches—including 399 women and children—prisoners of war. By 1894, 246 were dead. Births barely outnumbered additional deaths, and by 1913, only 261 Chiricahua Apache prisoners remained, after twenty-seven years of incarceration. Again and again, mass Native American death followed the imposition of federal custody.⁷¹

⁶⁹ Anthony F. C. Wallace, *The Long Bitter Trail: Andrew Jackson and the Indians* (New York, 1993), 81, 87; Grant Foreman, ed., *A Traveler in Indian Territory: The Journal of Ethan Allen Hitchcock, Late Major-General in the United States Army* (Cedar Rapids, Iowa, 1930), 120; Thornton, *American Indian Holocaust and Survival*, 118.

⁷⁰ J. P. Williamson in Stephen R. Riggs, *Mary and I: Forty Years with the Sioux* (Chicago, 1880), 197; John Upton Terrell, *The Navajos: The Past and Present of a Great People* (New York, 1970), 192.

⁷¹ H. C. Hasbrouck to Samuel Breck, November 5, 1873, in “Message from the President of the United States, Transmitting Copies of the Correspondence and Papers Relative to the War with the Modoc Indians in Southern Oregon and Northern California, during the Years 1872 and 1873,” H. Ex. Doc. 122, 43rd Cong., 1st Sess., 1874, 102; Albert L. Hurtado, “The Modocs and the Jones Family Indian Ring: Quaker Administration of the Quapaw Agency, 1873–1879,” in Robert E. Smith, ed., *Oklahoma’s Forgotten Indians* (Oklahoma City, 1981), 86–107; “Table of Statistics Relating to Population, Education, & c., by Tribes and Their Respective Agencies,” in United States Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1881* (Washington, D.C., 1881), 272–291, here 278; Donald J. Berthrong, *The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875–1907* (Norman, Okla., 1976), 37; “Responsibility for Starvation among the Piegiens,” open letter from C. C. Painter to E. John Ellis, December 24, 1884, in *The Action of Congress in Regard to the Piegan Indians of Montana* (Philadelphia, 1885), 10–13, here 12; General N. A. Miles to President R. B. Hayes, January 19, 1881, in Mark H. Brown, *The Flight of the Nez Perce* (New York, 1967), 429; Lieutenant Guy Howard to Adjutant-General, U.S. Army, December 23, 1889, in “Message from the President of the United States, Transmitting a Letter of the Secretary of War and Reports Touching the Apache Indians at Governor’s Island,” S. Ex. Doc. 35, 51st Cong., 1st Sess., 1890, 9; H. Henrietta Stockel, *Survival of the Spirit: Chiricahua Apaches in Captivity* (Reno, Nev., 1993), 176; “Release of Apache Prisoners of War,” in *Reports of the Department of the Interior for the Fiscal Year*

GENOCIDAL STATEMENTS, MASSACRES, official body-part bounties, and mass death in government custody are four ways of locating and defining *prima facie* cases of genocide. So how does this method operate in practice? Two American Indian genocides—one in seventeenth-century Connecticut, the other in nineteenth-century California—are illustrative of how these markers can be used to locate and define genocides in North America and beyond.

The Pequot Indians of Connecticut endured one of the earliest genocides in what would become the United States, an event now remembered as the Pequot War. Colonists' motives for attacking were complex, but their immediate *casus belli* was the July 20, 1636, killing of the English trader John Oldham by Narragansett Indians in waters near Block Island, off Rhode Island. Block Island's Narragansetts were not allied with the Pequots. Yet Massachusetts Bay Colony leaders responded by attacking both Block Island Narragansetts and Connecticut Pequots, who had previously "slain one Captaine Norton, and Captaine Stone, with seven more of their company."⁷² This expedition aimed to kill substantial numbers of American Indians.

On August 25, 1636, John Endicott's ninety-eight-man force sailed from Boston. "They had commission," wrote Massachusetts Colony governor John Winthrop, "to put to death the men of Block Island, but to spare the women and children, and to bring them away [enslave them] and from thence to go to the Pequods to demand the murderers of Capt. Stone and other English [by Pequots], and one thousand fathom of wampum for damages, etc., and some of their children as hostages, which if they should refuse, they were to obtain it by force."⁷³ At Block Island, Endicott's men failed to carry out these orders. According to one of his officers, Captain John Underhill, "the *Indians* being retired into Swamps, so as wee could not find them,

Ended June 30, 1913, H. Doc. 1009, vol. 2, 63rd Cong., 2nd Sess., 1914, 36. The off-reservation U.S. Indian boarding school system, initiated in 1879, constituted another form of federal removal and incarceration that may have been genocidal. Some guardians sent young people voluntarily. However, federal agents used coercion and force, sometimes supported by legislation, to take many others, some as young as five years old, to schools that were often far from students' families and communities. Frequently barred from returning home for years, many students tried to escape, but many died. The total number of students who died as a result of attending these schools remains unknown. Overviews of the boarding schools include Michael C. Coleman, *American Indian Children at School, 1850–1930* (Jackson, Miss., 1993); David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875–1928* (Lawrence, Kans., 1995); Margaret L. Archuleta, Brenda J. Child, and K. Tsianina Lomawaima, *Away from Home: American Indian Boarding School Experiences, 1879–2000* (Phoenix, Ariz., 2000); Brenda J. Child, *Boarding School Seasons: American Indian Families, 1900–1940* (Lincoln, Neb., 1998); Clifford E. Trafzer, Jean A. Keller, and Lorene Sisquoc, eds., *Boarding School Blues: Revisiting American Indian Educational Experiences* (Lincoln, Neb., 2006).

⁷² John Winthrop, *Winthrop's Journal, "History of New England," 1630–1649*, ed. James Kendall Hosmer, 2 vols. (New York, 1908), 1: 83 n. 1, 183–184; John Underhill, *Nevves from America; or, A New and Experimentall Discoverie of New England* (London, 1638), 2, 9. Scholarship on the Pequot War as genocide includes Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Minneapolis, 1980), 34–55; Chalk and Jonassohn, *The History and Sociology of Genocide*, 180; Michael Freeman, "Puritans and Pequots: The Question of Genocide," *New England Quarterly* 68, no. 2 (1995): 278–293; Kiernan, *Blood and Soil*, 227–235. According to Mason, Pequots did not kill these men. See John Mason, *A Brief History of the Pequot War: Especially of the Memorable Taking of Their Fort at Mistick in Connecticut in 1637* (Boston, 1736), viii–x.

⁷³ Entry of August 25, 1636, in Winthrop, *Winthrop's Journal*, 1: 186. Drinnon labeled these orders "explicitly genocidal"; *Facing West*, 34. Underhill claimed that there were 100 men plus officers in the expedition; *Nevves from America*, 3. Mason wrote of 120 men; *A Brief History of the Pequot War*, ix.

wee burnt and spoyled both houses and corne in great abundance.”⁷⁴ Still, the expedition failed to kill many Narragansetts, take slaves, or acquire substantial loot.

Following orders, Endicott now sailed against the Pequots. Underhill recalled: “the Indians spying of us came running in multitudes along the water side, crying, what cheere Englishmen, what cheere, what doe you come for? They not thinking we intended warre went on cheerefully untill they come to Pequeat riuer.” Then they “cried, what Englishman, what cheere, what cheere, are you hoggerie, will you cram us? That is, are you angry, will you kill us, and doe you come to fight.” Endicott demanded the killers’ heads, and negotiations ensued. A Pequot “Ambassadour” explained that the Pequots had thought that Stone and company were Dutch, not English. The English rejected this explanation and issued an ultimatum: deliver the killers’ heads or “wee will fight with you.” The Pequots continued to negotiate, and the English attacked.⁷⁵ Governor Winthrop later wrote, “The Naragansett men told us after, that thirteen of the Pequods were killed, and forty wounded,” and that Endicott’s men burned sixty wigwams.⁷⁶ Thus began the Pequot War.

Pequots now besieged Connecticut’s Fort Saybrook and “slew diverse Men.”⁷⁷ During the siege, Pequots—perhaps hoping to end the conflict—asked the fort’s commander, Lion Gardiner, “have you fought ynough[?]”. Some years later, Gardiner recollected that the Pequots then “asked if we did vse to kill women & childrē[n?]” His answer was ominous: “we said they should see yt herafter,” to which some Pequots allegedly responded, “we will goe to conectecott and kill men women & children.”⁷⁸ Further Anglo-Pequot clashes followed, and by the end of April 1637, Pequots had killed “about *Thirty*” colonists in all, while suffering an unknown number of casualties.⁷⁹

On May 1, Connecticut’s General Court joined the conflict by declaring “offensive warr” against the Pequots and mustering ninety men under Captain John Mason to attack.⁸⁰ Before they departed, a Hartford minister primed Mason’s men for large-scale killing. At a Hartford church service, the minister exhorted them to “make their multitudes fall under your warlike weapons.”⁸¹ “[A]bout *five hundred Indians*,” including Mohegans under their leader Uncas and Narragansetts under Miantonomi, joined Mason.⁸² At Fort Saybrook, Gardiner paid “15 yards of trading Cloath” to

⁷⁴ Underhill, *Nevves from America*, 7, emphasis in the original.

⁷⁵ *Ibid.*, 9–15.

⁷⁶ Entry of August 24, 1636, entry inserted after September 23, 1636, and entry of October 21, 1636, in Winthrop, *Winthrop’s Journal*, 1: 189–190, 194. Underhill recollected that after killing “numbers” of Pequots and “having burnt and spoyled what we could light on, wee imbarqued”; *Nevves from America*, 15.

⁷⁷ Mason, *A Brief History of the Pequot War*, ix.

⁷⁸ Lion Gardiner [here Gardener], *Relation of the Pequot Warres: Written in 1660 by Lieutenant Lion Gardener and Now First Printed from the Original Manuscript with an Historical Introduction*, ed. W. N. Chattin Carlton (Hartford, Conn., 1901), 15. (Note: At the time this book was published, the family name had not yet been standardized as Gardiner.)

⁷⁹ Mason, *A Brief History of the Pequot War*, x, emphasis in the original.

⁸⁰ J. Hammond Trumbull, ed., *The Public Records of the Colony of Connecticut, Prior to the Union with New Haven Colony, May, 1665* (Hartford, Conn., 1850), 9. Underhill claimed that 100 men set out; *Nevves from America*, 23.

⁸¹ Edward Johnson quoted in J. Franklin Jameson, ed., *Johnson’s Wonder-Working Providence, 1628–1651* (New York, 1910), 166.

⁸² Mason, *A Brief History of the Pequot War*, 5, emphasis in the original.

Mohegans for at least four Pequot heads.⁸³ This was perhaps the first head bounty in colonial U.S. history. The combined force, minus some Narragansetts who went home, now sailed toward the Pequots at Mystic, Connecticut, while Underhill moved to meet them.⁸⁴ Mason's plan was simple: "We had formerly concluded to destroy them by the Sword and save the Plunder."⁸⁵ He intended a final solution to the Pequot problem.

Mason and Underhill attacked at dawn on May 26, 1637, and Mason soon announced, "WE MUST BURN THEM."⁸⁶ As Mason torched the "West-side" of Mystic, Underhill "set fire on the South end with a traine of Powder, the fires of both meeting in the center of the Fort."⁸⁷ Mason wrote that Mystic's inhabitants "ran as Men most dreadfully Amazed." Then, "when the *Fort* was thoroughly Fired, Command was given, that all should fall off and surround the *Fort*."⁸⁸ Pequots fired back but "were scorched and burnt . . . deprived of their armes [because] the fire burnt their very bowstrings." Thus, "many were burnt in the Fort, both men, women, and children, others forced out, and came in troopes to the *Indians*, twentie, and thirtie at a time, which our soldiers received and entertained with the point of the sword; downe fell men, women, and children."⁸⁹ The English could have taken scores of Pequots prisoner. Instead, they murdered them in keeping with Mason's plan to "destroy them by the Sword."

How many Pequots were in Mystic that morning remains unclear, but few survived. According to Underhill, Indian eyewitnesses reported "about foure hundred soules in this Fort, and not above five of them escaped out of our hands."⁹⁰ Other contemporary writers estimated 300 to 400 killed.⁹¹ Mason wrote that the Mystic Pequots were "utterly Destroyed, to the Number of six or seven *Hundred*, as some of themselves confessed," while "There were only *seven* taken *Captive* & about *seven* escaped."⁹² Supporting his assertion, Mason published a drawing of the fort (see Figure 3) containing ninety-eight lodges, and historian Alfred Cave, who authored the definitive Pequot War history, considered Mason's estimate of 600–700 dead

⁸³ Gardiner, *Relation of the Pequot Warres*, 20. As many as seven Pequots died in this incident. Underhill, *Nevves from America*, 24–25; P. Vincent, *A True Relation of the Late Battell Fought in New England, between the English, and the Salvages: With the Present State of Things There* (London, 1637), 8–9; Mason, *A Brief History of the Pequot War*, 1.

⁸⁴ Mason, *A Brief History of the Pequot War*, 5–6; Underhill, *Nevves from America*, 36–37.

⁸⁵ Mason, *A Brief History of the Pequot War*, 8.

⁸⁶ Entry of May 25, 1637, in Winthrop, *Winthrop's Journal*, 1: 220; Underhill, *Nevves from America*, 37; Mason, *A Brief History of the Pequot War*, 8, capitalization as in the original.

⁸⁷ Underhill, *Nevves from America*, 39. See also Mason, *A Brief History of the Pequot War*, 8.

⁸⁸ Mason, *A Brief History of the Pequot War*, 8, emphasis in the original.

⁸⁹ Underhill, *Nevves from America*, 39, emphasis in the original. According to Mason, "Others of the Stoutest issued forth, as we did guess, to the Number of *Forty*, who perished by the Sword"; *A Brief History of the Pequot War*, 9, emphasis in the original.

⁹⁰ Underhill, *Nevves from America*, 39.

⁹¹ Gardiner, not an eyewitness, estimated 300 killed; *Relation of the Pequot Warres*, 20, 30. Winthrop, also not an eyewitness, wrote of 302 slain; entry of May 25, 1637, in *Winthrop's Journal*, 1: 220. Vincent, whose narrative may or may not have been that of an eyewitness, estimated "betwixt three and foure hundred . . . killed"; *A True Relation of the Late Battell Fought in New England*, 12. Plymouth Colony governor William Bradford, not an eyewitness, estimated "about 400" killed; Bradford, *History of Plymouth Plantation*, ed. Charles Deane (Boston, 1856), 357.

⁹² Mason, *A Brief History of the Pequot War*, 10, emphasis in the original.

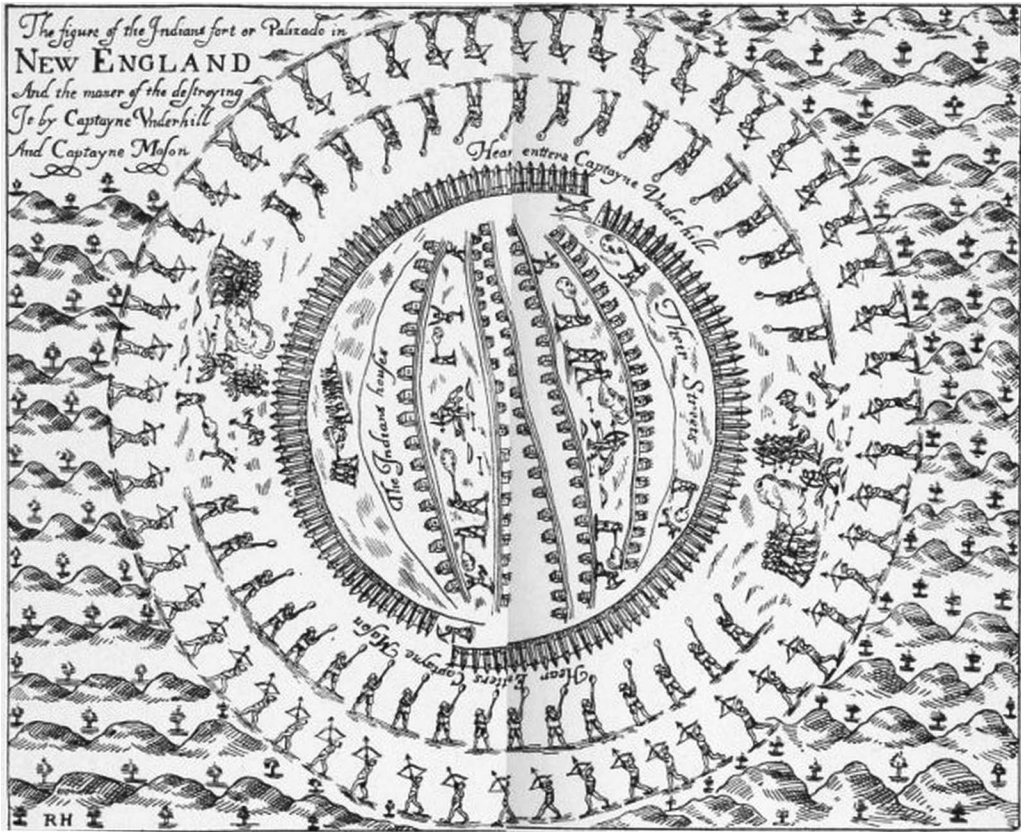


FIGURE 3: John Underhill, “The Figure of the Indians’ Fort or Palizado in New England and the Manner of the Destroying It by Captayne Vnderhill and Captayne Mason,” from Underhill, *Nevves from America; or, A New and Experimentall Discoverie of New England* (London, 1638), preceding p. 1. Courtesy of the Huntington Library, San Marino, California.

“probably more accurate” than Underhill’s estimate of about 400.⁹³ In contrast, colonists lost just “two *Slain* outright, and about *twenty Wounded*.”⁹⁴

The Mystic Massacre shocked many eyewitnesses, but some contemporary writers sought to justify it. According to Underhill, “Great and dolefull was the bloudy sight to the view of young soldiers that never had beene in Warre, to see so many soules lie gasping on the ground so thicke in some places, that you could hardly passe along.” Mason and Underhill’s Indian allies “cried *mach it, mach it*; that is, it is naught, it is naught, because it is too furious, and slaies too many men.” Underhill, too, was troubled, but wrote: “sometimes the Scripture declareth women and children must perish with their parents.”⁹⁵ Mason was simply triumphant: “*Thus was God seen in the Mount, Crushing his proud Enemies and the Enemies of his People . . . burning them up in the Fire of his Wrath, and dunging the Ground with their Flesh: It*

⁹³ Alfred A. Cave, *The Pequot War* (Amherst, Mass., 1996), 151.

⁹⁴ Mason, *A Brief History of the Pequot War*, 10, emphasis in the original. See also Underhill, *Nevves from America*, 39. Vincent suggested that one of the two men may have been killed by friendly fire; *A True Relation of the Late Battell Fought in New England*, 12.

⁹⁵ Underhill, *Nevves from America*, 39–40, 43, 40, emphasis in the original.

was the LORD'S Doings, and it is marvelous in our Eyes!"⁹⁶ Some political leaders and colonists also endorsed the atrocity. Twenty days after the massacre, Governor Winthrop wrote: "There was a day of thanksgiving kept in all the churches for the victory obtained against the Pequods."⁹⁷ Plymouth Colony governor William Bradford later wrote that while "It was a fearfull sight to see them thus frying in ye fyer, and ye streams of blood quenching ye same, and horrible was ye stinck & sente ther of; but ye victory seemed a sweete sacrifice, and they gave the prays therof to God, who had wrought so wonderfully for them."⁹⁸ Underhill, Mason, Winthrop, and Bradford all endorsed the atrocity after the fact.

Had Mystic been an isolated event, it would have constituted a single "genocidal massacre." However, it was only the beginning of a systematic state-sponsored killing campaign. Immediately following the massacre, some 300 Pequot warriors from nearby, enraged by the slaughter of their families and fellow Pequots, counterattacked.⁹⁹ According to Underhill, in "an houre [we] slew and wounded above a hundred *Pequeats*, all fighting men that charged us."¹⁰⁰ As they marched to their boats, colonists and their Indian allies repeatedly shot Pequots and "fetch[ed] their Heads," presumably to claim head bounties.¹⁰¹ Seven Mohegans who had been with the Pequots told the English: "about an hundred Pequets were slaine or hurt, in the fight with the English at their returne from the Fort."¹⁰² The Pequot leader Sassacus, "with the remainder of this massacre [then] fled the Countrey," and Massachusetts mobilized 120 militiamen under Captain Israel Stoughton to hunt down survivors.¹⁰³

A two-prong operation now began to "utterly roote them out," according to one contemporary writer.¹⁰⁴ A joint expedition of colonists composed the first prong. Stoughton's force reached the mouth of Connecticut's Thames River in late June, took Pequot prisoners, and on July 5 executed at least twenty-two of them.¹⁰⁵ Forty Connecticut men under Mason then joined him.¹⁰⁶ On July 13 they killed six at New Haven before beheading two Indian leaders at Sachem's Head.¹⁰⁷ Farther down the coast, they surrounded Pequots and local Sasqua Indians in a swamp near Fairfield. After "the *English* slew but few," at least 180 "*old Men, Women and Children*" sur-

⁹⁶ Mason, *A Brief History of the Pequot War*, 14, emphasis and capitalization as in the original.

⁹⁷ Entry of June 15, 1637, in Winthrop, *Winthrop's Journal*, 1: 222. On October 12, 1637, Winthrop recorded another day of celebration: "A day of thanksgiving [was again] kept in all the churches for our victories against the Pequods" (1: 238).

⁹⁸ Bradford, *History of Plymouth Plantation*, 357.

⁹⁹ Mason, *A Brief History of the Pequot War*, 11; Underhill, *Nevves from America*, 42.

¹⁰⁰ Underhill, *Nevves from America*, 42, emphasis in the original.

¹⁰¹ Mason, *A Brief History of the Pequot War*, 11–12. See also Vincent, *A True Relation of the Late Battell Fought in New England*, 12.

¹⁰² Seven Mohegans summarized in Vincent, *A True Relation of the Late Battell Fought in New England*, 15.

¹⁰³ *Ibid.*; Mason, *A Brief History of the Pequot War*, 14.

¹⁰⁴ Vincent, *A True Relation of the Late Battell Fought in New England*, 15.

¹⁰⁵ Mason, *A Brief History of the Pequot War*, 14; entry of July 5, 1637, in Winthrop, *Winthrop's Journal*, 1: 224–225. Vincent reported twenty-three slain; *A True Relation of the Late Battell Fought in New England*, 16. William Hubbard claimed thirty killed; Hubbard, *A Narrative of the Troubles with the Indians in New-England, from the First Planting Thereof in the Year 1607, to This Present Year, 1677* (Boston, 1677), 128.

¹⁰⁶ Mason, *A Brief History of the Pequot War*, 15; Vincent wrote of "200 English" in this campaign; *A True Relation of the Late Battell Fought in New England*, 15.

¹⁰⁷ Entry of July 13, 1637, in Winthrop, *Winthrop's Journal*, 1: 226.

rendered, while others remained in the swamp.¹⁰⁸ Colonists then “killed fortie or fiftie besides those that they cut off in their retrait,” while “sixty or seventy” Pequots escaped.¹⁰⁹ In total, the killings of mid-May to mid-July 1637 took a cataclysmic toll on the Pequots. According to Underhill, Pequots were “slaine by the sword, to the number of fiteene hundred soules in the space of two moneths and lesse.”¹¹⁰ Still, the killing continued. According to P. Vincent, writing in 1637, “Some other small parties of them were since destroyed.”¹¹¹ Montauk and Mohawk Indians constituted the second prong, killing at colonists’ behest.

Head bounties encouraged the killing of Pequot survivors, sometimes by enlisting Indian participation with genocidal threats. The Pequot War was one of many instances in which a colonizing regime threatened Indians from one tribe into killing Indians from another. Three days after the Mystic Massacre, Gardiner met with Long Island’s Montauk leader Wyandanch and warned him that if “you haue pequits with you . . . they might kill my men, . . . and So we may kill all you for ye pequits but if you will kill all the pequits yt come to you and send me thr heads,” then “you shall haue trade with vs.” Wyandanch later sent Gardiner a dozen Pequot heads, and Gardiner “paid . . . as I had promised.” Wyandanch then “kild . . . many of ye pequits and sent thr heds to” Gardiner, probably fearing that unless he continued this grisly trade, Englishmen would “come and kill vs all as they did ye pequits.”¹¹² Similar fears and rewards likely motivated other New England and New York Indians. In 1637, Mason reported, “The *Pequots* now became a Prey to all *Indians*. Happy were they that could bring in their Heads to the *English*: Of which there came almost daily to *Winsor*, or *Hartford* [Connecticut].”¹¹³ That summer, Mohawks sent the heads and hands of perhaps forty or more Pequots, including Sassacus, to Hartford, for, as Gardiner explained, “they all fered vs.”¹¹⁴ On August 5, Winthrop reported that Englishmen had brought to Boston “part of the skin and lock of hair of Sasacus” and of twenty-six others. On August 26, Winthrop recorded how “The Indians about sent in still many Pequods’ heads and hands from Long Island and other places,” while on August 31, “The Naragansetts sent us the hands of three Pequods.”¹¹⁵ By demonstrating that body-part bounties—which motivated some or all of this head, hand, and scalp collecting—could be an effective Indian-killing policy, colonists established a lethal, enduring tradition.

During the Pequot War, colonists and their allies killed an estimated “one quarter to two thirds” of all Pequots, while enslaving and intentionally scattering survivors.¹¹⁶ Some colonial leaders sought total erasure. The September 1638 Treaty of Hartford banished Pequots from their homeland, gave 200 surviving Pequot men and their

¹⁰⁸ Mason, *A Brief History of the Pequot War*, 15–17; Vincent, *A True Relation of the Late Battell Fought in New England*, 16, emphasis in the original.

¹⁰⁹ Vincent, *A True Relation of the Late Battell Fought in New England*, 16; Mason, *A Brief History of the Pequot War*, 17. Mason wrote, “We afterwards searched the *Swamp*, & found but few *Slain*”; *ibid.*, emphasis in the original.

¹¹⁰ Underhill, *Nevves from America*, 2.

¹¹¹ Vincent, *A True Relation of the Late Battell Fought in New England*, 16.

¹¹² Gardiner, *Relation of the Pequot Warres*, 21, 22; Wyandanch quotation from 24.

¹¹³ Mason, *A Brief History of the Pequot War*, 17, emphasis in the original.

¹¹⁴ Vincent, *A True Relation of the Late Battell Fought in New England*, 16–17; Gardiner, *Relation of the Pequot Warres*, 21. It is not clear if someone paid the Mohawks for these Pequot heads and hands.

¹¹⁵ Entries of August 5, 26, and 31, 1637, in Winthrop, *Winthrop’s Journal*, 1: 229, 231.

¹¹⁶ Freeman, “Puritans and Pequots,” 289.

relatives to the Mohegans and Narragansetts, specified that Pequots “shall no more be called Pequots but Narragansetts and Mohegans,” and called for the beheading of any surviving Pequots who had killed or attempted to kill any English person.¹¹⁷ Dispersal then continued.

Connecticut and Massachusetts colonists used slavery in an attempt to destroy the surviving Pequot community. Colonial authorities ultimately made perhaps 600 Pequots the chattels of their Indian enemies. At least 319 others became Connecticut, Massachusetts, and Plymouth colonists’ property or were shipped overseas: at least one to Britain, seventeen to Caribbean bondage on Providence Isle, and eighty or more to slavery in Bermuda. Colonists thus sought to scatter and destroy the Pequot nation.¹¹⁸

Defying genocidal intentions and policies, Pequots resisted and survived. In 2010, exactly 3,373 U.S. citizens identified themselves as Pequots. Today, many are members of Connecticut’s Eastern Pequot Tribal Nation or the neighboring Mashantucket Pequot Tribal Nation.¹¹⁹

Twenty-first-century Pequots are not the only American Indians descended from genocide survivors. Northern California’s Yuki Indians endured a similar ordeal. California’s first civilian United States governor, Peter Burnett, set the stage in 1851 by declaring “[t]hat a war of extermination will continue to be waged . . . until the Indian race becomes extinct.”¹²⁰ One month later, state legislators allocated \$500,000 to fund Indian-hunting state militia campaigns. In 1852, the U.S. Senate then refused to ratify the eighteen treaties that would have set aside approximately 7 percent of California as federal Indian reservation lands, thus leaving California Indians without explicit federal protection.¹²¹ The first known massacre of Yuki people followed less than two years later.

¹¹⁷ John Haynes, Roger Ludlow, Edward Hopkins, Miantonomo, and Uncas, “Articles of Agreement between the English in Connecticut and the Indian Sachems,” September 21, 1638, 1–2, Connecticut State Library, Hartford, <http://cslib.cdmhost.com/cdm/ref/collection/p128501coll11/id/3860>.

¹¹⁸ The Treaty of Hartford specified: “200 Pequots living that are Men besides Squaws and Paposes The English do give unto Miantimone and the Narragansetts to make up the Number of Eighty with the Eleaven they have already and to the Poquin his Number.” Ibid., 2. For dispersal beyond New England, see Michael L. Fickes, “‘They Could Not Endure That Yoke’: The Captivity of Pequot Women and Children after the War of 1637,” *New England Quarterly* 73, no. 1 (2000): 58–81, here 61; entry of July 5, 1637, in Winthrop, *Winthrop’s Journal*, 1: 224–225, here 225; entry of July 6, 1637, *ibid.*, 225–226, here 225; entry of July 12, 1637, *ibid.*, 226; entry of July 13, 1637, *ibid.*, 226–228, here 227–228; James E. Smith, *Slavery in Bermuda* (New York, 1976), 25. Kiernan observed, “English policy was clear: the Pequot ethnic group had to disappear. The survivors were to be made unable to reproduce themselves as a community”; *Blood and Soil*, 233.

¹¹⁹ United States Census Bureau, *American Fact Finder*, 2010, “Pequot tribal grouping alone or in any combination,” <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

¹²⁰ Scholarship designating the Yuki catastrophe as genocide includes Gary E. Garrett, “The Destruction of the Indian in Mendocino County, 1856–1860” (M.A. thesis, Sacramento State College, 1969); Virginia P. Miller, *Ukomno’m: The Yuki Indians of Northern California* (Socorro, N.Mex., 1979); Lynwood Carranco and Estle Beard, *Genocide and Vendetta: The Round Valley Wars of Northern California* (Norman, Okla., 1981); Madley, “California’s Yuki Indians.” The Burnett quote is from *Journals of the Legislature of the State of California, at Its Second Session: Held at the City of San Jose, Commencing on the Sixth Day of January, and Ending on the First Day of May, 1851* ([San Jose], 1851), 15.

¹²¹ *The Statutes of California, Passed at the Second Session of the Legislature, Begun on the Sixth Day of January, 1851, and Ended on the First Day of May, 1851, at the City of San Jose* (San Jose, 1851), 520–521; George E. Anderson and Robert F. Heizer, “Treaty-Making by the Federal Government in California, 1851–1852,” in George E. Anderson, W. H. Ellison, and Robert F. Heizer, eds., *Treaty Making and Treaty Rejection by the Federal Government in California, 1850–1852* (Socorro, N.Mex., 1978), 1–36,

On May 15, 1854, white explorers entered Round Valley, the heart of the Yuki homeland, and preemptively massacred as many as forty Yuki people. Colonization followed, diminishing traditional food sources and pushing some Yuki to eat whites' livestock. In response, whites once again began massacring Yuki. One man later testified that in 1856, "the Indians were killing stock, and the whites were killing Indians."¹²² Another explained: "for every beef that has been killed by them ten or fifteen Indians have been killed."¹²³ Yet another testified that in 1856, "the first expedition by the whites against the Indians was made, and have continued ever since . . . we would kill, on an average, fifty or sixty Indians on a trip . . . frequently we would have to turn out two or three times a week."¹²⁴ Such expeditions presumably killed hundreds, and perhaps thousands, of Yuki people.

Meanwhile, whites kidnapped Yuki women and children, taking advantage of laws that, between 1850 and 1863, allowed them to take and hold Indians—including children—for years at a time. By 1856, one Indian agent wrote of Yuki "squaws and children taken away by white men," and of Yuki men who "said they would all work at anything I wanted them to, if only I would protect their squaws and children." In 1857, another agent reported from Round Valley: "the Indians . . . have very few children—most of them doubtless having been stolen and sold."¹²⁵

That year the Yuki resisted by killing whites for the first time, and whites re-

here 26; W. H. Ellison, "Rejection of California Indian Treaties: A Study in Local Influence on National Policy," *ibid.*, 50–70, here 62.

¹²² Frank Asbill and Argle Shawley, *The Last of the West* (New York, 1975), 18–19; Lyman L. Palmer, *History of Mendocino County, California, Comprising Its Geography, Geology, Topography, Climatography, Springs and Timber* (San Francisco, 1880), 459, 595, 596; Benjamin Arthur deposition, February 28, 1860, in California Legislature, Special Joint Committee on the Mendocino War, *Majority and Minority Reports of the Special Joint Committee on the Mendocino War* (Sacramento, 1860) [hereafter *MMR*], 51.

¹²³ John W. Burgess deposition, February 28, 1860, in *MMR*, 24.

¹²⁴ Dryden Lacock deposition, February 25, 1860, *ibid.*, 49. According to the *Indian War Papers*, Lacock testified, "we could kill, on an average, 15 or 20 Indians on a trip." See Lacock deposition in Military Department, Adjutant General, Indian War Papers, folder F3753: 441, California State Archives, Sacramento [hereafter *IWP*].

¹²⁵ According to California's 1850 Act for the Government and Protection of Indians, children could, with the consent of "friends" or "parents," be held and worked without pay until age fifteen for females or age eighteen for males. "[A]ny white person" could also visit a jail and pay "said fine and costs" for any "Indian . . . convicted of an offence . . . punishable by fine." Indian convicts then worked to pay off the fines their employer had paid on their behalf. Meanwhile, the act empowered whites to arrest Indian adults "found loitering and strolling about, or frequenting public places where liquors are sold, begging, or leading an immoral or profligate course of life." When a court received a "complaint" along these lines, the act required court officers to capture and then lease "such vagrant within twenty-four hours to the best bidder." Successful bidders could then legally hold and work convicts for up to four months without compensation. In 1860, legislators expanded the 1850 act. First, they legalized the "indenture" of "any Indian or Indians, whether children or grown persons," including "prisoners of war" and "any vagrant Indian" as "apprentices, to trades, husbandry, or other employments." Second, legislators gave judges the power to "bind" and apprentice Indian minors without the consent of their parents or guardians. Third, they allowed white employers to retain Indians indentured as minors beyond their attainment of majority age. Thus, boys under fourteen could be indentured until they turned twenty-five, and girls under fourteen until twenty-one. Fourth, teenagers indentured "over fourteen and under twenty years of age, if males," could be held "until they attain[ed] the age of thirty years; if females, until they attain[ed] the age of twenty-five years." Finally, Indians over age twenty could be indentured for a fixed term of ten years. *The Statutes of California, Passed at the First Session of the Legislature* (San Jose, 1850), 408–410; *The Statutes of California, Passed at the Eleventh Session of the Legislature, 1860: Begun Monday, the Second Day of January, and Ended on Monday, the Thirteenth Day of April* (Sacramento, 1860), 196–197. Quotations from Simmon Storms to Tho. Henley, June 20, 1856, Letters Received, Records of the Office of Indian Affairs, 1824–1881, National Archives, Record Group 75.4, General Records of the

sponded with continued killing. In October 1857, Indian agent Thomas Henley warned that killing would “continue until the force of the whites is sufficient to overwhelm the Indians and exterminate them or drive them from the Reservation.” Henley asked for federal troops to protect the Yuki, but as with others who echoed such requests, his appeal fell on deaf ears.¹²⁶ Whites killed twenty-seven Yuki during the first ten months of 1858, while 1860 depositions underscored some killers’ genocidal intent.¹²⁷ According to one man, the livestock manager H. L. Hall “commenced killing all the Indians [he and his colleagues] could find in the mountains . . . I heard Mr. Hall say that he did not want any man to go with him to hunt Indians, who would not kill all he could find, because a knit would make a louse.”¹²⁸ Army lieutenant Edward Dillon added that Hall “well nigh depopulated a country, which but a short time since swarmed with Indians.”¹²⁹ Hall himself explained how, in one instance, “all the squaws were killed because they refused to go further. We took one boy into the valley, and the infants were put out of their misery, and a girl ten years of age was killed for stubbornness.”¹³⁰ Finally, a Long Valley man testified that he and his comrades had “killed one hundred and fifty or two hundred Indians.”¹³¹

The destruction of Yuki people intensified that winter. Special Treasury Agent J. Ross Browne reported that in Round Valley, “during the winter of 1858–’59, more than a hundred and fifty peaceable Indians, including women and children, were cruelly slaughtered by the whites.” Browne explained, “Armed parties went into the rancherias in open day, when no evil was apprehended, and shot the Indians down—weak, harmless, and defenseless as they were—without distinction of age or sex; shot down women with sucking babes at their breasts; killed or crippled the naked children that were running about.”¹³²

Despite the U.S. Army troops stationed in the valley, the killing continued because commanders had ordered regulars there not to confront or arrest whites. In April 1859, an informant told how “in the vicinity of Round Valley . . . within the past three weeks, from three to four hundred bucks, squaws and children have been killed.”¹³³ Two weeks later, Major Edward Johnson reported: “the whites have waged a relentless war of extermination against the Yukas [and] have ruthlessly massacred

Bureau of Indian Affairs, Microfilm Publication M234 [hereafter M234], reel 35: 475, 474; Vincent Geiger to Tho. Henley, September 24, 1857, *ibid.*, reel 35: 1281.

¹²⁶ Geiger to Henley, September 24, 1857; Thos. Henley to J. Denver, October 27, 1857, M234, reel 35: 1328.

¹²⁷ Isaac W. Shanon deposition, February 28, 1860, in *MMR*, 72; Thos. Henley to Chas. Mix, June 19, 1858, M234, reel 36: 814–815; S. Storms to T. Henley, November 23, 1858, *ibid.*, 987.

¹²⁸ William T. Scott deposition, March 2, 1860, in *MMR*, 22; H. L. Hall deposition, February 26, 1860, *ibid.*, 42.

¹²⁹ Dillon quoted in Robert F. Heizer, *The Destruction of California Indians* (1974; repr., Lincoln, Neb., 1993), 296.

¹³⁰ Hall deposition, in *MMR*, 42.

¹³¹ Jackson Farley deposition, February 26, 1860, *ibid.*, 74.

¹³² J. Ross Browne, “The Coast Rangers: A Chronicle of Events in California,” part II: “The Indian Reservation,” *Harper’s New Monthly Magazine* 23, no. 135 (August 1861): 306–316, here 312. This may have been an underestimate. In January 1859, one newspaper announced “The slaughter of one hundred and seventy Indians, in the locality of Round Valley, since November last.” *Daily Alta California*, January 20, 1859, 2, emphasis in the original.

¹³³ Edward Dillon deposition, February 27, 1860, in *MMR*, 59–60; informant paraphrased in *Petaluma Journal*, reprinted in *Daily Alta California*, April 16, 1859, 1.

men, women, and children,” estimating “some six hundred . . . killed within the last year.”¹³⁴ That summer, the killing became even more organized.

On July 11, 1859, Walter Jarboe recruited sixteen men to hunt surviving Yuki. By August 21, Major Johnson reported that Jarboe had killed at least sixty-four Yuki people, explaining, “I believe it to be the Settled determination of many of the inhabitants to exterminate the Indians.”¹³⁵ That same day, Johnson also warned California governor John Weller of Jarboe’s indiscriminate killings. Nevertheless, on September 6, Weller enrolled Jarboe’s men as a volunteer state militia company to kill or take into custody Yuki beyond the Round Valley Reservation.¹³⁶

Jarboe’s Eel River Rangers thus continued their campaign, now with state sponsorship. On October 18, Agent Browne warned the U.S. commissioner of Indian affairs that Jarboe “has been engaged for some months past in a cruel and relentless pursuit of the Indians in this vicinity, slaughtering miscellaneous all with whom he comes in contact, without regard to age or sex.”¹³⁷ Newspapers reported massacres committed by Jarboe’s men: twenty-five Indians killed in late September, twenty in October, thirty on December 9, and another thirty on December 13.¹³⁸ A declaration of genocidal intent made Jarboe’s intentions clear. In a December 3 report to Governor Weller, Jarboe emphasized: “however cruel it may be . . . nothing short of extermination will suffice to rid the Country of them [the Yuki].”¹³⁹ Still, the governor failed to stop him.

Weller finally dissolved Jarboe’s company almost two months later, on January 24, 1860. Jarboe then reported that from September 20, 1859, to January 24, 1860, “I fought them 23 times, killed 283 Warriors, the number of wounded was not known, took 292 prisoners, sent them to the Reservation.”¹⁴⁰ Given reports that Jarboe’s company routinely murdered noncombatants, this was almost certainly an underestimate. According to a January 22 newspaper report, “In seventy days they had fifteen battles with the red men; killed more than four hundred of them; took six hundred of them prisoners, and had only three of their own number wounded and one killed.”¹⁴¹ Another newspaper declared Jarboe’s campaign a “deliberate, cowardly, brutal massacre of defenseless men, women, and children,” while some state legislators denounced it as “a slaughter of beings . . . who make no resistance, and make no attacks.”¹⁴² Scalp bounties did not play a role in this genocide, but in April

¹³⁴ Johnson quoted in A. G. Tassin, “Chronicles of Camp Wright, Part I,” *Overland Monthly and Out West Magazine* 10, no. 55 (1887): 24–32, here 27.

¹³⁵ *Sacramento Daily Union*, January 16, 1860, 2; Edward Johnson to W. Mackall, *IWP*, F3753: 378.

¹³⁶ Letter summarized in Garrett, “The Destruction of the Indian in Mendocino County,” 66; William B. Secrest, *When the Great Spirit Died: The Destruction of the California Indians, 1850–1860* (Sanger, Calif., 2003), 300.

¹³⁷ J. Ross Browne to A. Greenwood, October 18, 1859, M234, reel 37: 69.

¹³⁸ A Stock Raiser, October 1, 1859, in *Sonoma County Journal* (Petaluma, Calif.), October 7, 1859, 2; W. S. Jarboe, October 16, 1859, in *Santa Rosa Democrat*, reprinted in *Daily Evening Bulletin* (San Francisco), November 7, 1859, 2; *Santa Rosa Democrat*, December 20, 1859, reprinted in *Daily Alta California*, January 1, 1860, 1; “A Member of Jarboe’s Company” summarized in *Santa Rosa Democrat*, December 20, 1859, reprinted in *Daily Alta California*, January 1, 1860, 1.

¹³⁹ W. Jarboe to John Weller, December 3, 1859, *IWP*, F3753: 401.

¹⁴⁰ W. Jarboe to John Downey, February 18, 1860, *ibid.*, 432.

¹⁴¹ *Daily Alta California*, January 22, 1860, 1.

¹⁴² *San Francisco Evening Bulletin*, February 24, 1860, 2, in *MMR*, 6.



PROTECTING THE SETTLERS.

FIGURE 4: J. Ross Browne, "Protecting the Settlers." From Browne, "The Coast Rangers: A Chronicle of Events in California," part II: "The Indian Reservation," *Harper's New Monthly Magazine* 23, no. 135 (August 1861): 313. Courtesy of the Beinecke Library, Yale University, New Haven, Connecticut. This image accompanied an article by Browne in which he described the killing of Yuki people at Round Valley, California.

1860, California legislators voted to pay Jarboe, his men, and their suppliers \$9,347.39 for “the expedition against the Indians in the county of Mendocino.”¹⁴³

Federal officials incarcerated most of the remaining Yuki at the Round Valley Reservation, with lethal results. Forced labor had already taken many lives. One man testified that during the winter of 1856–1857, “about three hundred died on the reservation, from the effects of packing them through the mountains in snow and mud . . . they were worked naked, with the exception of [minimal clothing and] usually packed fifty pounds.”¹⁴⁴ Conditions on the reservation deteriorated following Jarboe’s campaign.

Institutionalized malnutrition led to starvation conditions. In 1860, Round Valley Reservation Indians were given just 480 to 910 calories’ worth of food per day, or sometimes more, in the form of potatoes, while those who did not work received no food. In 1862, rations plunged further. In October, a newspaper reported that Round Valley Indians “in starving condition” were leaving “in the hope of escaping death by starvation.”¹⁴⁵ That December a reservation employee testified, “*There is nothing for them to eat.*”¹⁴⁶ Captain George, a local chief, also claimed to have “nothing to eat,” and Captain C. D. Douglas reported daily rations of just 160 to 390 calories.¹⁴⁷

Kidnappings also continued. In 1860, one local man explained, “among these hostile tribes which we attacked, we found no children, and I believe there has been a practice of abducting the children [for] profit.”¹⁴⁸ In 1862, an Indian agent added that Round Valley’s “white men . . . at every opportunity make merchandise of [Indian] children and wives of their squaws.”¹⁴⁹ Such abductions destroyed Yuki families while undercutting demographic recovery.

Vigilantes, meanwhile, continued killing Yuki on and off the reservation. In July 1861, Superintending Agent George Hanson protested that Round Valley Reservation Indians were “being hunted down like wild beasts and killed.”¹⁵⁰ The killing subsided in 1862, but after a white man was killed in 1863, soldiers and volunteers killed ten Yuki before lynching five others.¹⁵¹ This seems to have been the last mass killing of Yuki

¹⁴³ *Statutes of California, Passed at the Eleventh Session of the Legislature, 1860*, 173.

¹⁴⁴ Arthur deposition in *MMR*, 51.

¹⁴⁵ William J. Hildreth deposition, February 24, 1860, in *MMR*, 33; George Rees deposition, February 27, 1860, *ibid.*, 17; *Red Bluff (Calif.) Beacon*, October 9, 1862, 2. The calories came from “six or seven ears of corn.” A medium ear of cooked corn contains approximately 80–130 calories. Audrey H. Ensminger, et al., *Foods and Nutrition Encyclopedia*, 2nd revised ed., 2 vols. (Boca Raton, Fla., 1993), 1: 489.

¹⁴⁶ J. M. Robinson testimony, December 18, 1862, in Mendocino Herald, *Martial Law in Round Valley, Mendocino Co., California, the Causes Which Led to That Measure, the Evidence, as Brought Out by a Court of Investigation Ordered by Brig. Gen. G. Wright, Commanding U.S. Forces on the Pacific* (Ukiah City, Calif., 1863), 12, emphasis in the original.

¹⁴⁷ Captain George summarized in D. H. Dohrman testimony, December 19, 1862, *ibid.*, 17. According to C. D. Douglas, daily rations consisted of “two to three ears of corn to each Indian.” Douglas in Frank H. Baumgardner III, *Killing for Land in Early California: Indian Blood at Round Valley, 1856–1863* (New York, 2005), 242.

¹⁴⁸ William Frazier deposition, February 22, 1860, in *MMR*, 15.

¹⁴⁹ Geo. M. Hanson to Wm. P. Dole, October 10, 1862, in United States Office of Indian Affairs, *Report of the Commissioner of Indian Affairs, for the Year 1862* (Washington, D.C., 1863), 311.

¹⁵⁰ Geo. M. Hanson to William P. Dole, July 14, 1861, in United States Office of Indian Affairs, *Report of the Commissioner of Indian Affairs, Accompanying the Annual Report of the Secretary of the Interior, for the Year 1861* (Washington, D.C., 1861), 150.

¹⁵¹ Rena Lynn, *The Story of the Stolen Valley* (Willits, Calif., 1977), 19.

people. However, between 1854 and 1864, the Yuki population had declined by 90 percent or more.¹⁵² Although pushed to the brink of oblivion, Yuki people survived, and today some are members of California's Round Valley Indian Tribes.

THE PEQUOT AND YUKI CASES demonstrate the utility of documenting genocidal statements, massacres, body-part bounties, and mass death in government custody to identify, locate, and define cases of genocide in Native American history and beyond. In both genocides, policymakers and perpetrators expressed "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." Massacres, body-part bounties, and mass death in government custody provide additional evidence of genocidal intent, as well as evidence of genocidal acts including "Killing," "Causing serious bodily or mental harm," and "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." Containment in dangerous conditions and dispersal through kidnapping and slavery may constitute "Imposing measures intended to prevent births within the group." Finally, kidnapping and slavery involved "Forcibly transferring children of the group to another group." Studying the planning, execution, and aftermath of specific genocidal crimes can also reveal who ordered them, carried them out, and rewarded them, rather than lumping all architects, commanders, perpetrators, and accomplices together. This approach points the way toward an effective methodology with which to evaluate the question of genocide at any time and place in history.

The case study as a unit of analysis allows for the examination of whether or not a particular "national, ethnical, racial or religious group" suffered genocide. There may be questions about genocide that can be resolved only by analyzing crimes against multiple American Indian tribes, but for the purposes of resolving the American genocide debate, locating and documenting evidence for individual tribal histories avoids problems associated with considering all Native Americans together. Crucially, it moves away from misleading colonial constructs of race to focus on particular tribes. Case studies are also often more practical, specific, and useful to contemporary American Indian nations than lumping all Indians—across several centuries and millions of square miles—together. For example, studying tribes as nations—in discrete case studies—clarifies how regimes committed genocide even when other Native Americans did some of the killing. Case studies also provide an avenue for locating and delineating the specific genocidal crimes suffered by different tribes at different times at the hands of different perpetrators. Detailed case study analyses are an important new direction in genocide studies—a field often dominated by theoretical debates—offering a powerful tool with which to understand genocide and combat its denial around the world.

¹⁵² In 1854 there were some 6,000 to 20,000 Yuki people. By 1864, reservation officials counted just 300 at Round Valley. S. F. Cook, "The Aboriginal Population of the North Coast of California," *University of California Anthropological Records* 16, no. 3 (1956): 81–129, here 108, 127; Thornton, *American Indian Holocaust and Survival*, 203; Tassin, "Chronicles of Camp Wright, Part I," 25; Elijah Potter, "Elijah Renshaw Potter Reminiscences," Bancroft Manuscript C-D 5136: 2, Bancroft Library, Berkeley, Calif.; Austin Wiley in United States Office of Indian Affairs, *Report of the Commissioner of Indian Affairs for the Year 1864* (Washington, D.C., 1865), 119.

The case study method is not limited to locating and defining instances of genocide in the United States and its colonial antecedents. These methods can also be applied in other geographies where genocides may have occurred, such as Africa, Asia, Latin America, and beyond. They may be particularly useful in helping to move other national genocide debates forward. Indeed, detailed case studies examining genocide in Queensland, Tasmania, and Victoria have helped to advance the ongoing Australian genocide debate.¹⁵³

In those times and places where intended destruction, massacre, state-sponsored body-part bounties, and mass death in government custody appear, it makes sense to investigate the possibility of genocide. This involves refocusing the American genocide debate from a macro analysis to investigations of history at the tribal level. Each Native American population decline requires careful, detailed examination, not limited to the seventeenth-century Pequot or the nineteenth-century Yuki cases. Questions of genocidal intent, actions, and consequences must be meticulously investigated in each case. In the absence of robust case studies, general statements about whether or not “all” or “most” Native American tribes suffered genocide, even if germane, are difficult to substantiate. Moreover, the stakes are too high to limit our studies to such an all-or-nothing approach. The claim that not every American Indian tribe suffered genocide should not be allowed to block debate and further research into the question of genocide in U.S. history. Careful analyses of specific regions and tribes will provide the crucial building blocks upon which later meta-analyses can be built. By examining each case in detail, scholars will dignify its particularities and ultimately help create a clearer, more vivid mosaic of varied Native American experiences, and of U.S. history as a whole.

The “Old World” pathogens that non-Indians carried in their blood, mucus, saliva, and semen killed untold numbers of American Indians, but the ideas in their heads, coupled with the weapons in their hands, also led to mass violence, and in some cases genocide. It is not surprising that scholars have written so little about this topic. The violence that Native Americans suffered during America’s conquest is painful to contemplate, and cannot be reversed. Yet rather than distancing ourselves from this traumatic history, we need to move closer to it.

Possible cases of genocide are worth investigating for many reasons, but three stand out. Decency demands that even long after the deaths of the victims, we preserve the truth of what befell them, so that their memory can be honored and the repetition of similar crimes deterred. Justice demands that even long after the perpetrators have vanished, we document the crimes that they and their advocates have

¹⁵³ Some genocide case studies addressing Queensland, Tasmania, and Victoria include Raymond Evans, “‘Plenty Shoot ’Em’: The Destruction of Aboriginal Societies along the Queensland Frontier,” in A. Dirk Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (New York, 2004), 150–173; Raymond Evans, *A History of Queensland* (Melbourne, 2007), especially 52–56, 92–98, 135–138; Lyndall Ryan, “Abduction and Multiple Killings of Aborigines in Tasmania, 1804–1835,” Yale Genocide Studies Program Working Paper no. 35 (2007), 1–26; James Boyce, *Van Diemen’s Land* (Melbourne, 2008), especially chap. 14 and the appendix, “Towards Genocide: Government Policy on the Aborigines, 1827–38”; Benjamin Madley, “From Terror to Genocide: Britain’s Tasmanian Penal Colony and Australia’s History Wars,” *Journal of British Studies* 47, no. 1 (2008): 77–106; Lyndall Ryan, “Settler Massacres on the Port Philip Frontier, 1836–1851,” *Journal of Australian Studies* 34, no. 3 (2010): 257–273.

too often concealed, denied, or suppressed. Finally, historical veracity demands that we carefully examine the Native American demographic catastrophe, in all its varied aspects and causes, in order to better understand formative events in both Native American and United States history.

Benjamin Madley is Assistant Professor of History at the University of California, Los Angeles. He earned a Ph.D. in history at Yale University and was an Andrew W. Mellon Postdoctoral Fellow at Dartmouth College before coming to UCLA. A historian of the United States, Native America, and colonialism, he is the author of articles and book chapters addressing indigenous peoples and genocides in Africa, Australia, and North America, as well as Nazi mass murder in Europe. His first book, *An American Genocide: The California Indian Catastrophe, 1846–1873*, will be published by Yale University Press.

Appendix

Massacre Map Sources

These massacre statistics are in many cases contested. Accurately counting bodies in the aftermath of a massacre is often difficult due to a host of factors. Killing fields may be substantial in area. Victims' bodies may be carried away by rivers, sink in bodies of water, or be consumed and scattered by animals. Perpetrators may incinerate, bury, or otherwise conceal corpses. Survivors may cremate or inter their loved ones and community members. Death toll estimates may also be intentionally misleading. Given the varying implications of massacre body counts in different contexts, perpetrators, bystanders, and survivors may minimize, exaggerate, or obfuscate the numbers killed. As a result of these many factors, primary sources often disagree on massacre death tolls, as do later analyses. The following sources report both the lowest and highest reasonable death toll for each massacre on the map.

For Acoma, see Captain Velasco to the Viceroy, March 22, 1601, in George P. Hammond and Agapito Rey, eds., *Don Juan de Oñate: Colonizer of New Mexico, 1595–1628*, 2 vols. (Albuquerque, N.Mex., 1953), 2: 614–615; and Alonso Sanchez to Rodrigo del Rio, February 28, 1599, *ibid.*, 1: 427.

For Antelope Creek, see “Proceedings of a Board of Officers . . . January 21, 1879, Special Orders, No. 8,” summarized in Peter John Powell, *People of the Sacred Mountain: A History of the Northern Cheyenne Chiefs and Warrior Societies, 1830–1879*, 2 vols. (San Francisco, 1981), 2: 1396.

For Arenal, see court questions in “Testimony of Francisco Vásquez de Coronado on the Management of the Expedition, September 3, 1544,” in George P. Hammond and Agapito Rey, eds. and trans., *Narratives of the Coronado Expedition, 1540–1542* (Albuquerque, N.Mex., 1940), 319–336, here 335; and Pedro de Castañeda, “Narrative of the Expedition to Cíbola . . . by Pedro de Castañeda of Náxera,” *ibid.*, 191–283, here 226–227.

For Bad Axe, see Patrick J. Jung, *The Black Hawk War of 1832* (Norman, Okla., 2007), 172; and General Henry Atkinson in Cecil Eby, “*That Disgraceful Affair*”: *The Black Hawk War* (New York, 1973), 257–258.

For Bear River, see Colonel P. Edw. Connor to Colonel R. C. Drum, February 6, 1863, in United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 4 series, 130 vols. (Washington, D.C., 1880–1901), series 1, vol. 50, pt. I, 185–187, here 187; and Edward Price to Friend James, September 14, 1863, *Pajaro Times* (Watsonville, Calif.), October 17, 1863, 1.

For Big Hole, see Jerome A. Greene, *Nez Perce Summer, 1877: The U.S. Army and the Nee-Me-Poo Crisis* (Helena, Mont., 2000), 374; and “The Fight at Big Hole,” *New York Times*, September 29, 1889, 11.

For Bloody Island, see N. Lyon, Brevet Captain, to Major E. R. S. Canby, May 22, 1850, in “Message from the President of the United States . . . at the Commencement of the Second Session of the Thirty-First Congress,” S. Ex. Doc. 1, pt. 2, 31st

- Cong., 2nd Sess., 1850, 82; and Edwin Allen Sherman, "Sherman Was There: The Recollections of Major Edwin A. Sherman (continued)," *California Historical Society Quarterly* 24, no. 1 (1945): 47–72, here 54.
- For Blue Water Creek, see R. Eli Paul, *Blue Water Creek and the First Sioux War, 1854–1856* (Norman, Okla., 2004), 106.
- For Bridge Gulch, see Franklin Buck to Marcy Bradley, June 9, 1852, Franklin Buck Papers, 1846–1853, Box 1, Huntington Library, San Marino, Calif.; and Fred Staicer in the *Golden Era* (San Francisco), November 15, 1879, 3.
- For Camp Grant, see Chip Coldwell-Chanthaphonh, *Massacre at Camp Grant: Forgetting and Remembering Apache History* (Tucson, Ariz., 2007), 89.
- For Canyon de Chelly, see Lieutenant Colonel Antonio Narbona to Governor Fernando Chacón, January 24, 1805, in Frank McNitt, *Navajo Wars: Military Campaigns, Slave Raids, and Reprisals* (Albuquerque, N.Mex., 1972), 431.
- For Chama River, see H. H. Bancroft, *The Works of Hubert Howe Bancroft*, 39 vols., vol. 17: *History of Arizona and New Mexico, 1530–1888* (San Francisco, 1889), 249.
- For Clear Lake, see William H. Davis, *Sixty Years in California: A History of Events and Life in California* (San Francisco, 1889), 342; and Statement of Juan Bojorges, in Robert F. Heizer, ed., *Collected Documents on the Causes and Events in the Bloody Island Massacre of 1850* (Berkeley, Calif., 1973), 67–70.
- For Cokadjal, see Lyon to Canby, May 22, 1850, 82.
- For Colorado River, see correspondent, *Sacramento Daily Union*, October 20, 1866, 2.
- For Fort Fox, see R. David Edmunds and Joseph L. Peyser, *The Fox Wars: The Mesquakie Challenge to New France* (Norman, Okla., 1993), 156.
- For Galveston Island, see David La Vere, *The Texas Indians* (College Station, Tex., 2004), 178.
- For Gnadenhütten, see John Heckewelder, *A Narrative of the Mission of the United Brethren among the Delaware and Mohegan Indians . . . to the Close of the Year 1808* (Philadelphia, 1820), 320–321; and David Zeisberger, April 7, 1782, entry in Eugene F. Bliss, ed. and trans., *Diary of David Zeisberger, a Moravian Missionary among the Indians of Ohio*, 2 vols. (Cincinnati, 1885), 1: 85.
- For Goose Creek, see Samuel Eveleigh to Boone and Berresford, July 19, 1715, quoted in Chapman J. Milling, *Red Carolinians* (Chapel Hill, N.C., 1940), 144–145; and Francis Le Jau to John Chamberlain(?), August 22, 1715, in Francis Le Jau and Frank J. Klingberg, eds., *The Carolina Chronicle of Dr. Francis Le Jau, 1706–1717* (Berkeley, Calif., 1956), 160–163, here 161.
- For Great Swamp, see Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* (Chapel Hill, N.C., 1975), 312 n. 43.
- For Green River, see Ned Blackhawk, *Violence over the Land: Indians and Empires in the Early American West* (Cambridge, Mass., 2006), 295; and James Pierson Beckwourth, *The Life and Adventures of James P. Beckwourth, Mountaineer, Scout, and Pioneer, and Chief of the Crow Nation of Indians*, ed. T. D. Bonner (New York, 1856), 137.
- For Guano Valley, see B. A. Farmer to J. K. Luttrell, March 2, 1866, *Sacramento Daily Union*, March 12, 1866, 2; and Smoke Creek, Nevada, correspondent, March 4, 1866, *Sacramento Daily Union*, March 14, 1866, 2.

- For Hillabee, see James White, Brig. Gen., to John Cocke, Major-General, November 24, 1813, *Weekly Register* (Baltimore), December 25, 1813, 282–283, here 283; and Major General John Cocke to General [Andrew Jackson], November 27, 1813, Andrew Jackson Papers, Library of Congress, Washington, D.C., 1–2, here 1.
- For Humboldt Bay, see Sheriff Van Ness summarized and J. A. Lord quoted in *Daily Evening Bulletin* (San Francisco), February 28, 1860, 2.
- For the Humboldt River, see Zenas Leonard, *Narrative of the Adventures of Zenas Leonard . . . of the Rocky Mountains* (Clearfield, Pa., 1839), 37–38.
- For Little Robe Creek, see John S. Ford, Captain Commanding Texas Frontier, to H. R. Runnels, Governor of Texas, May 22, 1858, in “Protection of the Frontier of Texas,” H. Ex. Doc. 27, 35th Cong., 2nd Sess., 1850, 20.
- For Lost River, see Benjamin Madley, “California and Oregon’s Modoc Indians: How Indigenous Resistance Camouflages Genocide in Colonial Histories,” in Andrew Woolford, Jeff Benvenuto, and Alexander Laban Hinton, eds., *Colonial Genocide in Indigenous North America* (Durham, N.C., 2014), 95–130, here 103.
- For Mankato, see *Daily Review* (Mankato, Minn.), December 26, 1896, 1–2.
- For Marias River, see E. M. Baker, Major, to Brevet Major J. T. McGinniss, February 18, 1870, in “Piegan Indians,” H. Ex. Doc. 269, 41st Cong., 2nd Sess., 1870, 16–17; and “Statement of Mr. A. B. Hamilton, January 16, 1915,” 1–2, here 1, MF53, Claims of the Heirs of Chief Heavy Runner for Reimbursement of Losses, SB287, Heavy Runner Records, 1914–1921, Montana Historical Society Archives, Helena.
- For Matagorda, see J. W. Wilbarger, *Indian Depredations in Texas* (1888; repr., Austin, Tex., 1890), 210.
- For Moth Island, see Hubert H. Bancroft and Salvador Vallejo to M. G. Vallejo, March 13, 1843, summarized in Bancroft, *The Works of Hubert Howe Bancroft*, vol. 21: *History of California*, vol. IV: 1840–1845 (San Francisco, 1886), 362–363 and 362 n. 28; M. G. Vallejo to Comandante of Sonoma, April 1, 1843, in S. F. Cook, “The Conflict between the California Indian and White Civilization: II,” *Ibero-Americana* 22 (1943): 1–55, here 9.
- For Mystic, see John Underhill, *Nevves from America; or, A New and Experimentall Discoverie of New England* (London, 1638), 39; and John Mason, *A Brief History of the Pequot War: Especially of the Memorable Taking of Their Fort at Mistick in Connecticut in 1637* (Boston, 1736), 10.
- For Napituca, see “Fidalgo” of Elvas, in James Alexander Robertson, ed. and trans., *True Relation of the Hardships Suffered by Governor Fernando de Soto . . . by a Gentleman of Elvas*, 2 vols. (1557; repr., DeLand, Fla., 1933), 2: 63; and Jerald T. Milanich, *Florida Indians and the Invasion from Europe* (1995; repr., Gainesville, Fla., 1998), 133.
- For Nickajack and Running Water, see James Ore to Governor Blount, September 24, 1794, in Ramsey, *The Annals of Tennessee to the End of the Eighteenth Century*, 616–617, here 616; and Edward Albright, *Early History of Middle Tennessee* (Nashville, Tenn., 1909), 196.
- For Nilco, see “Fidalgo” of Elvas, in Robertson, *True Relation of the Hardships Suffered by Governor Fernando de Soto*, 2: 221–223.

- For Nombre de Dios, see Verner W. Crane, *The Southern Frontier, 1670–1732* (Durham, N.C., 1929), 250; and Steven J. Oatis, *A Colonial Complex: South Carolina's Frontiers in the Era of the Yamasee War, 1680–1730* (Lincoln, Neb., 2004), 284.
- For Norridgewock, see Samuel Penhallow, *The History of the Wars of New-England, with the Eastern Indians* (Boston, 1726), 106.
- For Owens Lake, see Cadmium, January 8, 1865, *Daily Alta California*, January 22, 1865, 1; and J. W. A. Wright in the *San Francisco Daily Evening Post*, November 22, 1879, 2.
- For Pavonia, see John Fiske, *The Dutch and Quaker Colonies in America*, 2 vols. (Boston, 1899), 1: 185; and David deVries quoted in Jennings, *The Invasion of America*, 164–165.
- For Penateka, see Wilbarger, *Indian Depredations in Texas*, 183–185; and J. H. Moore paraphrased in T. R. Fehrenbach, *Comanches: The Destruction of a People* (New York, 1974), 348.
- For Peskeompskut, see Robert Bardwell and William Drew summarized in George Madison Bodge, *Soldiers in King Philip's War . . . With an Appendix* (Leominster, Mass., 1896), 247; and “contemporary writers” summarized *ibid.*, 246.
- For Potomac, see Virginia Company Court Minutes, November 12, 1623, in Susan Myra Kingsbury, *The Records of the Virginia Company of London*, 4 vols. (Washington, D.C., 1906), 2: 477–481, here 478; and Robert Bennett to Edward Bennett, June 9, 1623, in Kingsbury, *The Records of the Virginia Company of London*, 4 vols. (Washington, D.C., 1935), 4: 220–222, here 221–222.
- For Poundridge, see E. B. O'Callaghan, *History of New Netherland; or, New York under the Dutch*, 2 vols. (New York, 1846), 1: 301.
- For Prospect Bluff, see Lt. Col. D. L. Clinch to Col. R. Butler, August 2, 1816, *Army and Navy Chronicle*, February 25, 1836, 114–115, here 115; J. Loomis to Commodore Daniel T. Patterson, August 13, 1816, in “Letter from the Secretary of the Navy . . . Relating to the Destruction of the Negro Fort . . . in the Month of July, 1816,” H. Ex. Doc. 119, 15th Cong., 2nd Sess., 1819, 15–17; and “Extract of a Letter to a Gentleman in Charleston, Dated Camp Crawford, August 4 [1816],” *Connecticut Courant* (Hartford), September 10, 1816, 3.
- For San Saba, see Kelly F. Himmel, *The Conquest of the Karankawas and the Tonkawas, 1821–1859* (College Station, Tex., 1999), 26.
- For Sand Creek, see Elliot West, *The Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence, Kans., 1998), 305; and eyewitness estimates in Stan Hoig, *The Sand Creek Massacre* (Norman, Okla., 1961), 183, 186–187.
- For Santa Fe, see Don Diego de Vargas Zapata et al., December 29, 1693, in John L. Kessell, Rick Hendricks, and Meredith D. Dodge, eds., *To the Royal Crown Restored: The Journals of don Diego de Vargas, New Mexico, 1692–94* (Albuquerque, N.Mex., 1995), 533.
- For Spanish Fork Canyon, see Geo. S. Evans, Colonel, to Lieut. W. L. Ustick, April 17, 1863, in U.S. War Department, *The War of the Rebellion*, series 1, vol. 50, pt. I, 205–208, here 207–208.
- For Spanish Peaks, see Pedro Fermín de Mendinueta quoted and summarized in Pekka Hämäläinen, *The Comanche Empire* (New Haven, Conn., 2008), 78.
- For Spruce Swamp, see John Tallcot to Honrd Gent, July 4, 1676, in J. Hammond

- Trumbull, ed., *The Public Records of the Colony of Connecticut, from 1665 to 1678*, 15 vols. (Hartford, Conn., 1852), 2: 458–459, here 458.
- For Stanislaus, see José Maria Amador, “Memorias sobre la historia de California,” in S. F. Cook, “Expeditions to the Interior of California Central Valley, 1820–1840,” *Anthropological Records of the University of California* 20, no. 5 (1962): 151–214, here 197–198.
- For Tuckasejah, see J. G. M. Ramsey, *The Annals of Tennessee to the End of the Eighteenth Century: Comprising Its Settlement . . . to 1800* (Charleston, S.C., 1853), 268–269.
- For Washita, see Little Robe, Minimic, Grey Eyes, and Red Moon in Jerome A. Greene, *Washita: The U.S. Army and the Southern Cheyennes, 1867–1869* (Norman, Okla., 2004), 136; and Ben Clark quoted in Stan Hoig, *The Battle of the Washita: The Sheridan-Custer Indian Campaign of 1867–69* (Garden City, N.Y., 1976), 200–201.
- For White Stone Hill, see Alf. Sully, Brigadier-General, to Maj. J. F. Meline, September 11, 1863, in U.S. War Department, *The War of the Rebellion*, series 1, vol. 22, pt. I, 555–561, here 559; and Doane Robinson, *A History of the Dakota or Sioux Indians from Their Earliest Traditions . . . to . . . Abandonment of the Old Tribal Life* (Aberdeen, S.Dak., 1904), 328.
- For Wounded Knee, see Richard E. Jensen, “Big Foot’s Followers at Wounded Knee,” *Nebraska History* 71, no. 4 (1990), 194–212, here 198; and Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (Cambridge, 2004), 345.