

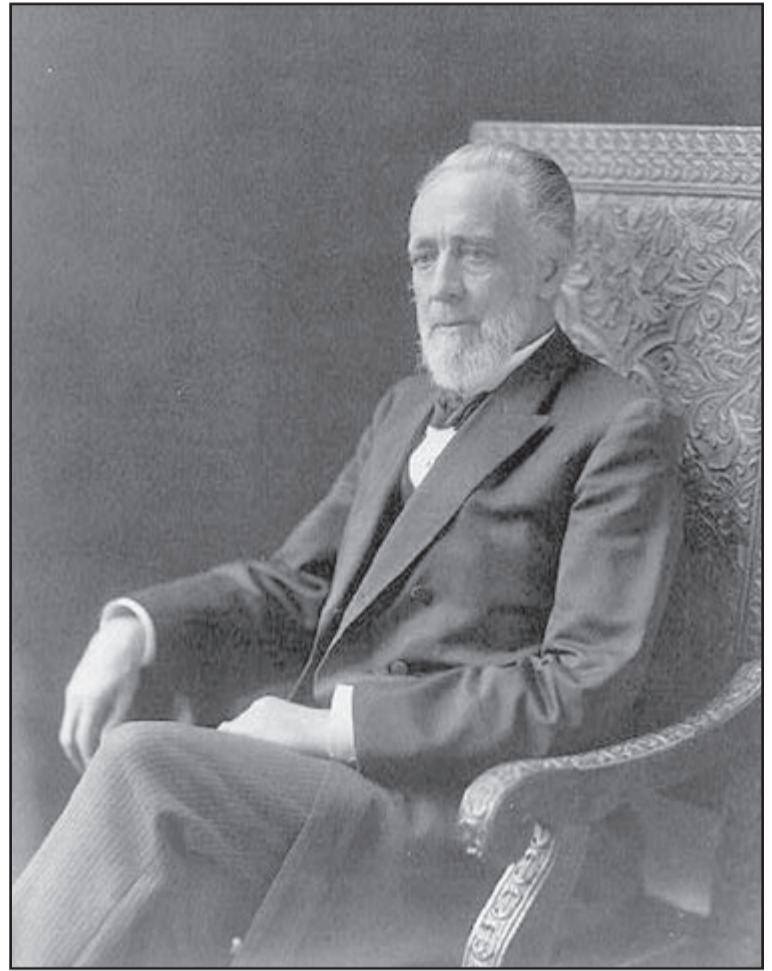
## LIFESTYLE

## FIRST DRAFT

## CODE DISASTER



Hiram Price served as Commissioner of Indian Affairs in 1883 and wrote the Code of Indian Offenses at the behest of then-Secretary of the Interior Henry Teller.  
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Henry Teller as he appeared in 1902, when he was a U.S. Senator from Colorado.  
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## Colorado senator turned Secretary of Interior sought to eliminate Native culture

In his annual report to Congress, submitted on Nov. 1, 1883, Secretary of Interior Henry Teller explained why he had directed the Commissioner of Indian Affairs to establish a Code of Indian Offenses.

"If it is the purpose of the Government to civilize the Indians, they must be compelled to desist from the savage and barbarous practices that are calculated to continue them in savagery," he proclaimed.

Teller embraced the prevailing philosophy of his time, which was to save Native Americans by civilizing them — turning them into dark-skinned versions of Caucasian Christians. To him, that meant they had to abandon their cultural traditions.

By establishing the Code of Indian Offenses and Indian courts to enforce the code, Teller's Interior Department ignored the First Amendment rights of Natives and criminalized their religious and cultural beliefs.

The code outlawed most Native American celebrations, such as the sun dance, scalp dance, war dance "and all other so-called feasts." Spiritual leaders — or medicine men — were prohibited from engaging in traditional practices if those practices acted "as a hindrance to the civilization of a tribe."

Polygamy was outlawed. But so, too, was the tradition among many tribes that a young man seeking a wife would offer gifts such as horses, furs or game he had killed to the family of the woman he wanted to marry.

Indians found guilty of these offenses could be imprisoned and would have their government rations withheld, which was tantamount to starvation on reservations where hunting was not an option and farming was poor.

Robert N. Clinton, a Native American law professor, recently described the code as "the clearest evidence of a deliberate federal policy of ethnocide — the deliberate extermination of another culture."

It would take 50 years before the code was partially repealed, and nearly 100 years before Natives were allowed substantial religious freedom.

Henry Teller did not sub-

scribe to the fanatical 19th century belief that "the only good Indian is a dead Indian." As Secretary of Interior and as a U.S. senator, he supported some policies to aid Natives and fought against others he thought were detrimental to them.

Teller was a vocal opponent of the view that land on Indian reservations should be removed from communal ownership of the tribe and allotted to individual Indians under the Dawes Act. He correctly predicted that providing individual land allotments would result in a land grab for non-Indians.

Teller also worked with Colorado Springs writer and Indian advocate Helen Hunt Jackson to provide money for the Mission Indians of California, and he pushed to release federal funds that various tribes were promised under earlier treaties.

He was a vocal advocate for education of Indian children, but that led to his support of the Indian boarding-school system which, like the Code of Indian Offenses, attempted to eradicate Native culture. The Teller Indian School in Grand Junction was a product of that effort.

Born in rural New York state in 1830, Henry Moore Teller was a teacher before becoming a lawyer. In the late 1850s, he moved to Illinois and engaged in Republican politics.

Teller's partner caught the gold bug in 1860 and moved to Central City in what became Colorado. Johnson persuaded Teller to join in 1861. Teller married Harriet Bruce of New York in 1862 and brought her to Colorado.

In Central City, Teller invested in mine properties and a hotel, and he became an expert in the intricacies of mining law. He made several unsuccessful forays into local and state politics, such as supporting the first attempts to win Colorado statehood.

By the time Colorado became a state in 1876, he was a well-respected leader. He was elected, along with fellow Republican Jerome Chaffee, as one of the state's first two U.S. senators.

During his first five years in the Senate, Teller worked to ensure pensions were paid to Union Civil War veterans.

He supported legislation to authorize new railroads in the West and to have the federal government pay for a new wagon road in southwestern Colorado.

He also backed legislation aimed at keeping Chinese immigrants out of the United States, and he began his decades-long battle in support of silver interests in Colorado.

In April 1881, President Chester Arthur chose Teller to become Secretary of the Interior, the first person from Colorado to join a president's Cabinet.

The Interior Department was then the largest branch of government. One of its most contentious responsibilities was overseeing the Bureau of Indian Affairs. But Teller's involvement with the Interior Bureau was not his first experience with Indian activities.

In 1863, then-Territorial Gov. John Evans appointed Teller as a major general in the Colorado militia. One year later, when Evans organized the First Colorado Cavalry under the command of Col. John Chivington, he didn't notify Teller until after the fact.

There is no indication Teller knew in advance or helped plan Chivington's infamous attack on peaceful Cheyenne and Arapaho Indians in November of 1864. But he publicly supported Chivington and his men during the national outcry that followed the Sand Creek Massacre.

As a senator in 1878, he lobbied hard for the Indian Bureau to hire Nathan Meeker as the agent for White River Indian Agency in northwestern Colorado. He believed Meeker's plan to turn the Utes into sedentary farmers was the best means of "civilizing" them.

When Meeker's tenure at the White River ended with disastrous killings one year later, Teller was one of the first lawmakers to seek legislation to have the Utes removed from Colorado.

As Interior Secretary, he hired Josephine Meeker, daughter of Nathan Meeker and one of five people taken hostages by the Utes during the 1879 events, as his assistant private secretary. She died of pneumonia in Washington, D.C. in December 1882.

In 1885, Teller left the Interior Department and returned to the Senate. He gained national recognition

for leading a walkout at the Republican National Convention in 1896 because he objected to the GOP platform that promoted gold over silver. He soon switched his party affiliation to Democrat.

He remained in the Senate until 1909, when he retired and returned to Colorado. He died on Feb. 23, 1914.

Teller had a reputation for integrity, as well as fighting for the miners and farmers of the West. But his creation of the Code of Indian Offenses was a disaster for Native cultures. It was partially repealed by Commissioner of Indian Affairs John Collier in 1934, and more broadly when Congress passed the American Indian Religious Freedom Act in 1978.

As Mohawk elder Katsi Cook put it in 2018, "AIRFA is

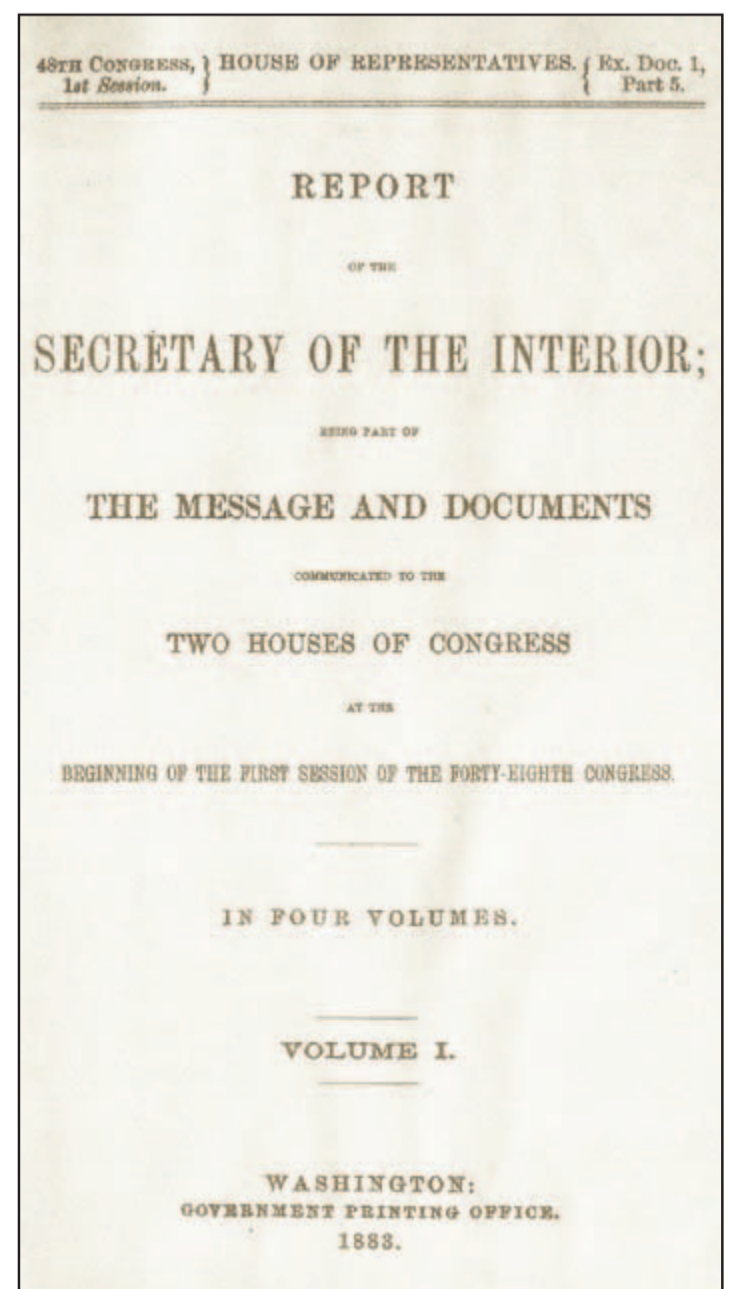
the historical antidote to the U.S. government's civilization regulations of the 1880s," which deprived "Indigenous people and nations of our religious freedom."

Sources: "Report of the Secretary of the Interior," by Henry Teller, Nov. 1, 1883; "Rules Governing the Court of Indian Offenses," by Hiram Price, Commissioner of Indian Affairs, March 30, 1883; "Code of Indian Offenses," by Robert N. Clinton, www.robert-clinton.com; "Native Perspectives on the 40th Anniversary of the American Indian Religious Freedom Act," by Dennis Zotigh, www.smithsonianmag.com, November 30, 2018; "Henry M. Teller: Colorado's Grand Old Man," by Duane A. Smith.

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The first page of Henry Teller's 1883 report to Congress, in which he outlined his reasons for ordering the creation of the Code of Indian Offenses.