Death Wind for My People[1]: The Societal Response to the Slaughter of the North American Bison

By

Christopher J. Moloney

B.A. May 2008, The University of Miami (FL)

A Thesis submitted to

The Faculty of

Columbian College of Arts and Sciences
of The George Washington University in partial satisfaction
of the requirements for the degree of Master of Arts

August 31, 2011

Thesis directed by

William J. Chambliss
Professor of Sociology

---

[1] The title, "Death Wind for My People", is derived from a quotation attributed to two Native American Chiefs in the late 1800s, Chief Plenty Coups, of the Crow Indian Nation, and Chief Sitting Bull of the Hunkpapa Lakota Sioux. The full quotation, which has appeared in slightly different forms over the years, reads: *"A cold wind blew across the prairie when the last buffalo fell–a death wind for my people."*

© 2011 Christopher J. Moloney

All Rights Reserved

Dedication

Slog through the doldrums and push through the strife,

that seems to rise up at you each day of your life.

And, when finally rest is upon you at night,

when your eyes dreamily flutter in restful respite,

take pause for a moment, be thankful, and say:

"I came, I saw, I gave all that I may,

the best I could muster was all I did do

which would have been impossible without all of you."

Acknowledgements

It seems to be a simple and obvious fact, but one which, nevertheless, deserves reiteration: I wouldn't be here if not for my mom and dad. When I was just a little boy running around playing basketball, they were both present, loving and caring as ever, and they have continued to be there for me as I've grown older. I like to think that I'm pretty good at finding the right words to express how I feel, but I can't seem to find the words and phrases with which to describe how much my parents mean to me, so I'll just tell you each one more time: I love you both, very much.

Britney, I love you and your family and everything that you've all done to make me a better person. When we're a hundred years old, I'm sure we'll be having as much fun as the first time I anxiously talked to you at my best friend's urging while you were working at the Pizza Chef in Quechee. You are, quite simply, beautiful, both inside and out.

All of my animal friends, past and present, I hope you know that I miss you and love you, you've been there for me when I have been down, up, and in between. You never judge or hate. You simply are who and what you are and that is enough. If we humans could ever figure out how to stop making things so complicated and take a page from your book, our lives would not only be simpler, but nicer too.

I am honored to call Professor Bill Chambliss my mentor and friend. You are a wonderful teacher and a brillant mind.

I could fill many volumes and thousands of pages describing how lucky I am to have been blessed with so much love in my life. If someone were to go back in time and

take one person or one experience away, I simply would not be the person that I am, and that would be a terrible thing.

In lieu of listing all of the millions of moments that have made me love being alive, I'll just skip to thanking those special people who have contributed much to my life: Mom & Dad, Jenny & Gary and my wonderful nephews: Jaylen, Jared, Ethan, Britney, my grandparents Walt & Lorraine and Ed & Ruth, my numerous, very special, aunts and uncles, my close friends (new and old), Kevin, Sue, Ali and Jesse, Cabot, Nellie, Gus, Basil, Clover and Iris (may you rest in peace) and finally all of those coaches, teammates, teachers and acquaintances that I've met over the years—everyone that I've ever shared a moment with, no matter how fleeting: I thank you.

We are all the product of our summed experiences, and I wouldn't have it any other way.

With love, always,

Chris.

Abstract of Thesis

Death Wind for My People: The Societal Response to the Slaughter of the North American Bison

Structral changes in American society following the Civil War in 1865 led to the ascendance of a lucrative market for the hides of the North American bison.

Once the most prolific large mammal in North America, the wild bison herds were quickly decimated, suffering a near 100% reduction in size from 1866 to 1890—a period of only 24 years. The ecological devastation and environmental harm stemming from the wanton slaughter of the bison was matched by the grievous social harms that reverberated through the Native American community as a result of it.

More than 24 Native American tribes were dependent on the bison for food and other vital resources. Over the course of hundreds of years, the bison had become integral to each tribe's culture, especially their religious beliefs, rituals and practices. The bison slaughter destroyed an important part of these tribe's identities.

Because the near extinction of the North American bison represents a social, as well as an environmental harm, and because so many of the driving forces behind the bison slaughter are often examined within the sociological disicpline, I have chosen to explore the story of the bison extirpation in depth.

By conducting a historiographical analysis of the bison slaughter, I trace the major factors leading to and sustaining it, including those associated with industrialization, technological innovation and power. I also explore the attitudes of numeorus federal officials towards the bison slaughter and detail the legislative efforts to protect both the

bison and the northern fur seal. I then extend the research on the near extinction of the North American bison in a new direction by conducting a content analysis of newspaper articles from between 1866 and 1890, in order to uncover more information about how the bison slaughter was perceived and discussed within the broader American society at the time it occurred. It is hoped that an analysis of the themes and attitudes uncovered through this secondary data analysis will shed more light on the most intriguing question stemming from the bison slaughter: Why, and how, was it allowed to continue?

Table of Contents

Dedication....iii

Acknowledgements....iv

Abstract....v

Table of Contents....viii

List of Figures and Maps....xi

List of Tables....xii

Chapter 1: Introduction....1

The Sociology of the Bison Slaughter....4

Industrialization and Technological Innovation....5

Power....6

Social Harm....7

Research Question and Motivation....10

Chapter 2: Historical Background of the Bison Slaughter....11

Early History, Pre-destruction....11

Hidemen and the Bison Slaughter....14

Native Americans and the Bison....18

The Government, the Bison and Native Americans....23

Indian Wars and the Bison....23

The Bison's Role in the "Indian Wars"....25

Bison and Federal Protective Legislation....31

The Alaskan Fur Seal Fisheries....35

Chapter 3: Existing Research on the Bison Slaughter.....41

Extant Research: An Overview.....42

Economics and the Bison Hide Industry.....43

Government Accountability.....46

Near Extinction of the Bison: A Confluence of Factors.....47

Summary of Extant Research.....49

Chapter 4: Methodology.....52

Methods an Overview.....53

The Content Analysis.....54

The Data and Data Coding.....55

Chapter 5: Research Findings.....58

Content Analysis Results: An Overview.....59

The News Articles: Data in Depth.....61

Category "P" Articles in Depth.....64

Bison Slaughter as Exciting Sport.....65

Denying the Facts of the Bison Slaughter.....67

Racism and Ethnocentrism in the News.....68

Category "C" Articles In Depth.....70

Harsh Condemnation.....71

Presenting Reality.....72

Demanding Action.....73

Chapter 6: Discussion, Conclusion.....78

Discussion.....78

Conclusion.....87

Works Cited.....93

Appendicies.....98

Appendix A: News Article Tables.....98

Appendix B: Publication Information.....106

Appendix C: Bison and Wild Game Legislation.....112

List of Figures and Maps

Figure 2.1 Estimated bison population of America: 1600 to 1900.....14

Figure 2.2 Decline of the bison population 1866-1890.....15

Figure 5.1 Distribution of all news articles by year.....62

Figure 5.2 Distribution of all news articles by average length.....63

Figure 5.3 Percentage distribution of news articles by year and category.....64

Map 2.1 Historic range of the North American Bison.....13

Map 2.2 Native American tribes inhabiting the bison bange.....19

Map 2.3 Geographic location of St. Paul and St. George islands.....36

List of Tables

Table 2.1: Partial list of historical uses of the bison and its byproducts.....20

Table 5.1: Distribution of news articles by category.....60

Table 5.2: Category N articles by year of publication.....60

Table 5.3: Percent of articles represented by each search term/phrase.....61

Table 5.4: Category P articles by year of publication.....64

Table 5.5: Category C articles by year of publication.....70

Table 6.1: Category C articles by year of publication.....82

Table 6.2: Category P articles by year of publication.....82

Chapter 1: Introduction

The rapid ascendance of a market for wild bison[2] hides at the end of the American Civil War led to the near extinction of the species in less than twenty-five years. Beginning in about 1866 and continuing until roughly 1890, millions of bison hides were shipped east each year out of the Great Plains and the western portions of the United States, first by the cart and wagon full and later by the boxcar load. Over time, as the numbers of wild bison dwindled, those same wagons and boxcars that once carried mountains of hides to market began transporting ton upon ton of sun-bleached bones—the detritus of the bison species—to eastern factories and refineries where they were ground into fertilizer and used to manufacture sugar.

---

[2] There are two varieties of North American bison: *Bison bison bison* and *Bison bison athabasca*e. Both are scientifically distinct from the true "buffalo" species that inhabit the African continent (Lueck 2002; Meagher 1986; McDonald 1982; Shaw 1996). Despite this scientific distinction, the bison has long been referred to as a buffalo in common speech. The acceptance of the term "buffalo" to describe the bison has even transcended the realms of scientific and academic research into the modern day. However, throughout this paper I choose to use the term bison, rather than the mis-applied moniker, "buffalo." The term "buffalo" will be utilized only where direct quotations or references require.

The meteoric rise of the bison hide market was matched by an equally rapid fall. In just under a quarter century, the bison were nearly extinct and the ecological landscape of the bison range, as well as the lifestyles of more than two-dozen bison dependent Native American tribes were forever altered.

From 1866, when the first wave of post-Civil War hunters, settlers and profiteers ventured into the grand expanses of the bison range, until 1890, when the bison numbered fewer than 1,000, the United States federal government was the only entity with the authority, or the resources, that could have mitigated the wasteful slaughter. The passage and enforcement of protective legislation would have imposed regulation on what was an un-regulated industry. Likewise, it would have been the most efficient, cost-effective method of mitigating the bison slaughter. However, the federal government never passed legislation to protect the bison until the mid-1890s, by which time the population of wild bison in the United States and Canada was less than 1,000. In the absence of protection and regulation, the North American bison population declined nearly 100 percent.

Discussions about the role the federal government played in the bison slaughter appear in nearly every article or book written on the subject. Many authors have concluded that the inaction of the government to protect the bison from destruction was purposeful. The reasoning behind the conclusion drawn by these authors is simple: the bison were left unprotected because their demise made it easier for the federal government to subdue the Native American tribes dependent upon on them. Lacking the ability to utilize the bison for food or other purposes, these tribes would be unable to remain autonomous or, in the eyes of the government, rebellious.

While this line of reasoning is logical, rational and even persuasive, there exists an equally logical, rational and persuasive line of reasoning by which the inaction of the federal government could be explained.

According to this second line of reasoning, the federal government failed to enact protective legislation for the bison because there was a lack of public support for any government action. That is, public apathy, ambivalence, ignorance, or any combination or permutation therein regarding the plight of the wild bison herds, created a socio-political environment in which government inaction was allowed and accountability was never demanded. Furthermore, this lack of public agitation on behalf of the bison caused protective legislation for the bison to be a non-starter as a political issue. In simplest terms, this argument posits that because the public wasn't asking for anything to be done, the government never felt a serious need to do anything. When considering the historical time period in which the bison slaughter occurred—long before national or international environmental organizations and watchdog groups, the formation of the U.S. EPA or the Fish and Wildlife Service, or the "24-7" news media cycle—this line of reasoning seems especially cogent.

Interestingly, researchers have not attempted to examine this second line of reasoning to any significant degree. Indeed, there are certain difficulties in even attempting to evaluate this potential explanation. The fact that the bison slaughter occurred many years ago makes it impossible to interview a large sample of ordinary citizens, or government officials, in order to obtain their opinions or recollections about the bison slaughter—all of those people have long since entered into a state of eternal

slumber. We cannot draw upon our own personal experiences or observations to inform our judgments or conclusions about this explanation either, because the event under investigation occurred long before any of us took our first breaths. As a result, other methods of evaluating this argument and assessing the public's awareness and attitudes towards the bison slaughter must be utilized.

By creating a historiography of the bison slaughter between utilizing both primary and secondary data sources, I attempt to fill a gap in the existing research on the near-extinction of the bison. First, I detail the historical background of the bison slaughter during the time period 1866-1890. Utilizing primary data sources including congressional records and archived personal correspondence, I describe the attitudes of several prominent federal officials towards the bison slaughter and the history of federal protective legislation for the bison and other wild game. Then, by analyzing newspaper reports about the bison slaughter for commonly occurring themes, attitudes and opinions, I produce data regarding the level of public awareness towards the bison slaughter that directly addresses the "public indifference" explanation of federal government inaction. Finally, I link my analysis of this data to the provocative and persistent question: How, and why, was the bison slaughter allowed to continue?

The Sociology of the Bison Slaughter

Despite the attention other scholars have given the near-extinction of the bison, sociologists have not explored the subject. This is striking when considering that the narrative of the bison slaughter encompasses several topics or issues commonly explored

within the sociological discipline, including the impact of technological innovation and industrialization on society, and the often-interrelated concepts of power and harm.

Technological Innovation, Industrialization and the Destruction of the Bison

Sociologists seek to explain how social relations within and across societies develop and how, or why, these relations change or remain the same. Industrialization and technological innovation often impact the ways that societies interact and organize themselves. As a result, industrialization and technological innovation have become integral components within the study of sociology.

After 1866, technological innovation, industrialization and growth within the capitalist marketplace of the United States led directly, and indirectly, to many changes within American society. Examples of those changes include the growth and expansion of urban areas, shifts in the modes of production, transportation and the sale of goods, the creation of transcontinental and regional rail systems and new types of firearms, and the increasing rate, and volume, of westward expansion. In short, the quickening pace of industrialization, in conjunction with a new wave of westward migration and the rapid development of new technologies both precipitated and sustained the widespread slaughter of the bison by Euro-American[3] hunters between 1866 and 1890 (Isenberg A. C., 2000).

[3] Isenberg (2000) utilized the term "Euro-American" to refer to the white majority in America. The simple, yet encompassing nature of this term makes it superior to others like "whites", "settlers", "pioneers", etc. For that reason, I have chosen to use the term "Euro-American" throughout this thesis when referring to any non-Native American population groups.

Power and the Destruction of the Bison

The theme of power is also present in the narrative of the bison. From a sociologist's perspective, power is best defined as "the ability to mobilize resources and achieve goals despite the resistance of others" (Chambliss and Eglitis, forthcoming). The sociologist's interest in power stems from attempting to understand the ways that power concentrated within societal groups, or institutions, adversely impacts those groups, people and institutions that lack power. Examining the near extinction of the bison from this sociological conception of power focuses attention on the relationships that existed between the bison and Native Americans and Native Americans with Euro-Americans in the United States during the latter half of the 19th century.

More than two-dozen Native American tribes resided within, or on the fringes of, the bison range in the United States and were dependent on the bison for survival. For these tribes the bison were a primary means of subsistence. In addition, the bison were an important component in the cultural and political economies of these tribal groups, taking on the role of both social and cultural capital. That is, to the Native American tribes living within the bison range, the bison were critical to the development and maintenance of social relations, often occupying positions of high status in the spiritual beliefs and practices of these groups.

With this knowledge in mind, the near extinction of the North American bison between 1866 and 1890 is transformed from a cautionary tale of the perils of un-regulated natural resource exploitation as characterized in Garrett Hardin's 1968 work "The Tragedy

of the Commons[4]". Additionally, it is more than just "another ecological disaster" (Lueck, 2002). Given the bison's vital role in the maintenance of social order amongst the Native American tribes, the bison's destruction at the hands of a much more powerful Euro-American majority is clearly representative of the perils associated with power as sociologists conceive it. Specifically, without the bison it was nearly impossible for the Native American tribes of the central United States to continue in their traditional way of existence.

Social Harm as a Justification for Analyzing the Destruction of the Bison

It is possible, given the relevance of the bison's story to several broad, but important, topics in sociology, to develop an analytical framework through which to justify a sociological examination of the bison destruction. The concept of "harm" provides the justification for such an analysis.

The destruction of the bison is more than a simple environmentally destructive episode in American history. In fact, I argue the destruction of the bison represents two

---

[4] In 1968, Professor Hardin, a biologist at the University of California Santa-Barbara, addressed a gathering of academics and scientists at a meeting of the American Association for the Advancement of Science. Out of this address arose a seminal work in the discipline of conservation biology that continues to be utilized as a framework for examining human/environment interactions. The importance of Professor Hardin's address was to give name to a phenomenon that many had observed, which was the tendency within most individuals and social groups to utilize and exploit environmental resources to their own ends, without considering the needs of others or the long-term implications of using up something that isn't replaceable. In Hardin's view, the tendency for each individual, or group, to utilize a resource to satisfy their own needs leads to competition amongst users of the same resource, which then causes each individual, or group, to attempt to maximize their resource use rather than lose out to their competitors. The logical conclusion of such a scenario is total exhaustion, depletion or over-exploitation of the sought after resource to the detriment of all, leading to a "Tragedy of the Commons."
See: Hardin, Garret. 1968. "The Tragedy of the Commons." *Science* 162: 1243-1248.

distinct, yet interrelated, forms of harm: one environmental and one social. The concepts of environmental and social harm need not be mutually exclusive of the other; indeed, there are many instances where environmental harms are simultaneously social harms, and where social harms immediately result in environmental harms as well. The difference between the two types of harm is one more of emphasis rather than substance.

For example, one could choose to examine the near extinction of the bison from an environmental harm perspective, in which the environmental components and implications of the event would be emphasized over the social ones. An environmental harm analysis would seek to answer questions such as: How was the ecosystem of the bison range altered as a result of the over-exploitation of the bison? What impact did the bison depletion have on other plant and animal species? What have been the long-term consequences of the bison slaughter? What, if any, connections exist between the demise of the bison and the demise, or the resurgence, of other species within the bison habitat? I do not undertake an environmental analysis of the harm caused by the near extinction of the bison; instead, I focus my sociological lens on the connections between the bison slaughter and the social world, emphasizing that the bison slaughter is worthy of sociological analysis because it represents a massive social harm with roots in the social organization and relations of American society during the mid to late 19th century.

The concept of harm has become especially intriguing to sociologists and criminologists over the last quarter century (Lasslett 2010; Hillyard and Tombs 2007; Pemberton 2007). "Harm" is of special significance to a subgroup of sociologists and criminologists interested in studying the crimes of the powerful, specifically those crimes

committed by governments (i.e. "state crimes"). Increasingly, these scholars have utilized the concept of social harm as a new method for conceptualizing and operationalizing the term "crime". The transition toward a definition of "crime" to include "social harm" has been instrumental in the creation of analytical frameworks for studying the deleterious consequences resulting from the actions of the powerful, especially within the substantive areas of the environment and humans rights (Chambliss, Michalowski and Kramer 2010; Rothe 2009; White 2008; Green and Ward 2004; Hillyard, Pantazis, Tombs and Gordon 2004).

For the analytical purposes of this thesis, I explicitly conceptualize a "social harm" as the,

> physically, economically, psychologically, emotionally or culturally injurious consequence of an act or omission perpetrated by one society or social group against another, to the extent that the actions of the former foreseeably impinge upon, or undermine, the quality of life of the latter.

This conceptualization of social harm aligns with the work of Hillyard and Tombs (2004), Ward (published in Hillyard and Tombs 2004) and Lasslett (2010).

Applying the concept of social harm to the near-extinction of the bison is beneficial, since it allows for a critical examination, analysis and discussion of the human dimensions of the slaughter, including the causes and consequences and societal factors that may have allowed the slaughter to continue over time.

Research Question and Motivation

Much has been written about the near-extinction of the bison. The extant research has raised many questions about the species' precipitous decline. Of all the questions that have been asked about the slaughter the question that stands out is not "how, or why did it happen", but "how, and why, was it allowed to continue?" It is the latter question that this thesis seeks to address through the development of a historiography of the slaughter and subsequent content analysis of the themes, attitudes and opinions present in newspaper articles about the bison slaughter published between 1866 and 1890. Nobody analyzing the slaughter of the bison has undertaken a significant analysis of the public discourse surrounding the event, most likely due to the lack of sociological interest in the topic. As a result, this thesis project compliments the existing literature on the near extinction of the bison, and extends it in new directions.

Chapter 2: Historical Background of the Bison Slaughter

The Bison in the Past

Early History, Pre-destruction

It used to be that an individual gazing upon the western plains and prairies of the United States could be tricked into believing that the earth had come alive and was moving in rhythmic, undulating waves. So numerous were the wild bison in America (Map 2.1) that the historical record—dating back to the early explorations of Hernán Cortés and Francisco de Vásquez de Coronado in the 16th century—is rife with accounts of unbelievably massive herds, presumably stretching for miles in every direction (Isenberg 2000; McHugh 1972).

In 1832, while exploring west of the Mississippi River, John Wyeth commented about the wild bison herds he had seen across the open prairies of the central United States in the following manner:

> We saw them [the bison] in frightful droves, as far as the eye could reach, appearing at a distance as if the ground itself was moving like the sea. Such large armies of them have no fear of man. They will travel over him and make nothing of him (Mattes 1969:254).

A short twenty years later, American Henry Davis, echoed Wyeth's observations by stating he was "perfectly safe in saying I have seen in one herd many millions…When the buffalo stampede, it is like the continuous roll of distant thunder" (Danz 1997:16). Even into the late 1860s, the incredible herds of wild bison awed western travelers, like Joseph Asaph Allen, who wrote in his journal upon observing the bison for the first time that the vast expanse of grassland in the middle of the United States was "one robe…the plains were black and appeared as if in motion" (Allen 1876; also quoted in Danz 1997:16).

Before the massive herds of wild bison attracted the attention of commercial hunters, their total population was subject to natural fluctuations. Predation and weather related phenomena (drought, snow, fire), in addition to the natural limits of the bison habitat (i.e. carrying capacity) all worked to keep the North American bison population between 25 and 30 million (Lott 2002; Lueck 2002; Isenberg 2000; Branch 1997; Danz 1997; McHugh 1972).

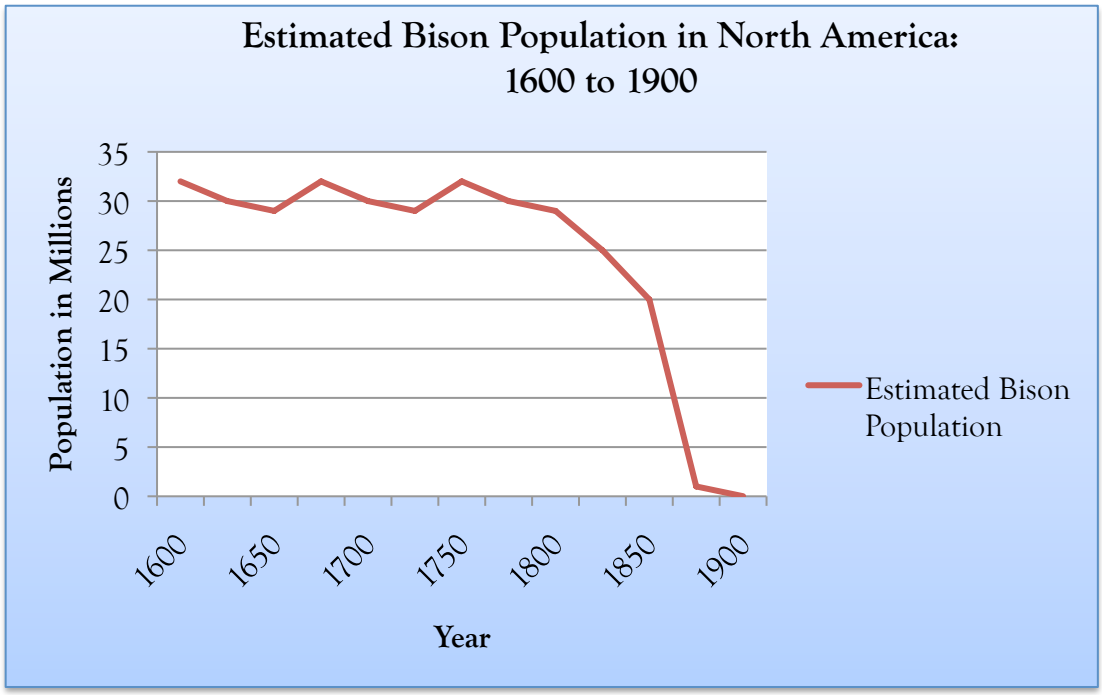
A gradual decline in the bison population west of the Mississippi river, from its peak of 30 million, began around 1800 (Figure 2.1) due to disease, competition for grazing land with introduced species like the horse and increasing pressures from hunters associated with the northern fur trade (Isenberg A. C., 2000; McHugh, 1972; Roe, 1970). Wild bison were driven out of the lands east of the Mississippi River by 1820 due to the expansion of Euro-American settlements within that region (Lueck 2002). The wild bison population remained at approximately 15 million animals at the end of the Civil War in 1865. However, within less than 25 years this population was reduced nearly 100 percent,

to a few thousand animals (The National Bison Association, 2011; Hornaday 2002 ed.; Lueck 2002; Lott 2002; Isenberg 2000; Danz 1997; McHugh 1972; Roe 1970).

Map 2.1 Historic Range of the North American Bison

Source: Danz, Harold. 1997. *Of Bison and Man.* CO, University of Colorado Press: 18

Figure 2.1: Estimated Bison Population in America: 1600 to 1900



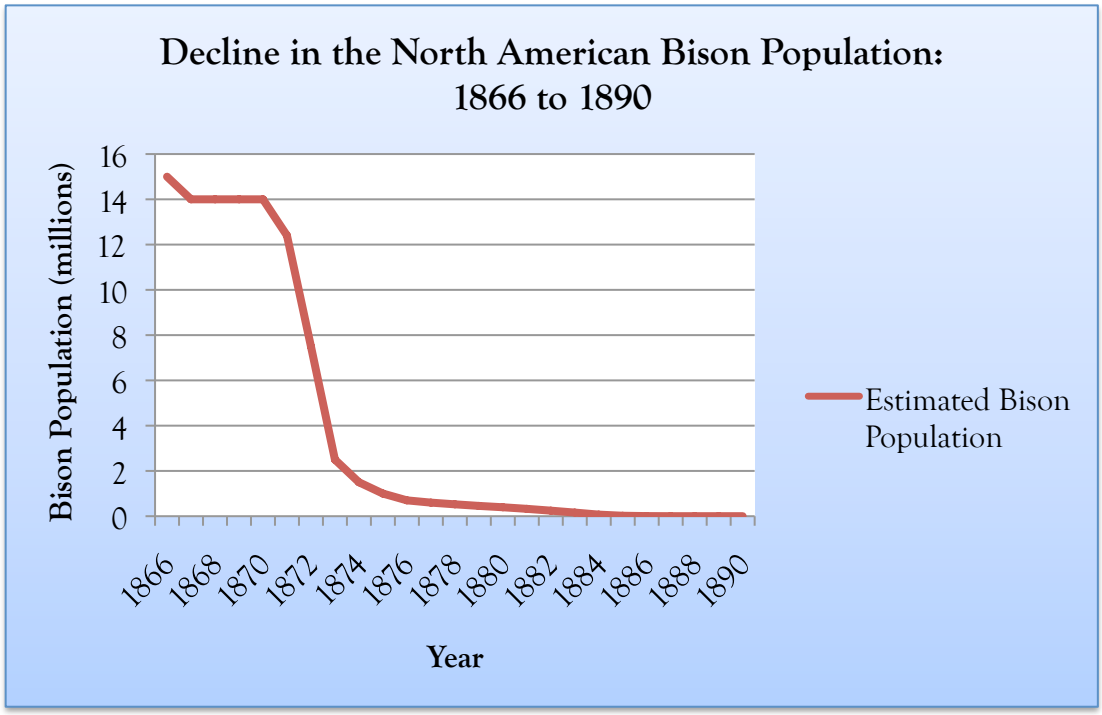
Data Sources: Frank Gilbert Roe (*The North American Buffalo: A Critical Study of the Species in its Wild State 2nd Ed.,* Toronto, CN: University of Toronto Press, 1970), 490; Andrew C. Isenberg (*The Destruction of the Bison: An Environmental History, 1700-1920,* Cambridge, UK: Cambridge University Press, 2000); Dale F. Lott (*American Bison: A Natural History,* Berkley and Los Angeles, CA: University of California Press, 2002).

"Hidemen" and the Bison Slaughter: 1866-1890

The large-scale slaughter of the bison population west of the Mississippi river progressed with momentous speed following the Civil War in1866 (Figure 2.2) and continued approximately a quarter century until about 1890. As figure 2.2 illustrates, the bison population declined substantially between 1866 and 1876. During that time the bison herds once described by Charles Teeter as a "black, living mass" were reduced to a few trivial groups scattered from Texas to Canada (Bolen & Robinson 2003; Hornaday 2002; Lott 2002; Lueck 2002; Isenberg 2000; Danz, 1997:16; Roe 1970). The entire species was literally on the brink of extinction by 1890 and was only saved by the

establishment of several private herds and by the disintegration of the very market that initially drove the slaughter (Hornaday 2002; Isenberg 2000; Haines 1995; McHugh 1972).

Figure 2.2: Decline of the Bison Population: 1866-1890



Data Source: Frank Gilbert Roe (*The North American Buffalo: A Critical Study of the Species in its Wild State 2nd Ed.,* Toronto, CN: University of Toronto Press, 1970), 490.

From 1866 onward, Euro-American commercial hide hunters working individually and in small groups stalked the massive herds of wild bison. Experienced "hidemen" could kill hundreds of bison from a single position without causing the herd to flee (Hornaday 2002 ed.; Danz 1997; Branch 1997; Haines 1995; Roe 1970). In some instances this practice resulted in the slaughter of thousands of bison in just a few hours (Hornaday 2002 ed.; Branch 1997; Danz 1997; Haines 1995; Roe 1970). Famed western showman "Buffalo" Bill Cody allegedly killed 69 bison in one day while in a competition with another hunter, and while employed by the Kansas Pacific Railroad for 18 months he

racked up over 4,200 dead bison (Danz 1997:101-102). However striking those individual tallies are, the breadth of the slaughter is better illustrated by pointing out that in just one year, 1872, over 4.4 million bison are estimated to have been killed, representing a little more than eight times the present day bison population (figure for 1872 taken from: Roe 1970:490). The dead bison were always stripped of their hides and often of their tongues, which were considered a delicacy. However, commercial and "sporting" hunters rarely utilized the hundreds of pounds of nutritious meat that constituted the bulk of the bison's weight. Most often, the meat was simply left to rot (Lott 2002; Lueck 2002; Branch 1997; Hanner 1981; McHugh 1972).

Commercial hidemen owed their success to several technological advancements. Prior to the late 1860s, bison hides had little mass appeal outside the Native American and fur trading communities. In comparison to the leather derived from the hides of domesticated cattle, the leather from the bison hide was deemed to be of poor quality and was therefore unfit for widespread use in industry or manufacturing. However, after experimenting with many different techniques, leather tanners in the eastern United States finally developed a new method for turning the poor quality leather hide of the bison into top quality leather suitable for many uses, but most importantly as leather machine belts in the burgeoning mills and factories of the east coast (Lott 2002; Isenberg 2000; Branch 1997; Haines 1995). The direct result of this achievement was the development of a mass market for bison hides. Further technological advancements increased the efficiency of the commercial hide hunters once the market for hides was established. The development of powerful, single-shot rifles, like the Sharps "Big .50", along with the manufacture of smaller

caliber repeating rifles and revolvers allowed the "hide men" to kill prolifically and efficiently, from long range and at lower costs than ever before (Lott 2002; Isenberg 2000).

The construction of several major railways—the Kansas Pacific, Union Pacific and the Atchison, Topeka and Santa Fe—enabled commercial hunters, sportsmen and passing travelers easy access to the bison herds and the furthest parts of the bison range. In addition, the new rail lines provided a swifter, more efficient method for transporting bison hides to the lucrative eastern markets (Lott 2002; Lueck 2002; Isenberg 2000; Branch 1997).

And, while Euro-American commercial hide hunters were responsible for the bulk of the destruction that befell the bison herds after 1866. However, other groups participated in the slaughter. Frontier Army soldiers utilized the bison for food. They also utilized the bison for target practice with their rifles, as a means of "sighting in" their long-range canons, and they sometimes supplied commercial hide hunters with ammunition and provisions (Smits 1994). Foreign and American "sportsmen" seeking trophies, robes, stories and bragging rights, also engaged in the bison slaughter. If the "sporting" hunter happened to be especially notable—as was the case when Russian Grand Duke Alexis cam to America—they would often hunt at the federal government's expense with a full accoutrement of supply wagons and military escorts (Isenberg, 2000). High ranking military officers, including General's Phillip Sheridan and George Armstrong Custer would personally lead these prestigious hunting parties. General Custer was an especially enthusiastic hunting guide and in his vigorous pursuit of bison, as one story goes, he accidentally shot and killed his own horse.

Frontier settlers also killed bison for food, but with each year the bison herds were driven further afield by the commercial and sport hunters and the settler's impact on the bison population became negligible. Finally, Native American tribes utilized the bison for a diverse array of purposes, including as a primary means of subsistence, but also as an important spiritual symbol (Hornaday 2002 ed.; Isenberg 2000; Branch 1997; Danz 1997).

Native American Tribal Groups and the Bison

More than two-dozen[5] Native American tribes occupying the vast acreage west of the Mississippi River (Map 2.2)—comprising the bison's primary habitat—were dependent on the bison for food, shelter, clothing and more (Table 2.1). Despite many differences between these tribes, including the use of different spoken languages, each developed intricate social, cultural, spiritual and ritual belief systems in which the bison played a central role (Danz 1997; McHugh 1972).

[5] Tom McHugh (1972) divides the Native American tribes dependent on the bison into two categories: those tribes that were entirely nomadic, equestrian and followed the bison year round and those that were semi-nomadic, occupying the eastern fringes of the bison habitat. The fully nomadic group distinguished by McHugh included eleven or more distinct tribes each with numerous tribal sub-groups or bands. The tribes in this group are the stereotypical western "Indians" as they were expert horsemen and the last to come under the control of the Federal Government. Included in this group are the Arapaho, Assiniboine, Blackfoot, Cheyenne, Comanche, Crow, Gros Ventre, Kiowa, Kiowa-Apache, Sarsi and Sioux. The second group of semi-nomadic tribes numbered fourteen or more with numerous sub-groups. The semi-nomadic tribes hunted the bison for food and clothing, but unlike the nomadic plains tribes, they engaged in small-scale agriculture and had permanent encampments. The tribes of this group were of varying size and included the Arikara, Hidatsa, Iowa, Kansa, Mandan, Missouri, Omaha, Osage, Oto, Pawnee, Ponca, Santee Sioux, Yankton Sioux, and Wichita. McHugh goes on to note that in addition to these principal bison-dependent tribes, many other "marginal tribes" utilized the buffalo as an important food source throughout the year (13).

Map 2.2: Native American Tribes Inhabiting the Bison Range

Note: This map does not represent all of the tribal bands and subgroups occupying the bison range. It is solely meant to convey a sense of the diversity of indigenous tribes for whom the bison were a vital component of life.

Table 2.1: Partial List of Historical Uses of the Bison and its Byproducts

Fur, Fibers, Hair, Hides, Muscles	Bones, Hooves, Horns, Teeth	Organs, Feces, Flesh, Vital Fluids
Bedding*	Knives	Sausage*
Bowstrings	Phosphates for Manufacturing and Fertilizer**	Fat for Tallow, Soaps, Grease & Cosmetics*
Containers	Rituals, Prayers	Medicine Bags
Dolls, Doll Stuffing	Ornamentation	Gall (Yellow Paint)
Fur Fashion Accessories*	Pipes	Rituals, Prayers
Glue Preparation	Medications, Medicine	Jewelry
Headdresses	War Clubs	Diaper Powder
Leather Machine Belts**	Fire Carriers	Grave Markers
Leggings*	Scrapers	Soups, Puddings*
Masks	Spoons, Ladles	Pemmican (processed meat)*
Mittens	Rattles, Signals	Hide Preparation, Food (Brains)
Saddles, Saddle Blankets*	Sleds	Dyes, Paints (Blood)
Sheaths	Toys	Pouches
Shields	Arrow Points, Arrow Heads	Sustenance/Immediate Use* (Choice Meat, Tongues)
Thread	Cups	Fuel (feces)*
Winter and Dress Robes*	Powderhorns*	Jerky (dried meat)*

* Indicates use by Native and Euro-Americans
**Indicates Euro-American use only

The intimate socio-cultural and spiritual relationships that Native Americans formed with the bison, along with the cultural and spiritual value attributed to the bison by these tribes, transforms the narrative of the bison demise from a straightforward environmental history into an event worthy of sociological analysis.

The bison were a "cherished symbol" to all of the Native American tribes that utilized them, but especially to the nomadic bison-dependent groups. The bison were utilized at various points as "charms and sacrifices", in the design and commencement of "dances, superstitions, taboos, societies, visions and cures", to organize ceremonies and even to give "names to months" (McHugh 1972:110). Tom McHugh aptly concluded in his chapter on the bison and Native Americans that the bison were "worshipped as no other animal was ever worshipped in the Indians' domain" (110; see also Danz 1997:54).

Standard practice among Native American tribes was to perform elaborate rituals prior to bison hunts, in order to ensure success and to give thanks for the presence of the bison upon the Plains. The Pawnee Indians created intricately decorated "buffalo staffs" made from young spruce trees, which, after being blessed and prayed over by shamans, were carried forth into the bison hunt (McHugh 1972: 50). Cree Indian men organized communal "confessions" around a large bison skull displayed prominently within their meeting place (McHugh 1972). Few individuals taking part in this Cree tradition dared withhold the truth in the presence of this bison skull out of a fear of the unknown repercussions that might result from lying in the presence of such a powerful and important idol (McHugh 1972). Likewise, the bison were central to Cheyenne folktales and legends. One sacred legend of the Cheyenne described the "gift of the buffalo" to the tribe by "a mythical individual called Yellow Haired Woman" (Danz 1997; McHugh 1972). The ritual recitation of this powerful story was so important that the individual relating it would "offer a prayer for forgiveness before he began" (Danz 1997:55; also McHugh 1972).

The bison were fundamental to the spiritual identities of the various Native American tribes. The bison represented one of four spiritual beings in the Arikara Indian universe (McHugh 1972). The "Buffalo God" of the Teton Sioux tribe embodied the virtues of chastity, fecundity, industry and hospitality—the most widely cherished virtues amongst the tribe's men and women (McHugh 1972). The Kiowa were simultaneously polytheists and animists, choosing to pray to many Gods and spirits, some of which were non-human, and to them the bison represented the second most important spirit to which they prayed, behind only the Sun (McHugh 1972).

As these select examples illustrate, the bison were an incredibly important component in the social, cultural and spiritual lives of many diverse Native American groups. The physical slaughter of the bison by non-Native American peoples represents a grievous social harm insofar as it significantly altered the way of life for the Native American tribes inhabiting the bison range. The swift elimination of the bison herds not only spelled disaster for these tribal groups in a physical sense, as they had no other means of subsistence, but also ensured that an important part of their social, cultural and spiritual identities and tribal legacies would be destroyed as well.

Acknowledging the social ramifications of the bison extirpation makes it necessary to further examine the historical context of the event, first by investigating the attitudes held by prominent American government and military officials of the time, and then by reviewing the legislative efforts to protect the bison and other game animals 1866-1890.

The Federal Government, the Bison and Native American Affairs: 1866-1890

Introduction

The Native American tribes of the bison range were in a difficult position in the early 1870s. The efforts of Euro-American commercial hide hunters were wreaking havoc on their staple food source. With each passing day, the bison herds grew smaller and roamed further from their traditional haunts, chased away by a terrifying, but incomprehensible, scourge that sounded like thunder, but didn't bring any rain: the rifle. The intrusion of Euro-American commercial hunters onto the bison range, along with the construction of new railroads, placed further strain on the already tenuous relations between Euro-Americans and Native Americans. Eventually, conflict between the bison dependent Native American tribes, the Euro-American hide hunters and the United States federal government escalated into all-out war.

The Indian Wars and the Bison: Origins of Conflict

Conflict between the bison dependent Native American tribes and the federal government intensified throughout the time period in which the wild bison herds were decimated. By 1890, the bison were nearly extinct and the bison dependent Native American tribes, which had resisted federal efforts at control and domination, were in a similarly dire state: weakened by war, starvation, disease and confined to reservations, stripped of their traditional lands and continually persuaded to forsake their "heathen" culture for that of the "civilized and respectable" Euro-American majority. Those tribal

groups that once depended on the bison for survival appeared, collectively and individually, as hollowed out shells of the vibrant, autonomous entities they once were.

The bison extirpation became one of the most important grievances held by the Native American tribes occupying the bison range following the Civil War (Smits 1994). For hundreds of years, the Native American tribes living within the bison range utilized the bison as "their" resource. However, the arrival of Euro-American commercial hunters willing to kill bison solely for their hides disrupted whatever equilibrium existed between the bison and their Native American predators. Many Native American tribes foresaw their own destruction in the actions of the commercial bison hunters and began vocalizing their dislike of the "hidemen" in meetings between themselves and representatives of the federal government (Gwyne 2010; Smits 1994).

In response, the federal government included provisions in several important treaties designed to preserve the hunting rights of the Native American tribes, while also limiting the ability of Euro-Americans to hunt bison on lands set aside specifically for those tribes (Gwyne 2010; Isenberg 2000; Haines 1995; Smits 1994). Additionally, both the Medicine Lodge Treaty of 1867, and the 1868 Treaty of Fort Laramie, gave the bison dependent Native American signatory tribes the right to hunt bison on lands outside those ceded to them via treaty. However, the federal government's acknowledge of Native American hunting rights outside of their treaty protected lands was qualified by the caveat that the tribes' nomadic bison hunting habits could persist "only so long as the bison may range" on lands outside those protected by treaty "in numbers sufficient to justify the

chase" (Treaty of Medicine Lodge, Article 11 1867; Treaty of Fort Laramie, Article 11 1868).

Of course, the arbitrariness of boundary lines, as well as the intentional vagueness of the "significant to justify the chase" clause, made little sense to the nomadic Native American tribes. As the bison-dependent Native American tribes witnessed the bison population rapidly decrease within their treaty protected lands, they rightly attributed the cause of the decline to the actions of commercial hide hunters operating outside these protected lands. Thus, Native Americans increasingly moved outside the boundaries of their treaty protected lands to "chase" the dwindling bison herds and came into conflict with Euro-American hide hunters (Gwyne 2010). Several of the bison dependent Native American tribes directed their anger and frustration at the hidemen they encountered that were wastefully killing bison that should have been populating their traditional hunting grounds. As Native American vengeance took its toll on the commercial hide hunters outside of treaty protected lands, the intentional vagueness of the "significant to justify the chase" clause from the treaties of 1867 and 1868 made it possible to justify military intervention against any tribal groups once they exited their treaty protected lands to "chase" after the bison.

The Bison's Role in the "Indian Wars"

As conflict between Native Americans and Euro-American hide hunters increased, the federal government responded first by attempting to lure many of the bison-dependent Native American tribes onto federal reservations. When that tactic proved ineffective, and

once it became clear that a peaceful policy of forced assimilation wasn't going to curb Native American acts of violence toward Euro-Americans on the Plains, the federal government shifted to an active campaign of meeting violence with violence. The ensuing "Indian Wars" between the U.S. Army and various bison- dependent Native American tribes would proceed until the 1890s.

A handful of very high-ranking federal officials and military officers vocalized their opinions about the bison slaughter and its relationship relative to the Native American tribes at war with the federal government. Columbus Delano, then Secretary of the Interior, wrote in his annual report of 1872 that,

> The rapid disappearance of game from the former hunting-grounds must operate largely in favor of our efforts to confine the Indians to smaller areas, and compel them to abandon their nomadic customs…So long as the game exist in abundance there was little disposition manifested [among the Indians] to abandon the chase (Delano 1872:5).

Columbus Delano served as Secretary of the Interior under President Ulysses S. Grant's administration from 1870-75 and was one of the most enthusiastic supporters of the bison slaughter as a method for subduing the defiant Native American tribes of the bison range. In his 1873 annual report, he reiterated his position from 1872 stating, "the rapid disappearance of game from the former hunting-grounds must operate largely in favor of our efforts to confine the Indians to smaller areas, and compel them to abandon their nomadic customs" (iii-ix). Then again, in 1874, he publicly declared that,

> The buffalo are disappearing rapidly, but not faster than I desire. I regard the destruction of such games as Indians subsist upon as facilitating the policy of the Government, of destroying their hunting habits, coercing

> them on reservations, and compelling them to begin to adopt the habits of civilization (Delano 1874:99).

Recall that in figure 2.2, the most precipitous decline in the bison population occurred between the years 1870 and 1876. Whether coincidentally or not, this decline is correlated with Secretary Delano's tenure at the Department of the Interior.

During the time of the bison slaughter the Bureau of Indian Affairs (BIA) was nested within the Department of the Interior. The BIA managed the welfare of the Native American tribes residing on the federal reservations. One of the most important tasks of the BIA was to provide Native Americans residing on federal reservations with adequate food. While the majority of the Native American tribes were at least partially resistant to the federal reservation system, the promise of food was often enough to entice them on to the reservations and away from their traditional way of life—chasing bison—which was becoming more untenable by the month. Unfortunately, the Bureau of Indian Affairs had an abysmal record of delivering the promised food.

Reports from BIA agents working on various reservations during the bison slaughter are rife with descriptions of rotten, spoiled food or simply not enough food being delivered to meet the demand of the reservation inhabitants. The food supplied to the reservations travelled through government supply chains, but was often pieced together by low-bid third party contractors (Gwyne 2010). On several occasions the lack of sustenance on the reservations forced some bands of Native

Americans back onto the bison range in order to find their own food (Gwyne 2010).

Having left the reservations during a time of open hostilities, federal policies dictated that these tribes were to be considered "rogue" groups, therefore making them subject to pursuit by military units (Gwyne 2010). If, and when, these groups returned to the reservations, assuming they avoided violent conflicts with the U.S. Army units while afield, they would often be denied the basic services of the "peaceful" groups that had remained behind on the reservations, their leaders would be separated and possibly jailed, and they could collectively face sanctions such as the withholding of food (Gwyne 2010). Those groups that attempted to avoid the reservations entirely, or who bristled at attempts by the federal government to force them into compliance and continually fled the reservations, became de facto enemies "No. 1" of the federal government and its top military commanders.

General William Tecumseh Sherman, best known for his "March to Atlanta" during the Civil War, became the military policy maker of the Indian Wars. And while the Indian Wars raged, the bison slaughter continued. General Sherman wrote in his memoirs that the slaughter of the bison was

> ...Another potent agency in producing the result we enjoy today [referring to the productive farmland of the Great Plains]. In having, in so short a time, replaced the wild buffaloes with more numerous herds of tame cattle, and by substituting for the useless Indians the intelligent owners of productive farms and cattle ranches (Sherman 1886:413-14).

During the Civil War, General Sherman served under the command of General Ulysses S. Grant. General Grant eventually became the 18th President of the United States. His tenure as President lasted through some of the worst fighting of the Indian Wars from 1869 to 1877. President Grant appointed General Sherman as Commanding General of the Army, where he was in direct control of the U.S. military's response to the Native American conflict from 1869 to 1885.

General Sherman was an impressive military tactician. During the Civil War, he refined and effectively applied a "total warfare" doctrine (sometimes referred to as a "scorched earth" policy) in military campaigns against the Confederate Armies (Smits 1994). The success of the scorched earth policy centered upon depriving the enemy of food and shelter, two resources necessary to survival and the ability to wage effective warfare. The tactic is especially effective when implemented against guerrilla-type forces (Wooster 1988; Smits 1994). The bison-dependent Native American tribes in direct conflict with federal troops represented exactly such a guerilla-type enemy.

Native Americans inhabiting the bison's range benefitted from generations of accumulated knowledge that lent them an instant advantage in battle. Intimate knowledge of the terrain, weather patterns and the location of fresh water, in combination with their superior horsemanship, gave the tribes involved in the Indian Wars the capability to launch lighting-fast attacks. Furthermore, these tribes and small bands could operate for extended durations without long lines of supply, communication or a permanent base of operations. Very simply, the Native

Americans in conflict with U.S. Army troops were excellent fighters, both individually and collectively. This fact posed a serious problem to the slower, more encumbered, poorly trained, under-motivated U.S. Army troops tasked with bringing these tribes under the control of the federal government (Utley 1973).

The commercial hide hunters, who began populating the bison range after the Civil War, were a problem solver. In the process of imposing their lethally efficient mayhem on the bison herds, these hidemen not only deprived the Native Americans of the one resource necessary to sustain their autonomy, thus weakening them, they also distracted and divided the various tribal groups, thus impeding the formation of a unified front against the U.S. military units opposing them (Gwyne 2010; Smits 1994; Rister 1929).

The bison-dependent Native American tribes realized that the actions of the hide hunters were causing a decline in the bison population, which was in turn weakening their autonomy and making it difficult for them to wage effective warfare. Many ex-Civil War veterans, occupying command positions in the U.S. Army during the Indian Wars, made the same observation and were well pleased. Heading the Department of the Missouri was General Phillip Henry Sheridan. General Sheridan was in direct command of the military units involved in the "Indian conflict" on the Plains serving under General Sherman and President Grant. In evaluating the work of the hide hunter's he reportedly told the Texas legislature in 1873 that it was his opinion that they had

> ...Done more in the last two years, and will do more in the next year—more to settle the vexed Indian question—than the entire regular Army has done

> in the last thirty years. They are destroying the Indians' commissary; and it is a well-known fact that an Army losing its base of supplies is placed at a great disadvantage. Send them powder and lead, if you will; but for sake of a lasting peace, let them kill, skin and sell until the buffaloes are exterminated. Then your prairies will be covered with speckled cattle and the festive cowboy, who follows the hunter as a second forerunner to an advanced civilization (Danz 1997:112; Isenberg 1992:236; Sandoz 1954:172-73; Cook 1938:163-64).

Sheridan made his opinions about the bison slaughter clear in his personal correspondence, writing,

> If I could learn that every Buffalo in the northern herd were killed I would be glad. The destruction of this herd would do more to keep Indians quiet than anything else that could happen, except the death of all the Indians. Since the destruction of the southern herd…the Indians in that section have given us no trouble (Sheridan Papers, Microfilm).

Clearly, attitudes on the part of some government and military officials were conducive to the continued slaughter of the bison as a method of achieving organizational goals, foremost among them the subjugation of the Native American tribes of the bison range. However, these attitudes alone did not preclude some Congressional lawmakers from attempting to draft protective legislation for the bison.

The Bison and Protective Legislation 1866-1890

The Federal government was the only institution with the power and resources to mitigate the bison slaughter once it began. State and territorial governments passed some protective game code laws[6] for the bison herds while they roamed within their state or territorial boundaries, but none of these laws appeared

[6] Appendix C provides a list of legislation introduced and/or passed at the Federal, State and Territorial levels for the protection of wild game in America between 1866 and 1890.

on the books prior to 1870, and they were inherently limited in scope because of the bison's nomadic habits (Isenberg 2000; Hanner 1981).

Most of the legal protections afforded the bison by state and territorial governments imposed fines for violators and established open and closed hunting seasons. The intent of these game code laws was to curb the wastefulness of the commercial hide and sport hunters (Hanner 1981). Overall, however, efforts by state and territorial governments to protect the bison through legislation were ineffective. State and territorial governments simply had too few resources with which to enforce their newly codified laws. As a result, many jurisdictions relied on "informants" in order to catch offenders. Given the vast acreage of the bison range, sparse human population, and the close-knit ties amongst the hidemen, the "informant" based system of enforcement did little to alter the rate or volume of the bison slaughter.

Efforts were made at the federal level to pass protective legislation for the bison, but these efforts were even more impotent than those of the states or territories; in fact, no law protecting the bison was ever passed by the federal government between 1866 and 1890 despite the introduction of six separate pieces of legislation specifically designed to afford the bison some protection, the earliest of which was introduced in 1871.

Four out of the six federal legislative bills placed restrictions on the physical slaughter of the bison. The first bill (H.R. 157) was brought before the house in

1871. It restricted the "wanton", or wasteful, killing of bison[7]. Early the next year a second bill[8] from the Senate (S. 655) sought to protect the bison by prohibiting their slaughter on public lands. As the intensity of the bison slaughter increased, a third House bill[9] (H.R. 921) was drafted that would have outlawed the killing of any female bison by non-Native Americans while on Federal lands. The last bill[10] seeking to curb the physical slaughter of the bison (H.R. 1719) was introduced before the house in 1876 and proposed to make it illegal to kill bison within the boundaries of the remaining Territories of the United States: Arizona, the Dakotas, Oklahoma, New Mexico and Utah. Each of these four bills, with the exception of H.R. 921, was referred to its appropriate Congressional committee—for example, the "Committee on Territories"—from whence none emerged.

House bill 921 suffered a different fate. This bill survived spirited debates in both the House and Senate toward the end of 1874 and was easily passed by both. In its final journey prior to becoming law it was sent to the White House for President Grant's signature of approval. E. Douglas Branch, in his early environmental history on the bison (orig. 1929; new edition 1997) hypothesized about what might have transpired once the bill reached President Grant's desk. It was Branch's opinion that President Grant likely received the bill and "put the document into a pigeonhole for its India ink to become rich brown before it was seen again…or, perhaps he touched the bill to his lamp and lighted a cigar with it"

[7] Congressional Globe, 42nd Congress, 1st Session, Pt.1, at 80 (1871)
[8] Congressional Globe, 42nd Congress, 2d Session, Pt. 2, at 1063 (1872)
[9] 2 Congressional Record, 43rd Congress, 1st Session, Pt. 1, at 371 (1874)
[10] 4 Congressional Record, 44th Congress, 1st Session, Pt. 1, at 773 (1876)

(183-84). Regardless of what actually transpired, H.R. 921 never passed President Grant's desk and was never signed into law. Following President Grant's pocket veto of H.R. 921, no legislation providing for the protection and preservation of the bison would cross a sitting President's desk until well after 1890; in fact, after 1876 until the late 1890s, federal legislative efforts to protect the bison ceased all together.

Federal efforts at controlling the trade in bison hides were not entirely centered upon mitigating the physical slaughter. Two attempts were made to regulate the hide industry for through the imposition of regulatory taxes, which although not as restrictive as the bills described previously, would have achieved some protection for the bison by making it financially unfeasible for some individuals to hunt bison. Likewise, these tax bills may have opened the door for further government regulation of the industry.

Each of the two tax-related bison protection bills were introduced in the House of Representatives and sought to slow the bison slaughter by imposing a tax on the sale and shipment of bison hides. The first of these was H.R. 1689[11], a nonspecific bill drafted in 1874, calling for the imposition of a federal tax (amount not specified) on all bison hides taken; it was referred to the Committee on Ways and Means where it presumably evoked little enthusiasm, as it never emerged again. A second bill, and the last federal effort to protect the bison, was drafted in 1876[12] (H.R. 2767). Like its predecessor H.R. 1689, H.R. 2767 was nonspecific, calling

[11] 2 Congressional Record, 43rd Congress, 1st Session, Pt. 2, at 1123 (1874)
[12] 4 Congressional Record, 44th Congress, 1st Session, Pt. 2, at 1813 (1876)

only for the imposition of a federal tax on bison hides, and, like H.R. 1689, it too disappeared after being referred to committee. These two bison hide tax bills elicited no debates or discussion in the House or the Senate, and presumably garnered no support at the White House either.

The failure of federal efforts to protect the bison through various sorts of legislation is perplexing. Perhaps the six protective bills failed to pass due to a lack of interest on the part of federal legislators to protect a wild animal at a time when environmental activism was a practically non-existent concept and animal rights were supported by only a small minority of Americans in the country's eastern cities (Isenberg 2000). While one might expect the federal government to support the imposition of a revenue generating tax on a profitable industry, even the failure to rally behind the two bison-hide tax bills could be explained away as the product of an inept legislative process.

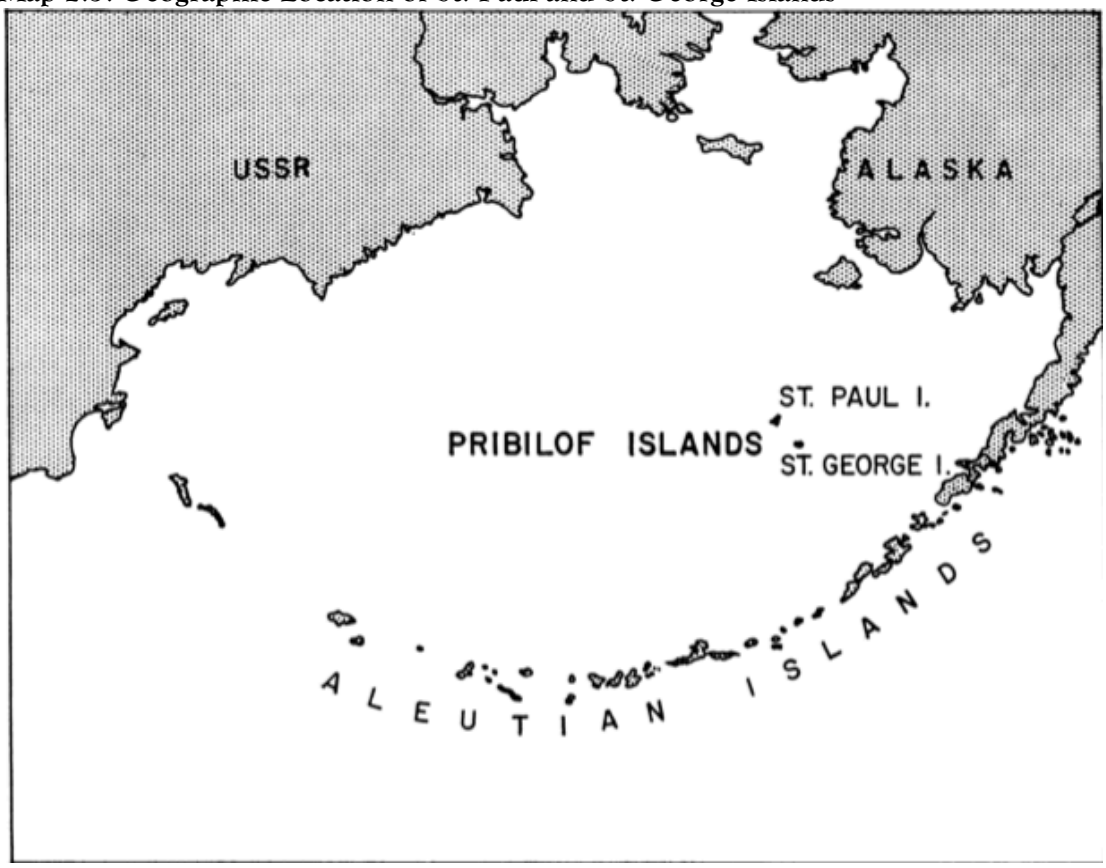
However, it is exceedingly difficult to explain the inaction of the federal government to protect the bison so simply in light of the federal government's enthusiastic support for legislation designed to protect the fur seals of Alaska between 1868 and 1870.

The Alaskan Fur Seal Fisheries

St. Paul and St. George are two of the largest islands in a chain known collectively as the Pribilof Island Group. The mist shrouded cliffs and rocky shores of St. Paul and St. George rise out of the cold Bering Sea 800 miles west of

Anchorage, Alaska and 250 miles north of the Aleutian Islands. Together the two islands form the largest breeding ground for northern fur seals in the world, annually hosting over 50 percent of all fur seals, or upwards of 1 million individuals (NOAA 2011). St. Paul and St. George, the only inhabitant islands in the Pribilof Group, are also home to approximately 600 native Aleuts transported from the more hospitable southern Aleutian Islands by Russian fur traders in the late 1700s as a cheap labor force for the island's fur seal fisheries (see Map 2.3) (Roppel & Davey 1965).

Map 2.3: Geographic Location of St. Paul and St. George Islands



Source: Roppel, Alton Y. Davey, Stuart P. 1965. "Evolution of Fur Seal Management on the Pribilof Islands." *The Journal of Wildlife Management* 29(3):449.

In 1867, two years after the end of the Civil War, America purchased the Alaska Territory from Russia for $7.2 million. The islands of St. George and St. Paul, along with the rest of the uninhabited Pribilof Islands, were included by the Russians to sweeten the deal. Almost immediately federal officials stateside began contemplating the role that the two islands would play in the grander scheme of America's economic development. A primary concern of these officials quickly centered upon securing federal protective legislation for the fur seal[13] populations on the two islands.

A year after the purchase of St. Paul and St. George, the federal government passed a Special Act (July 27, 1868) pertaining to the Alaska Territory. One important feature of that Act was a stipulation that officially halted all commercial hunting of fur seals in, or around, the Pribilof Islands by non-authorized individuals. Over the next two years, 1868 and 1869, those individuals in Washington with an interest in the fur seals of the Pribilof Islands realized that without protective legislation bolstered by significant sanctions and active enforcement, the annual harvest of fur seals would rapidly outpace the natural rate of replacement of the fur seal population. Thus, Congress immediately mobilized

---

[13] Adult fur seals (*Callorhinus ursinus*) are pelagic, spending most of their lives living in the cold waters of the North Pacific (Marine Mammal Center 2011). As a result, fur seals have developed one of the most luxurious hides in the entire animal kingdom, boasting upwards of 300,000 hairs per square inch (Marine Mammal Center 2011). This incredibly luxurious hide is an excellent insulator and is virtually impervious to water. As a result of those two traits, fur seal hides became highly sought after commodities in the 1800s, especially by furriers working in the garment industries of London and New York (Roppel and Davey 1965).

to protect the northern fur seal and preserve the lucrative fur seal hunting industry on St. George and St. Paul islands.

Between January 11, 1869 and July 1, 1870, Congressional legislators introduced eight bills and one "joint special resolution" for the protection of the fur seal populations of St. Paul and St. George Islands (Appendix C: Table 2). That is, in just over seventeen months, the federal government proposed and considered four more legislative bills to protect the Alaska's fur seals than they did in the 24-year period of the bison extirpation.

On July 1, 1870 the *Act to Prevent the Extermination of Fur-bearing Animals in Alaska*[14] was signed into law for the sole purpose of protecting and preserving the fur seal populations of the Pribilof Islands. During the process of drafting the final version of this Act for the protection of the fur seals Congressional lawmakers enthusiastically embraced many of the same ideas that failed to garner support when suggested just a few short years later in the context of the bison slaughter. Foremost among those legislative recommendations to win favor in regards to protecting the fur seal, but not the bison, was the imposition of a federal tax on each fur seal hide harvested and shipped to market.

The final version of the *Act to Prevent the Extermination of Fur-bearing Animals in Alaska*[15] established a 20-year lease for exclusive hunting rights on the islands of

[14] U.S. Statutes at Large, 41st Congress, 2nd Session, Volume XVI, Chapter 188,189 (1870).
[15] U.S. Statutes at Large, 41st Congress, 2nd Session, Volume XVI, Chapter 188,189 (1870).

St. Paul and St. George, to be awarded to the highest public bidder[16] as determined by the Secretary of the Treasury, the government official given direct oversight and control of the Alaskan fur seal fisheries.

The Act made it illegal to kill any fur seals on or around the islands of St. Paul or St. George outside of the open season, which would run from June to October, or to kill any female seal or any seal under one year old. It also established a maximum yearly allowable "kill" of 100,000 seals from the two islands (75,000 from St. Paul and 25,000 from St. George). The possession and use of firearms, ammunition, or any other hunting method that might drive the fur seals away from the two Islands was prohibited, as was the possession, or distribution, of "spirituous" liquors. Interfering with the rights of the official lessee, or any government agent stationed on the islands, was also made illegal. A violation of any of the provisions in the Act would result in a misdemeanor charge with possible punishments ranging from a fine of between $200 and $1,000, imprisonment for six months, the forfeiture of all property involved in the commission of the illegal offense—including boats, tackle and supplies—or any combination therein.

The finalized version of the Act also called for the fulltime assignment of at least two Treasury Department agents on the two islands to oversee the protection of the fur seals, record and monitor financial details of the fur seal trade and report on the status of the industry to Congress. The winning bidder for the twenty-year

16 The first 20-year contract (1870-1890) was awarded to the San Francisco based Alaska Commercial Company.

lease of exclusive hunting rights on the two islands would pay the federal government an annual "rental fee" of $50,000 plus a tax of $2.00 on each fur seal hide taken.

The annual fees paid over the duration of the twenty-year lease period generated gross revenues to the federal government of $1 million. Roppel & Davey (1965) write that the average number of fur seals killed over the initial twenty-year lease was between 70,000 and 100,000 (451). At $2.00 per hide over twenty years, the fur seal hide tax alone provided the federal government with additional gross revenues of between $2.8 and $4 million, bringing total gross revenues earned by the federal government as a result of the regulation of the fur seal trade in Alaska for the duration of the twenty-year lease to between $3.8 and $5 million, or approximately $190,000 to $250,000 per annum. Adjusting those figures to account for inflation, the same sort of taxation scheme today (at $2.00/hide) would generate yearly gross revenues to the federal government equivalent to between $5.7 and $7.6 million. Adjusted over a twenty-year period, these revenues would produce total gross revenues of between $114 and $152 million[17].

A federal revenue-generating lease and hide tax system, similar to that enacted in the case of the northern fur seal could have been utilized to protect the bison herds of the continental United States. Yet, despite even these persuasive economic incentives, the government failed to protect the bison, with dire consequences for the Native American tribes dependent on them.

[17] See the Inflation Calculator: http://www.halfhill.com/inflation.html.

Chapter 3: Existing Research on the Bison Slaughter

Introduction

Following the Civil War in 1866 and lasting until approximately 1890 the North American bison were nearly driven extinct by Euro-American commercial hide hunters. The depletion of the bison herds placed a severe strain on the Native American tribes of the western United States dependent on the bison for food and for whom the bison were an important cultural and spiritual symbol. Despite the importance of the bison to these Native American tribes, the federal government made few attempts to protect the bison through legislative means. The effort level on the part of federal officials to protect the bison and regulate the hide trade never matched the effort expended at the federal level to protect the Alaskan fur seal.

Researchers studying the near-extinction of the bison herds have neglected an in-depth exploration of the public discourse surrounding the bison slaughter to see what, if anything, that discourse may indicate about the government's inaction in protecting the bison. This thesis seeks to fill the gap in the existing research on the bison slaughter by examining how the public responded to the bison slaughter,

in order to address the broader question of how, and why, the bison slaughter was allowed to continue.

Extant Research: An Overview

The near extinction of the North American bison from the its principle range in the central United States by the late 19th Century has been research fodder since 1877[18]. The existing literature on the bison can be sub-divided into three groups. Group 1 contains literature, in book and article form, that focuses predominantly on the history of the bison species, including its near-extinction. Research within this grouping provided a substantial amount of relevant background information, which was utilized in Chapter 2. Authors whose research fits well within Group 1 include William Temple Hornaday, C.C. Rister, E. Douglas Branch, Frank Roe, Dale Lott, Tom McHugh, Andrew C. Isenberg, and Dean Lueck.

The second grouping of research literature is rooted firmly in the hard sciences (conservation biology, physiology, wildlife ecology) and environmental sciences. Francis Haines' book on the bison fits well within this grouping, because it focuses on bison biology and physiology. A large amount of research within Group 2 examines the bison in the modern context and addresses issues of disease, sustainability, marketability and herd management.

[18] Joseph Asaph Allen authored the first comprehensive written account of the North American bison in 1877, while employed by the United States Geological Survey under the direction of the United States Department of the Interior.

The third and final grouping of research on the bison is best described as more critical of the bison slaughter than the majority of the research in Group 1, yet not quite as rooted in the "hard sciences", as the research within Group 2. Literature within Group 3 contains fewer works than Groups 1 or 2, but importantly, each book or article in Group 3 focuses, to varying degrees, on the broad question of how, and why, the bison slaughter was allowed to continue. Specifically, the works of William Temple Hornaday, Dean Lueck, E. Douglas Branch, David Smits and Andrew C. Isenberg were each relevant to the scope of this thesis; the research of each of these 5 individuals will be synthesized in relation to the research questions this paper is attempting to address in the following pages.

Economics and the Bison Hide Industry

One of the first books to critically analyze the destruction of the North American bison was written and published by William Temple Hornaday in 1889.

During his tenure with the Smithsonian Institution in Washington D.C., where he was employed as chief taxidermist, William Temple Hornaday developed an interest in acquiring several bison to mount within the museum's exhibits. Hornaday aptly recognized that the bison's near-extinction was looming. Thus, he set out, with the financial backing of the federal government, to collect bison hides; his subsequent hunting expeditions led directly to the creation of his seminal work *The Extermination of the American Bison* (Rose Shell, 2002).

Hornaday's book is immensely valuable to the modern researcher because it was written and published as the bison slaughter was occurring. As a result, it represents one of the only written records of the bison destruction that benefits from the direct, personal experiences, observations and correspondence of the author with the individuals involved in the bison hide trade, including "hide men", frontier soldiers and Congressional legislators.

It is also invaluable because of its exploration and analysis of the financial incentives driving the bison slaughter and federal efforts to draft protective legislation. Hornaday appears to be the only author to highlight, albeit briefly, the contradiction that existed between federal efforts to protect the northern fur seal and impose a federal tax on fur seal hides, and the complete failure of the federal government to do the same for the bison.

Importantly, Hornaday explored and detailed the economic structure of the bison hide industry, thanks to personal correspondence with several hide brokers engaged in the trade. Hornaday's work focuses attention on the important question of how and why the slaughter was allowed to continue and emphasizes the role that financial incentives played in perpetuating and sustaining it. However, Hornaday failed to reach any pointed analysis of the government's role in allowing the slaughter to continue. His analysis to that end was likely hampered by his chronological proximity to the events under study.

In 2002, economist and professor Dean Lueck published "The Extermination and Conservation of the American Bison." Lueck's research compliments and extends that of William Temple Hornaday.

With an economist's perspective, Lueck evaluated the destruction of the bison from a "property rights model of renewable resource production" (609). Lueck examined the bison destruction within the context of three different resource acquisition models—open-access, common-ownership and private property—and concluded that the "open-access" acquisition rights model that essentially allowed anyone and everyone to hunt the bison with no restrictions, significantly impacted the scale and speed of the bison's decline. That is, because the bison were never protected, they remained an "open-access" resource susceptible to over-exploitation (see Hardin 1968).

Utilizing bison population estimates in combination with economic data (average hide and robe prices), Lueck demonstrated that the federal government, if it had passed protective legislation for the bison, could have indefinitely sustained a profitable annual bison harvest (648). Lueck's findings raise an important question: Why was the bison trade left un-regulated and allowed to devolve into a free for all that eventually ruined the industry? Lueck reaches a simple conclusion in response to this question: the cost of protecting the bison was simply too "prohibitive" to shift the resource acquisition model from one of open access to something more regulated (649). While there may be truth in Lueck's conclusion,

other researchers have chosen to more thoroughly critique the inaction of the federal government to protect the bison.

Government Accountability

In 1929, E. Douglas Branch wrote *The Hunting of the Buffalo* and devoted an entire chapter to describing and analyzing the failure of congressional lawmakers to enact protective legislation for the bison. In his analysis, Branch intimates that perhaps the federal government's inability to protect the bison resulted from the existence of attitudes or beliefs on the part of those in power that made them unwilling to protect the bison even though there was a strong financial incentive to do so. Branch's work is provocative, but is hampered by a dearth of evidence to support his claims and insinuations.

Many years after Branch's book was published, David Smits (1994) probed more deeply into the same vein in his article "The Frontier Army and the Destruction of the Buffalo."

In that article, Smits explored the attitudes of many influential military and federal officials towards the bison slaughter and demonstrated that attitudes among a number of high-ranking members of the military and in the federal government were conducive to the commission of grievous social and environmental harms. More specifically, Smits indicated that, for at least some of these individuals, the destruction of the bison was seen as a means through which the Native American tribes occupying the bison range could be brought under control. Smits data and

cogent analysis provides those interested in the near-extinction of the bison with a better understanding of how the slaughter could have been sustained over time.

Still, the attitudes held by some powerful individuals cannot fully explain the failure of the government to protect the bison. Indeed, several Congressional lawmakers did act to protect the bison, but in the face of repeated failures, Congress as a whole abandoned its efforts. Clearly, forces beyond just the ethnocentric attitudes of a few powerful men in the military and civilian government must have played a role in sustaining the bison slaughter over time. Unfortunately, Smits' analysis of the bison extirpation does not examine what these other forces might be.

The Near Extinction of the Bison: A Confluence of Factors

Environmental historian Andrew C. Isenberg published the most well-developed, critical analysis of the near extinction of the bison in 2000. His book *The Destruction of the Bison: An Environmental History, 1750-1900*, posits that the near extinction of the bison occurred due to a confluence of environmental and social factors, including: the development of an unregulated hide market, the rise of new technologies, the failure of federal legislators to protect the bison, the rise of equestrian bison hunting by Native Americans, and the introduction of diseases and competition for grazing land.

Isenberg's central thesis is clear: the bison were nearly exterminated because of an incredible confluence of factors arising and colliding in the same time and

space. Therefore, according to Isenberg, no single factor can be singled out as being the sole cause of the bison extermination. Isenberg's thesis deserves consideration, both for its positive and negative aspects. Of course, it is unrealistic to think that the vast bison herds that once existed would continue to roam, as was their historical predilection, across thousands of miles of land that has since become the most productive agricultural region in the United States. In tracing a variety of forces and demonstrating how each played a role in the bison slaughter, Isenberg not only covered all his basis as a researcher, he also crafted an explanation for the bison demise that downplays the one undeniable truth surrounding the event: it need not have occurred and persisted as it did.

Regardless, Isenberg did extend his study of the bison slaughter into new areas previously overlooked by researchers interested in the topic. Specifically, Isenberg included the broader American society in his analysis, rather than just focusing on a few powerful individuals. From Isenberg's research we learn that at the time of the bison slaughter the American animal cruelty movement was in its infancy, yet its members, mostly upper class citizens from eastern cities, were vocal in condemning the wanton slaughter of the bison. Likewise, Isenberg points out that some military commanders stationed within the bison range also condemned the slaughter, sometimes publicly, by publishing their opinions in local newspapers.[19] Isenberg indicates that the American public was aware of the bison slaughter; the most telling illustration of this fact provided by Isenberg was a

[19] Several of these published remarks were read in Congress while protective legislation for the bison was being debated.

cartoon published in *Harper's Magazine* June 6, 1874 with the caption "The Last Buffalo". That cartoon depicts a bison standing upright with a Euro-American hide hunter close behind, his mouth open in a look of astonishment. The bison is in the act of removing its hide, in the same manner that a person would take off a robe, and is noticeably twisting around toward the hunter as if to utter something over his shoulder. Below the image, the "Last Buffalo" is quoted as saying, "Don't shoot, my good fellow! Here, take my 'robe', save your ammunition, and let me go in peace" (*Harper's Magazine,* June 6, 1874).

Andrew C. Isenberg's research focused predominantly on the demise of the bison in relation to multiple environmental, political and economic factors. Importantly, it also highlighted the need for further study into the public portrayal of the bison slaughter and the general attitudes towards the slaughter conveyed by these portrayals. The information provided by Isenberg indicating that at least some members of the media and the public were against the bison slaughter early on begs further analysis. Indeed, while the supportive attitudes of a few individuals in the military and government towards the slaughter may be important to note, they only provide one part of a possible explanation for how, and, why the bison was allowed to continue.

Summary of Extant Research

Research published by William Temple Hornaday, and Dean Lueck, demonstrated that protecting the bison would have been both economically

profitable and feasible. Those facts draw attention to the contradiction that existed within the historical period of the bison slaughter between the establishment of protective legislation for the fur seal in Alaska and the failure to establish similar protective legislation for the bison. Obviously, more than just economics were at play in the decision not to protect the bison from further harm.

E. Douglas Branch's incisive critique of the failure of powerful federal officials to pass protective legislation for the bison further emphasizes that the most important, unanswered question, from the bison tragedy, is not why did it happen, but how and why was it allowed to continue? In conjunction with the work of David Smits, which showed that many high ranking federal government and military officials harbored attitudes conducive to allowing the bison slaughter to continue, one is forced to conclude that some individuals were glad to see the bison killed. Yet, even the socially and environmentally harmful attitudes of some individuals cannot fully explain the near destruction of the bison species. Forces greater than the ethnocentric attitudes of some powerful men must have played a role in allowing and sustaining the slaughter.

Andrew C. Isenberg demonstrated that some segments of American society, like those upper class individuals who aligned themselves with the new animal cruelty movement, and even some military officers, were against the bison slaughter. But, to what extent was society against the bison slaughter? Were broader trends in society's perception and treatment of the bison slaughter reflected in the publicized attitudes and beliefs of those prominent individuals who

have been so often quoted? More importantly, can the attitudes of the broader American society help explain why the bison slaughter was allowed to continue?

Clearly, the ethnocentric attitudes of the military and government officials who saw in the destruction of the bison a key to victory in their war with the Native American tribes of the bison range must have triumphed in part because these attitudes found support, or at least ambivalence, amongst the wider American society of the time. Or did they?

Because the societal attitudes towards the bison slaughter are not well understood, and because those general societal attitudes towards the slaughter might be related to the sustainment of the bison slaughter over time, it is imperative to examine these attitudes—something not yet undertaken in great depth. The only way to successfully accomplish this task is to review the discourse surrounding the bison slaughter, as represented in the dominant media format of the 19th century: newspapers.

Chapter 4: Data and Methodology

Introduction

Despite successfully passing protective legislation for the Alaskan fur seal in 1870, the United States federal government failed to pass protective legislation for the North American bison. As a result, the bison were nearly driven extinct between 1866 and 1890. At the same time that the bison slaughter was progressing unchecked, violent conflicts between Native American tribes that utilized the bison as a primary food source, U.S. Army units and commercial hide hunters were increasing. By 1890, these tribes had witnessed a significant reduction in their populations and were increasingly concentrated on federal reservations. The loss of the bison as a resource posed a significant obstacle to the continued autonomy of these tribes and it brought many emotional and physical hardships upon them. Because the story of the near extinction of the bison is also a story about the demise of many bison dependent Native American tribes, it is important to understand how, and why, the bison extirpation was allowed to continue.

One of the best ways to address the question of why, and how, the bison slaughter was allowed to continue is to examine the portrayal of the bison slaughter in the dominant media format of the time: newspapers. Through an examination and analysis of the bison

slaughter as it was presented in the press at the time it occurred, data may be unearthed that help explain the attitudes of the broader American society towards the bison slaughter. Perhaps these societal attitudes worked in concert with the attitudes harbored by some high-ranking government officials in a way that allowed the bison slaughter to continue.

Methods: An Overview

The sampling time frame was set between 1866 and 1890[20]. Utilizing web-based, fully searchable historical newspaper databases[21] and a predetermined set of key terms and

---

[20] The process of gathering data to research the societal attitudes towards the bison slaughter began with the selection of a sampling time frame. The American Civil War ended in 1865. The year 1866 marked the beginning of the most prolific period of "Westward Expansion" in the history of the United States, as well as the first sustained interactions between commercial hide hunters, the bison and Native Americans. By 1890, the wild bison herds were nearly extinct and the Native American tribes dependent on them were no longer able to resist Euro-American expansionism and federal government control. Thus, the sampling time frame of 1866 to 1890 represents a 24-year time period. In focusing the data collection on this period, I was able to encompass the most significant period of the bison slaughter, and one of the most significant periods of conflict between Native Americans and Euro-Americans. Between 1866 and 1890, the basic character of the western United States changed from "untapped wilderness" to "land of opportunity". The creation of a well-defined sampling time frame helped limit the amount of data and focus the research on the most salient events relevant to the research questions.

[21] Several online databases provide access to hundreds of newspaper publications within the sampling time frame. Three large databases utilized in the data collection process were: 1) *19th Century Newspapers* 2) *Early American Newspapers* and 3) *African American Newspapers.* In addition, historical archives for the *Los Angeles Times*, *New York Times,* and the *Washington Post* were utilized. Access to the databases was free through the George Washington University Library System. Individual newspaper articles from the databases and archives were considered for inclusion in the study so long as they were written and published within the sampling time frame and were related to the research topic. The databases and archives were reviewed prior to performing any searches in order to ensure that 1) each contained newspapers within the sampling time frame and 2) that it was possible to search for newspapers within the sampling time frame. This process of pre-screening was immensely useful with the larger databases, which sometimes contained

phrases[22], multiple searches were conducted for newspaper, or news magazine, articles[23] related to the North American bison. The news articles obtained from this process were then analyzed and inductively coded into relevant categories.

The Content Analysis

The analytic method chosen for evaluating the news articles was that of a content analysis. A content analysis is a "careful, detailed, systematic examination and interpretation of a particular body of material in an effort to identify patterns, themes,

---

more than 700 separate publications. By utilizing the searchable databases and archives, I was able to retrieve relevant data from large circulation urban newspapers and small monthly and weekly "rags" from eastern and western states and territories. This greatly benefitted the diversity of the sample and raised the prospect that each unique publication might illustrate a new perspective, or highlight a different attitude, toward the bison slaughter.

22 Each database was searched for newspaper articles pertaining to the North American bison utilizing a list of predetermined search terms and phrases (see Table 5.3 for a complete list). The search terms and phrases were obtained after reviewing the historical background of the bison slaughter and prior research. Each term and/or phrase was chosen to provide the data collection process with a strong "depth of coverage". Depth of coverage is conceptualized to mean that the utilization of each search term or phrase would lead to articles on the bison slaughter that might not have been retrieved through the use of one of the other search terms or phrases. By carefully deciding on a list of terms and phrases, I was able to ensure that I retrieved as many relevant news articles as possible.

23 The newspaper represented a public forum in the 19th century—perhaps more than it does today. It was through this public forum that general information regarding political, economic and social events, as well as individual, and editorial, opinions on a variety of "hot topics" were made known. At the time the bison slaughter occurred, the newspaper industry was thriving. Between 1860 and 1880, the number of newspaper publications in America grew by 133 percent, with the total number of all news publications in print rising from 3,000 to over 7,000, and circulation was high (Stephens 1994). Newspapers in the latter half of the 19th Century were a hodgepodge of straight reporting and sensationalism, intermittently mixed with heavy doses of personal opinion, all of which made for interesting, entertaining and informative reading (Stephens 1994).

biases, and meanings" (Berg 2008:338). Content analyses are also accepted methods of "unobtrusive research" frequently utilized within the social sciences (Babbie 2007). Other methods of unobtrusive research include comparative and historical analyses and even observing the physical wear and tear on the floor of a museum in order to assess which exhibit is most popular with visitors (Babbie 2007; Webb et al 1966). The primary focus of a content analysis is to interpret data and discern "various categories…patterns…and meanings that seem to be conveyed" within the "artifacts of social communication"(Berg 2008: 343, 341). Written news articles, like those analyzed in this project, represent exactly the type of "artifacts of social communication" described by Berg and others.

The Data and Data Coding

Approximately 254 news articles[24] were obtained by searching the online news publication databases (See Appendix A for more detail). After removing erroneous or tangential articles, the final news article sample size was reduced to 228 (N=228). Over 65 publications and 26 states or territories were represented in the final data pool. Each news article was printed.

[24] A decision was made not to place restrictions or limitations on how often a specific newspaper could contribute articles to the sample. Additionally, there was no quota set for news articles for each year of the sampling time frame, or from each region of the country. Instead, I determined that the volume of articles should take precedence over any specific desire to collect a set amount of articles from each state, region or publication. My reasoning in making this decision was simple: I felt that a larger volume of news articles would make it easier to a) uncover patterns or themes within, and between, the articles, b) increase the diversity of the sample, and c) lead to a better understanding of the societal reaction to, and discourse surrounding, the bison slaughter.

Seventy-five of the 228 news articles, or roughly 1/3, were selected at random and read. This initial reading of each article inductively produced 3 general thematic "coding" categories[25], which I labeled, Neutral (N), Positive (P) and Condemnatory (C). The labels for these categories reflect the general portrayal of all the news articles about the bison slaughter that were then sorted into each coding category. Thus, articles coded into the Neutral (N) coding category take a neutral stance on the bison slaughter, typically reporting only facts, figures or very basic information. Articles in the Positive (P) category are supportive of, or demonstrate a positive outlook upon, the bison slaughter, generally reflecting the attitude that the bison slaughter was a good thing. Finally, articles in the Condemnatory (C) category portrayed the bison slaughter as a negative event—many articles in this category condemned the actions of the hide hunters, federal officials or both. It was determined after reading through 75 of the articles that there were no other dominant general thematic categories. With the basic organization of the data achieved, the analysis moved into its second phase.

The second phase of the data analysis consisted of an inductive process of line-by-line thematic coding. Inductive coding refers to a process of "immersing" oneself in the "dimensions or themes" within the data that "seem meaningful to the producers of each message" (Berg 2008:347). This process of inductive thematic coding was carried out for

---

25 Two non-essential coding categories were identified. Category E, or erroneous, articles were those articles that were unrelated to the research topic, but ended up in the data sample by mistake. Category T, tangential, articles were those articles related indirectly to the topic of bison slaughter. Like category E articles, some category T articles made it into the sample data pool. Category T articles typically concerned the American or European fur trades, but not specifically the fur trade related to the bison.

all articles in both the Positive and Condemnatory categories. Since articles in the Neutral category contained very little information beyond basic facts, it was determined that an inductive coding process of those articles would produce few relevant results.

Recurrent themes between articles placed within each category were identified and noted. Additionally, recurrent phrases, terms and words between articles were noted, as it was believed that the manner in which in the bison slaughter was written about could provide insight into the prevalent attitudes towards the slaughter. Over time, the thematic categories, or commonly occurring phrases and terms were further refined. It was hoped that by performing an inductive content analysis of the media portrayal of the bison slaughter, a deeper understanding of the prevalent societal attitudes towards the slaughter would be attained, perhaps leading to a better understanding of why and how the bison slaughter was allowed to continue. Full descriptions of the coding results, including major themes identified within each of the general categories (P and C) can be found in Chapter 5. Full descriptive data tables can be found in Appendix A.

Following the completion of the data retrieval and coding phases of the project, the focus shifted to one of analysis. The results of this analysis are conveyed in the following chapter.

Chapter 5: Research Findings

Introduction

Due to overhunting, between 1866 and 1890, the North American bison population was reduced by nearly 100 percent, from 15 million to less than 1,000. The history of this rapid extirpation has been well detailed, and numerous factors have been identified that contributed to the slaughter of the bison by Euro-American hide hunters. Despite passing legislation to protect the Alaskan fur seal from overhunting in 1870, the federal government was never successful at passing protective legislation for the bison. State and territorial governments that passed laws designed to mitigate the bison slaughter were ineffective for multiple reasons, including the inability of state and territorial governments to organize effective enforcement mechanisms to catch and punish law breakers. Even the prospect of financial gain related to the imposition of a hide tax on each bison hide shipped to market was not enough to win the support of a majority of Congressional lawmakers at the federal level.

The failure of the federal government to protect the bison, despite willingly protecting the fur seal, could be seen as a trivial facet of the bison story. However, the interconnectedness between the bison and over 24 Native American tribes inhabiting the

bison range elevates the near-extinction of the bison from simply another ecological disaster to a grievous, far-reaching social harm. As a result, the inability, or unwillingness, of the federal government to pass protective legislation for the bison can be seen as contributing to this social harm.

While prior research has shown that some powerful individuals in the United States military, Congress and other branches of the federal government condoned the bison slaughter as one method for subduing the restive bison-dependent Native American tribes within the bison range, little research has been conducted into the broader societal response, and attitude towards, the bison slaughter. Understanding how the bison slaughter was portrayed and discussed in the public realm is necessary for understanding how the federal government could have allowed the bison slaughter to continue.

Content Analysis Results: An Overview

A total of 254 news articles were retrieved from the online databases described in Chapter 4. Of this total, 26 were erroneously sampled, or tangentially related to the research topic, resulting in a final sample size of 228 news articles. These 228 articles were then sorted into one of 3 general thematic categories based on the content of each article (Table 5.1). These categories were Condemnatory (C)—meaning the bison slaughter was portrayed as a negative event, or something that should not be occurring—Positive (P)—meaning each article portrayed the bison slaughter in a favorable or supportive manner—and Neutral (N)—meaning the articles presented only basic facts or descriptions of the bison slaughter with no discernible opinion or attitude towards it.

Table 5.1: Distribution of news articles by general category

Article Category Codes	# of Articles	% Total Articles
C	70	30.7
P	71	31.1
N	87	38.2
	N=228	100.0*

*Column percentages may not sum to 100 due to rounding.

Category N contained the largest number of news articles, with 87. Categories C and P were almost equally represented with 70 and 71 articles respectively (Table 5.1). Articles were retrieved from 65 distinct publications (Appendix B: Table 3), representing 23 U.S. states and 3 U.S. territories (Appendix A: Table 12).

Data gathered during the content analysis included the year of publication for each article and the average length of each article. For analysis purposes publication year was broken into 5 distinct time periods: 1866-1869, 1870-1874, 1875-1879, 1880-1884 and 1885-1890, as demonstrated in the following descriptive table for the category N articles:

Table 5.2: Category N articles by date of publication

Year of Publication	# Articles	% of all Category N articles
1866-1869	8	9.2
1870-1874	13	15.0
1875-1879	10	11.5
1880-1884	16	18.4
1885-1890	40	46.0
	N=87	100.0*

*Actual column percentages may not sum to 100 due to rounding.

The average length of each article was recorded under one of three categories: "1 paragraph", "2-4 paragraphs" and "1 page or more". Analyzing and organizing the details of each article, including average article length and year of publication, in addition to the language and themes presented within the article itself, produced an in-depth understanding of not only how the bison slaughter was portrayed in writing, but also how often it was written about and to what extent. Full descriptive tables for each article category and all sampled articles are presented in Appendices A and B at the end of this thesis.

The News Articles: Data in Depth

A predetermined list of 6 terms or phrases was utilized to locate the articles for this analysis (Table 5.3). The terms and phrases used included both general terms (i.e. "buffalo") and specific phrases (i.e. "buffalo hunting"). While some terms and phrases contributed more articles to the final sample than others, it was imperative to utilize a diverse array of search terms/phrases in order to ensure that certain articles were not overlooked.

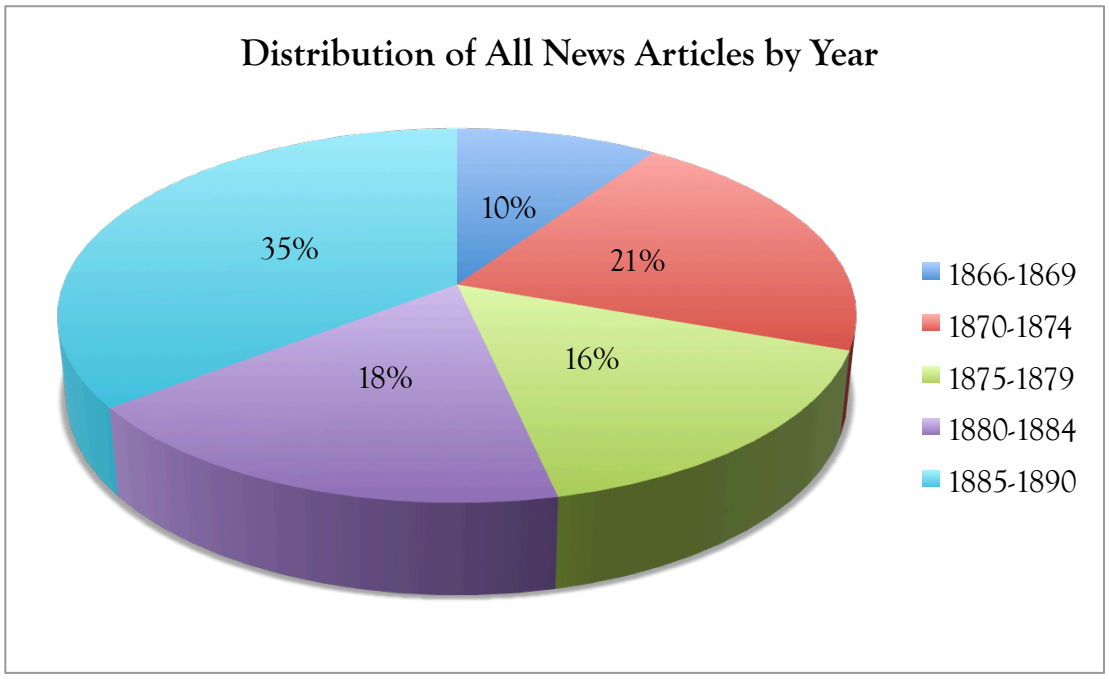
Table 5.3: Percent of articles represented by each search term or phrase

Search Term or Phrase	Total # of Results	% of all articles
Bison	38	16.7
Buffalo	114	50.0
Buffaloes	61	26.8
Buffalo Hunting	1	0.4
Buffalo Hunters	3	1.3
Fur Trade	11	4.8
6 terms/phrases	228	100.0*

* Actual column percentages may not sum to 100 due to rounding.

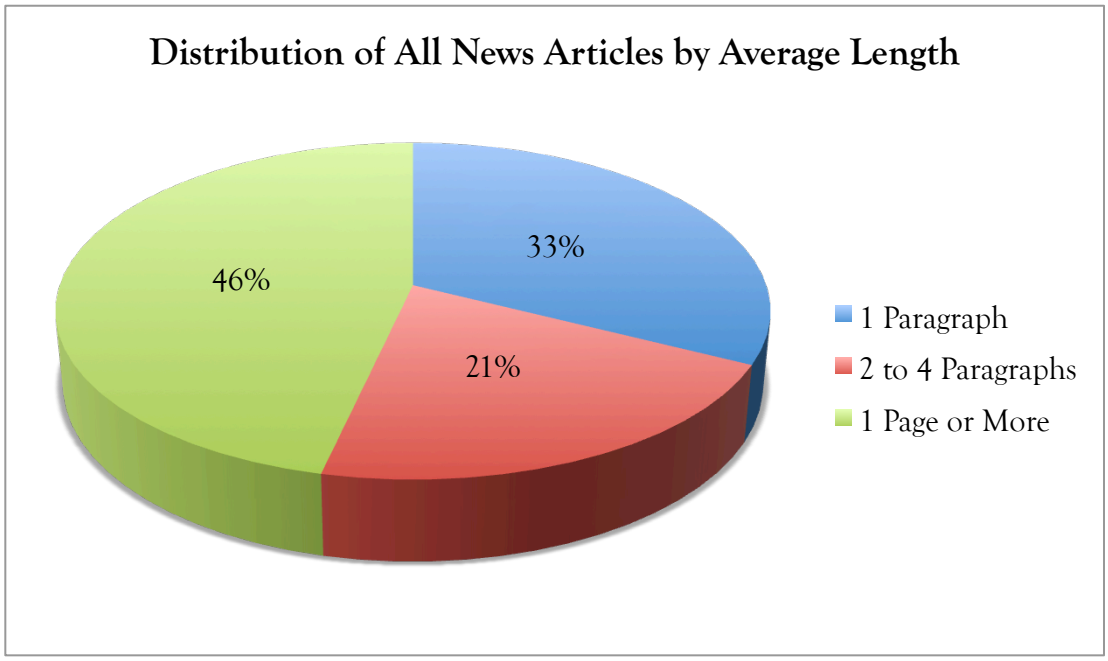
Roughly 35 percent of the articles in the final sample were published between 1895 and 1890 (Figure 5.2). That is, more than 1/3 of all the articles in the sample were published once the bison population was already devastated (the population dipped under 1,000 in 1890). Interestingly, in the 8 years between 1866 and 1874, during which time the federal government passed protective legislation for Alaska's the fur seals and all but abandoned its efforts to do the same for the bison, only 31 percent of all the articles in the sample were published.

Figure 5.1: Distribution of all news articles in sample by year



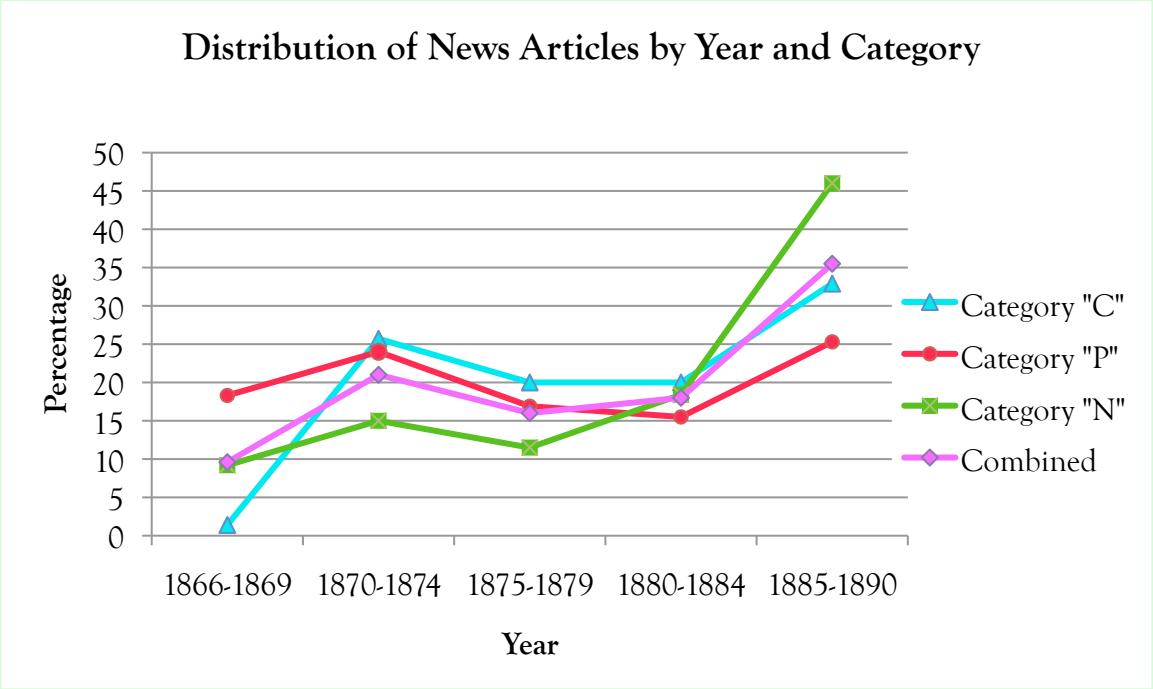
The majority of the articles sampled were at least a page in length or longer (41%), though 1/3 were 1 paragraph or less (Figure 5.2).

Figure 5.2: Distribution of all news articles in sample by average length of article



Finally, Figure 5.3 presents the percent distribution for each type of article by year and category. The trend in Figure 5.3 indicates that, generally, more articles of each type (C, P, N) were published towards the end of the decade spanning 1880-1890. Intuitively, this trend makes sense, as the magnitude of the bison slaughter would have rapidly become apparent to all interested parties from 1880 onward, thus precipitating a rise in public discussion. However, there were interesting differences between the articles coded into categories C and P, which contributed, respectively, 70 and 71 articles to the total sample. These differences and the results of the inductive coding process performed on the articles within these two categories will be discussed in the following section.

Figure 5.3: Distribution of all news articles by year and category



Category "P" Articles In Depth

The 71 category P articles published between 1866 and 1890 generally presented the bison slaughter in a positive light. Table 5.4 shows that 42 percent of the articles in category P were published by 1874. By 1879, nearly 60 percent of all the articles in category P had been published. The dominant, recurrent theme throughout the majority (62%) of all category P articles, including those published after 1879, was one in which the bison slaughter was portrayed as an exciting, adventurous sport.

Table 5.4: Category "P" Articles by Year of Publication

Year of Publication	# Articles	% of all Category P articles
1866-1869	13	18.3
1870-1874	17	24.0
1875-1879	12	16.9
1880-1884	11	15.5

1885-1890	18	25.4
	N=71	100.0*

*Actual column percentages may not sum to 100 due to rounding.

The Bison Slaughter: Exciting Sport

The headline from an article published on November 19, 1866 in the *Daily Evening Bulletin* of San Francisco, reads "Buffalo Hunting—An Exciting Sport." Another article from the *Weekly Georgia Telegraph* printed October 1, 1869, is simply titled "Buffalo Hunting", but then goes on to detail the exploits of Ms. Sophie Tallmadge while on a buffalo hunting excursion led by Gen. Custer. Ms. Tallmadge, the article reports, was a

> ...full five miles from the prairie [when] the bay [horse] spurned beneath her heels before the side of the bull...Two quick, well-directed shots from a Colt's revolver, that Miss Sophie carried, brought the bison to a halt. The big bull settled slowly to his knees, bellowed and rolled over—dead. Her blood was up. Quick as a flash, she wheeled and made for a second quarry, another sharp gallop, three shots, and the thing was over. Eighty buffalo were slaughtered in this day's hunt...Ms. Tallmadge was the heroine of the day.

Exciting descriptive accounts of bison hunting expeditions, such as the one surrounding Ms. Tallmadge's "buffalo hunt", were commonplace amongst the articles in category P. These stories became more outlandish as time went by.

Numerous articles published in the 1880s depict hunters caught in harrowing scenarios, in which they barely escape death at the hooves of a crazed buffalo. One example from the *Rocky Mountain News*, published June 11, 1885, describes an encounter between two brothers with a "buffalo" and a bear. The buffalo chased one brother into a cave, only to reemerge with the brother "seated on the back of the buffalo with both hands

enmeshed in his shaggy hair". Then, the other brother, a Mr. Gilpin, was chased into the cave by the same bison after it dislodged his brother. Mr. Gilpin fled deep into the cave where he encountered an adult bear. Figuring his odds of survival were better facing the buffalo, rather than the bear, Mr. Gilpin ran to the front of the cave and jumped on the back of the buffalo. He too, eventually dismounted safely from the buffalo and the buffalo went on his way. The Gilpin brothers then returned to the cave and killed the bear, which was, according to the article, the largest ever taken near Powder River, Wyoming. Bolstering Mr. Gilpin's story at the conclusion of the article was one sentence reading, "Mr. Gilpin, who related this story, is a well known citizen of Colorado, whose veracity hitherto has been unquestioned." Stories like Mr. Gilpin's, in which a daring hunter survives sure death by riding on the back of a bison are found many times in the category P data.

Bison hunting, and the bison hunters themselves (mostly white men, but some women too), were glorified and portrayed in dramatic fashion as heroes (or in the case of Ms. Tallmadge, heroines). It is easy enough to see that the stories of these individuals, whether fact or fiction, are united in the way they demonstrate the prowess of "man" in taming the "wild west". Words like "glorious", "exhilarating", and "exciting" pepper the published accounts of category P articles describing human/bison encounters. Likewise, the bison hunters when they are referred to are often called "daring sportsmen". The bison, however, are depicted anthropocentrically as nothing more than ignorant animals. The *Freedom's Champion* of Atchison, Kansas deemed them "bushy, ugly headed animals" in a June 7, 1886 piece, while the *New Orleans Commercial Bulletin* called them "stupid

creatures" (June 24, 1868) and the *Weekly Georgia Telegraph* referred to them as "huge, hairy monsters" (November 27, 1868). This pattern of inflating the prestige and prowess of the hunters, while de-humanizing their prey is recurrent in the category P articles.

The glorified status of the bison hunters is most notable in accounts of bison hunting expeditions that involved prestigious guests, most notably the "buffalo" hunt involving Russia's Grand Duke Alexis. The *Morning Republican* (Little Rock, AR) wrote of the Grand Duke's "grand buffalo hunt" (December 16, 1871). *The Owyhee Avalanche* (published in Ruby City, Idaho) deemed the "Royal Buffalo Hunt" a "brilliant success". The *Avalanche* heaped praised upon the Grand Duke for personally killing two buffalo, one of which was "elderly" and the other which was a calf, but the article indicated that General Phillip Sheridan was the "luckier" hunter since he killed "three [buffalos] in succession" (January 27, 1872). Even the tiny *Bangor Daily Whig and Courier* wrote endearingly of the "buffalo hunt of Phil and Alexis" (January 15, 1872), while *Frank Leslie's Illustrated Newspaper* from New York City titled their article, "Alexis among the Buffaloes" and included a nice ink portrait of the Grand Duke himself (February 3, 1872).

Denying the Facts of the Bison Slaughter

While the bison hunters were being glorified in some media accounts and their prey were de-humanized as "monsters", others newspapers were denying that the hunters' actions were having a grievous impact on the bison dependent Native American tribes. The author of a *Harper's Magazine* editorial published in the *Morning Republican* in Little Rock, Arkansas in 1869 wrote that the overhunting of the bison was already a major issue

in "pow-wows" between whites and Native Americans. The author proceeded to indicate his feeling towards the subject, however, writing that the Native American fears about the demise of the bison were "groundless" (January 25, 1869). The San Francisco based *Daily Evening Bulletin* published a short paragraph in which they stated that the "claim that the buffalo's are deserting the plains is fiction" (December 29, 1870). The *Georgia Journal and Messenger* insinuated that the destruction of the buffalo was "likely much less" precipitous "than it was ten years ago". Finally, the *Milwaukee Daily Sentinel* wrote, "there are more buffaloes on the Texas prairies than for many years past, in spite of the theory that these animals are fast becoming extinct" (March 18, 1875).

Racism and Ethnocentrism in the News

The articles in category P did more than just deny the basic truths of the bison slaughter. As time progressed, many of the articles in category P began to acknowledge the extent of the bison destruction, but rather than condemn it, they instead voiced even stronger support for it. In these later articles, as with those published in the first decade of the slaughter, a prevalent, often explicitly racist and ethnocentric attitude—characteristic of so many of the powerful military commanders and government officials at the time who strongly supported the bison slaughter—is on display.

The *St. Louis Globe-Democrat,* in an article published June 9, 1882, provides one glaring example of this attitude manifested in the media. The authors of the article make their position towards the bison slaughter clear by placing their final paragraph under the heading "The Buffalo Must Go". They go on to write:

> I feel no sympathy with the sentimentalism that laments the rapid extermination of the buffalo. A good fat ox is a much more valuable animal any day than the biggest buffalo bull. The pastures which now support 2,000,000 or 3,000,000 head of buffalo will support an equal number of cattle, which, as better friends of man, have a better right to them than the ugly wild beast that has little to give us worth having besides its skin…Let the buffalo go—the faster the better—and let the grassy hills and plains of Montana and Wyoming be covered with herds of good, honest, civilized cattle. When the buffalo disappears Indian savagery will disappear, too. The Indian will have to lay down the rifle and take up the plow. He will never work as long as he can hunt and draw government rations. If he is ever to advance in civilization he must have the same incentive to work that impels white men—the love of property and comfort and the dread of starvation.

A year after the *St. Louis Globe-Democrat* article was published, the *Atchison Globe*, from Kansas, struck a similar chord. In an editorial dated October 19, 1883, the *Globe* article first addressed the ignorance of the "few sentimental newspapers who claim to be greatly distressed because the buffalo are being rapidly exterminated" and then stated that,

> The *Globe* cannot see the slightest objection to the extermination of these animals, providing a few specimens are left in the parks of the country. People and buffalo cannot inhabit the same country, and a race of men is more important than a preserve of buffalo. It is said that they feed the Indians; we have always believed that the Indians and the buffalo should go together, for both are more ornamental than useful.

Of the 29 articles within category P published after 1880, approximately 13, or 44 percent, were similar in attitude and opinion to the *St. Louis Globe-Democrat* and the *Atchison Globe* articles.

Category "C" Articles In Depth

The 70 news articles in category "C" published between 1866 and 1890 overwhelmingly condemned the bison slaughter, often utilizing the term "murder" to describe the actions of the hide hunters. Besides using emotionally charged language to arouse contempt for the slaughter of the bison on the Plains, many of the category C articles also called for federal legislative action to protect the bison. The articles calling for federal protection of the species emphasized that the bison were a vital and necessary resource for many Native American tribes.

Nearly 1/3 of the articles in category C were published after 1885; by that time the bison herds were already devastated and federal protection would have had little impact. In fact, in the last decade of the sampling time frame, from 1880 to 1890, more than half (52%) of the articles in category C were published (Table 5.5). Conversely, during the early stages of the bison slaughter, from 1866 to 1874, during the time period that some Congressional lawmakers were attempting to pass protective legislation for the bison, only 19, or less than one third (27%) of all the category C articles in the sample were published. In comparison, during that same time period (1866-1874), thirty articles within category P, or roughly 42 percent of all the articles that were supportive of the bison slaughter were published.

Table 5.5: Category C Articles by Year of Publication

Year of Publication	# Articles	% of all Category C articles
1866-1869	1	1.4
1870-1874	18	25.7
1875-1879	14	20.0
1880-1884	14	20.0

1885-1890	23	32.9
	N=70	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Harsh Condemnation

An analysis of the category C articles reveals that there was a public discussion of the bison slaughter and that in nearly as many instances that it was supported, the bison slaughter was also publicly condemned. The following excerpt from the *New York Times* published on July 22, 1872 illustrates the general tone of most category C articles:

> The extent of the ruthless slaughter of the bison may be formed from the fact that 25,000 bisons were killed during the month of May, south of the Kansas Pacific Railroad, for the sake of their hides alone, which are sold at the paltry price of $2 each on delivery for shipment to the Eastern markets. Add to this 5,000—a small estimate—shot by tourists and killed by Indians to supply meat to the people on the frontier, and we have a sum total of 30,000 as the victims for a single month. If the bison were a wild and savage animal, if to kill one required any special skill or bravery or nerve, there might be some justification for this enormous slaughter. But the fact is that the bison is an exceedingly mild dispositioned animal. His looks indicate ferocity and malignity, but his nature does not correspond with his appearance.

Notice how the bison and the bison slaughter are referred to in the *New York Times* article: the bison are "victims", the slaughter is "ruthless", and the hide prices are "paltry". Furthermore the authors of the *New York Times* article make a point of emphasizing the wanton cruelness resulting from the slaughter of 30,000 animals in a single month. This is in stark contrast to the manner in which the articles in category P de-humanized the bison by labeling them as wicked creatures and hairy monsters, while simultaneously ignoring the breadth of the slaughter.

Indeed one of the most noticeable differences between the category C and P articles is related to the language used to describe the bison and the bison slaughter. A July 18, 1872 article from the *Daily Evening Bulletin* is titled "The Murder of the Buffalo" in which the bison extirpation is described as both "the work of destruction" and "ruthless slaughter". The *Idaho Signal* from Lewiston, Idaho also utilizes the term "murder" in the title of one of their articles from August 3, 1872. *The Milwaukee Sentinel* details the methods of the bison slaughter, deeming the "arithmetic extinction" of the bison "terrible", as well as a display of "magnificent butchery". Likewise the *Georgia Weekly Telegraph* writes that the bison slaughter is a "wicked waste of valuable food" (October 21, 1873).

Phrases like "indiscriminate slaughter", "reckless slaughter", "ruthless butchery" and terms like "savagery", "butchery", "cruelty", "destruction", "annihilation" and "wastefulness" are commonplace amongst the category C articles.

Presenting Reality

In contrast to the articles in category P, those articles in category C display fewer underlying themes. The bison slaughter is presented as exactly that. There is no effort exerted to obfuscate the reality of the slaughter with flowery prose or to conceal it with overly dramatic accounts of men overcoming incredible odds to defeat terrible wild beasts. Whereas much of the writing in the category P articles is suspenseful and full of high drama, the articles in category C come across as especially cogent, well structured and to the point. Articles supportive of the bison slaughter seemingly relied on an appeal to raw

emotions, to bloodlust, and to a desire to conquer the unknown. Articles condemning the slaughter, in comparison, do no such thing. They use facts such as hide prices and the number of bison killed each month to paint a terrible picture of an unchecked, frenzied slaughter on the plains.

For instance, *The Daily Evening Bulletin* refers to the "immoderate and insane butchery" which had recently "increased to gigantic proportions" before referring to estimates on the number of hunters at work in the field and the decrease in the average price paid for hides, horns and bones (January 20, 1874). The *St. Louis Globe-Democrat* provided a detailed account from a local resident who went out on the plains with a bison skinning party to illustrate the sheer intensity of the bison slaughter, writing:

> One of our citizens, who has a ranch some hundred miles down the Platte tells us that he recently went out with a hunting party and killed six buffaloes. On skinning them every one was found to have more bullets lodged in its body, which were fired into it so long ago that the wounds were entirely healed up. One animal had four balls in it. Another had a large Sharpe's rifle ball, an inch and a half in length, imbedded just under the skin, in the center of a callous the size of a man's fist. The fact that the balls were taken from buffalo that were shot at random in the herd shows to what a terrible fusillade they are subjected. The hunters' say that a large portion of the buffaloes they kill have old bullets imbedded in their carcasses (February 6, 1876).

Demanding Action

During the early 1870s, as attempts to pass protective legislation for the bison sputtered in Congress, some newspapers began linking the extirpation of the bison to the dire repercussions for the bison dependent Native American tribes living near, or within, the bison' principle range. Under the heading "Lo, the Poor Buffalo" one article from 1873 correctly identified that the bison were the

"principal means of sustenance…to the Indian tribes" and then raised the point that "the government is annually paying enormous sums for beef supplies for the Indians" while "thousands" of bison were "rotting on the Plains, instead of being used for food as they should be" (*Georgia Weekly Telegraph*, August 5, 1873). The authors then called on Congress to pass laws protecting the bison.

Other publications also called for legal protection of the bison herds. Reading these articles makes it clear that many people were aware of exactly what was happening to the bison on the Plains. For instance, one article from the *Owyhee Avalanche* made the lucid point that "protests against the butchery [of the bison] are of no avail as long as the law provides no punishment" to those individuals who might break state, or territorial, game laws (November, 22 1873). The *Avalanche* published a scathing editorial rebuke of the bison slaughter and the federal government's response to the Native Americans that were assailing the commercial hide hunters on the plains in July 1874, writing

> It is no wonder the Indians have taken the matter in their own hands. They had foresight enough to see that the best of their living and the most valuable profits of the chase will depart with the noble animal that has so long furnished them with food and raiment. The Government has been solicited to put troops in the field to protect the huntsmen against the wrath of the savages. It were vastly better to put a force in the field to prevent the wanton destruction of the buffalo (July 18, 1874).

A citizen writing to the *Daily Rocky Mountain News* of Denver, Colorado in 1876, voiced his support for a bison hide tax bill that had recently been proposed in Congress stating that,

> The necessity, as suggested by Mr. Allen, for protection of the buffalo by legislation is self-apparent. With the great economy endeavored to be introduced into each department of the government of the United States, it is difficult to understand how the executive, whilst they enforce a heavy tax upon each seal which may be killed in Alaska, has neglected to avail themselves of such a fruitful source of revenue as that which might be derived from buffalo pelts (November, 25, 1876).

Into the 1880s, news accounts of the bison slaughter continued to include discussions of the role of the federal government, and the need for protective legislation for the bison.

However as time wore on, and the bison diminished in number, the tone of the category C articles became less aggressive and more somber. An article about the bison published in the *Cleveland Herald* in 1881 concluded with a final paragraph that read in part,

> To the credit of the Indians it can be said that they killed no more than they could save the meat from. The greater part of the slaughter was done by white hunters, or butchers, rather, who follow the business of killing and skinning buffalo by the month, leaving the carcasses to rot. When the buffaloes are all killed off, as they bid fair to be in a very few years at this rate, then everybody will wonder that the Government did not do something to preserve this, the noblest of animal game, or at least prevent the killing of the buffalo for the hides alone (June 13, 1881).

Indeed, by the late 1880s, many category C articles became downright depressing. A short paragraph from the *Bismarck Daily Tribune* in 1887, detailed the rumored sighting of a herd of 200 bison, which was a sizable number at that late date. The author of the article ended his descriptive account by writing, "pity the whole herd couldn't be saved and protected by the government" (November 30, 1887).

A story published in the *St. Louis Globe-Democrat*, also in 1887, by a special correspondent stationed in Texas, detailed the killing of what were likely the last wild bison in Texas. Titled, "Last of a Great Race", the article's tone and content are perfectly fitting as an example of the category C articles published after 1885, once the bison were nearly all gone. Articles published after 1885 seemed resigned to the fact that the bison could not, and would not be saved; as a result they became very factual, presenting stories about "rumored sightings" and confirmed kills of bison, but always including a clear indication of the author's, and the publication's, opinion about the whole affair. Often, articles linked the demise of the bison to the eventual fate of the "Indians", with the bison's status (nearly exterminated) serving as a harbinger of the likely future for many of the tribes that relied on the bison for survival.

The aforementioned article from the *Globe-Democrat,* published March 22, 1887, represents as fitting an end to an analysis of the public perception and portrayal of the bison slaughter as one could hope for. It is reproduced in full on the following page.

Special Correspondence of the Globe-Democrat

ABILENE, TEX., March 19.— A wagon was in town a few days ago, from which the proprietor was retailing fresh buffalo meat. It is probably the last wagon with such goods that will ever be seen on the streets of Abilene. There have been a few lonesome buffaloes for some years past in the unfrequented wilds of Crockett County. From these wilds they never emerged, seeming to understand that they were hemmed in on all sides by a merciless cordon of fire. Therefore their migratory instinct was forgotten, or at least they never attempted to follow it.

It seemed to be common consent of all who occasionally visited the region to respect these last remnants of a great race, and never to harm them. Even the wildest cowboys yielded to this good feeling. But a change has come. The drought and the hard necessities that have come by it have driven all sentiment out of the bosoms of some of the people. They went for the poor lonesome buffaloes as a means of earning a little money, and the wagon mentioned above was one of the results. Doubtless there were other wagons in the same business about the same time on the streets of San Angelo and Ballinger. It is not known whether all the buffaloes were killed, but it is most likely that not one escaped. Thus ends the last of that great race in Texas...The buffalo was the Indian's friend and preserver. How long will it be before the last Indian follows the footsteps of the last buffalo, into the hereafter?

Chapter 6: Discussion, Conclusion

Discussion

In just under a quarter century, from 1866 to 1890, the character of the American west changed forever. Gone were the plenteous herds of wild bison. The open prairies of the Plains west of the Mississippi River that once formed the principle habitat of the bison were, by 1890, crisscrossed by railroads and telegraph wires, dotted with the markers of human civilization—homes, businesses, crops—and of course, those new, spotted bison: domestic cattle.

As the bison went so too did the last remnants of the once powerful Native American tribes that inhabited the same region. The bison were vital to the survival of these tribes, providing food and other necessary resources, while also serving as an important symbol in their spiritual and ritual belief systems.

Certainly, a correlation exists between the extirpation of the bison and the speed at which the Native American tribes that utilized them were forced to forgo their traditional way of life in favor of one alien to them: life on the claustrophobic reservations.

It cannot be said that either the bison, or the Native American tribes dependent on them, would have remained unaffected by the progress of time had the commercial hide hunters not taken to the field, and had the government and American society, not allowed the bison slaughter to continue. The forces of change driven by a rapidly industrializing and modernizing United States—and world, for that matter—would have eventually overtaken each, in turn, and produced many of the same results evident today: an America where bison have been commodified into tourist attractions and adopted by a health food generation, and where Native Americans have been marginalized into irrelevancy, subdued into compliance by a nation-state and a society that exhibits little remorse for the fact that those with the most legitimate claim to the soil of this country battle daily outside the media spotlight against the effects of poverty, joblessness, substance abuse, gang violence, and limited access to good educational opportunities or healthcare.

Thus, the important issue is not that both the bison and the Native American tribes dependent on them changed. The issue is the manner in which this change occurred.

The important question related to the issue of how this change occurred is not, why were the bison killed? Rather, the important question is how, and why, was the bison slaughter allowed to continue?

There is a difference between the physical act of the bison slaughter, which was driven by the ascendance of a new market for bison hides, and the rationale

behind allowing the slaughter to proceed unchecked once its intensity and foreseeable effects on the Native American populations of the bison range became evident.

Earlier in this paper, I presented a very simple explanation for why the bison slaughter continued without intervention. This explanation centered upon the idea that a lack of public knowledge about the extent of the bison slaughter would negate any strong opposition to it, or conversely, support for it, thus allowing the slaughter to continue. Following this line of reasoning, one could expect that the failure of federal legislators and officials in the executive branch to pass protective legislation for the bison was simply the unfortunate byproduct of the general public's ambivalence and ignorance about the plight of the bison and the Native Americans dependent on them. The data derived from the subsequent content analysis performed to evaluate this explanation indicate exactly the opposite to be true.

I retrieved and analyzed 228 newspaper articles concerning the bison slaughter published over the span of 24 years (1866 to 1890). It was my determination that the best way to examine the level of public knowledge about, and the manner of the public discourse surrounding, the bison slaughter was to go back to the only prevalent public record that existed at the time from which one could ascertain any information about how the public felt about the events going on within the United States, which happened to be newspapers.

While the sample of newspaper articles in my analysis is relatively small in comparison to the length of time sampled, it nevertheless has the potential to shed more light on why the bison slaughter was allowed to continue. Also, it is important to keep in mind that my sample of 228 articles likely represents just a small fraction of all the public discourse surrounding the bison slaughter. I was limited in my research by time and resources and thus had to find the most efficient method of data collection available. However, there are almost certainly thousands of articles from many more publications than those in my sample that deal with the bison slaughter. If one had a year, or even two, with which to locate, catalog and analyze this data, any results and conclusions drawn would likely be much more authoritative than those I am able to offer.

Nevertheless, the data I was able to collect do seem to indicate two things. First, the explanation that the public might have been unaware of the bison slaughter—thus contributing to a lack of federal action to halt or mitigate it—is not supported by the data. Indeed, my sample of 228 news articles indicate exactly the opposite: the bison slaughter was often front page news, whether the author, or authors, were condemning it, simply describing it, advocating their support for it or doing something in between. Secondly, an examination of the chronological distribution of the news articles between 1866 and 1890 indicates that, in fact, the public's interest in the bison slaughter might have contributed to its sustainment in the first decade, thereby helping to negate any serious efforts at protective legislation to mitigate the slaughter.

Specifically, the news article data shows a rather clear difference between the trends in publication year for articles in category C (condemnatory) and category P (positive/supportive). When the commercial bison slaughter was just beginning in 1866, throughout the most prolific periods of the slaughter in the mid 1870s—coinciding with the time period in which Congress and the executive branch considered, but rejected, a few separate pieces of protective legislation for the bison—the number of news articles circulating in the public forum that took a positive/supportive stance towards the slaughter were 15 percent higher than the articles which were publicly condemning the slaughter (Tables 6.1 and 6.2).

Table 6.1: Category C articles by year of publication

Year of Publication	# Articles	% of all Category C articles
1866-1869	1	1.4
1870-1874	18	25.7
1875-1879	14	20.0
1880-1884	14	20.0
1885-1890	23	32.9
	N=70	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Table 6.2: Category "P" articles by date of publication

Year of Publication	# Articles	% of all Category p articles
1866-1869	13	18.3
1870-1874	17	24.0
1875-1879	12	16.9
1880-1884	11	15.5
1885-1890	18	25.4
	N=71	100.0*

*Actual column percentages may not sum to 100 due to rounding.

In fact, between 1866 and 1869, only 1 article out of 228 was categorized as condemning the bison slaughter, while 13 articles were found to be supportive of it. Over the next five years (1870-1874) the number of news articles condemning various aspects of the bison slaughter grew to 18, but they were nearly matched by the number of articles supporting it: 17. Over the following fifteen years, 1875 to 1890, the number of articles condemning the bison slaughter in my sample was greater for each 5-year time period (1875-79, 1880-84, 1885-89) than those indicating support for it, demonstrating a trend of increasing awareness, and condemnation of the slaughter, as its ramifications became more evident. Furthermore, in the last five years of the sampling time frame, as the total number of bison sank to just a few thousand, the total number of articles condemning the slaughter reached its highest total in the twenty-four year period sampled (23 articles, or roughly 32.9% of all category C articles). Interestingly, however, the number of articles supporting the slaughter also reached its highest total in the sampling time frame during this same period: 18 articles, or roughly 25.4% of all category P articles.

Thus, the data in my sample, while far from being conclusive, seem to indicate that the public was aware of what was happening to the bison from the initiation of the first commercial hunting activities on the Plains in 1866, and that the public remained aware of what was going on until the bison herds were reduced to less than 1,000 in 1890. My data also indicate, however, that the public's

condemnation of the bison slaughter did not begin to dominate the public discourse until it was already too late to halt the slaughter or mitigate its deleterious effects on the bison or the bison dependent Native American tribes. Indeed, during the time period in which a strong public condemnation of the slaughter might have resulted in positive outcomes, such as the passage of protective legislation, the public discourse surrounding the bison slaughter was dominated by outlandish stories of men, and sometimes women, roving the prairies and hills west of the Mississippi River, killing bison in the most dramatic fashion. Furthermore, even once a significant, vocal opposition to the bison slaughter arose there was an equally vocal segment of the public steadfastly supporting the actions of the commercial hunters and advocating the benefits derived from the elimination of the both the bison and bison dependent Native American tribes to American society.

News reports during the earliest years of the slaughter were full of stories of trains that stopped on the railroad tracks so that the passengers within could shoot at the bison on either side of the cars through the windows, from the roof or any other clear vantage point[26], and they are also full of unbelievable tales of men—always strong, hardened Euro-American men—surviving terribly frightening encounters with "wild, hairy monsters" against the gravest odds, by riding on their

---

[26] For early stories of shooting bison from railroad cars see the *Lowell Daily Citizen and News*, Lowell, Massachusetts, July 7, 1868; *Weekly Georgia Telegraph*, Macon, Georgia, November 27, 1868.

backs, demonstrating superior horsemanship[27], or, in at least one instance, by clutching the shaggy hair of a bison as it rumbled past, hoisting oneself up onto its back, and delivering a fatal shot with a Colt revolver[28]. The initial news stories that dominated the public discussion of the bison slaughter, when they did mention Native Americans, portrayed them as "savages" equally as inhuman as the bison they depended on for survival. And, when Native Americans were mentioned it was almost always in relation to a "massacre[29]" of white hide hunters perpetrated by these "savage Indians".

The portrayal of the bison slaughter in the first ten years of its occurrence reflects the interests of a nation, and a society, determined to take control of its most distant territories. The bison slaughter, and its repercussions in the Native American community, represents a tangible example of the American ideal of manifest destiny in action. Seen within the broader historical context of post-Civil War America, the fact that many newspaper articles dominating the early time period of my sample were filled with inaccurate depictions of savage Indians and wild beasts, is, if not morally acceptable, at least understandable.

The narrative of American westward expansion following the Civil War is rife with notions surrounding the strength of the newly re-united nation. Masculinity in all its stereotypical forms—fearlessness, bravado, strength, ingenuity—

---

[27] See Senator Sprague's story, first published December 20, 1872, in the *Leavenworth Times* Leavenworth, Kansas.
[28] Published in the *Daily Evening Bulletin*, San Francisco, California, January 6, 1871 under the title "Exciting Incident in a Buffalo Hunt."
[29] One example is a story published in the *Freedom's Champion*, Atchison, Kansas, June 7, 1866.

and a pervasive belief in the superiority of American culture underlie the initial depictions of the bison slaughter. In the battle to "tame" the west, there was no room for quarter to be given to a foe, real or imagined, human or animal. The bison and the Native American tribes dependent on them were mysterious and frightening to the majority of the American people who were isolated from the interior of the country; as a result, both bison and Native American came to represent something alien and dangerous.

The parallels between the strength and independent nature of both the bison and the Native American tribes inhabiting the bison range are striking. It is no surprise that they were merged into one foreign, frightening "other" in the public consciousness of America. Only as time wore on, and the ramifications of the bison slaughter crystallized, did the unfortunate legacy of westward expansion and manifest destiny begin to dawn on some who began to speak against the slaughter and voice their concerns over the treatment of both bison and Native Americans.

However, even until 1890, a strong collective voice in the public forum spoke out in defense of the actions of the commercial hide hunters and the federal legislators who failed to regulate them or protect the bison. To this segment of the public, both bison and Native American would have gone eventually. To that end, the unhindered slaughter of the bison—which was just a "useless" animal—only sped along an already forgone conclusion in regards to the Native American tribes dependent on them for survival.

Conclusion

Lyons, Colorado—population 2,000—is surrounded by red-rock sandstone hills. In many places millennia old deposits of this strata lie exposed, filling the eye with a subdued pallet of red-tinged browns and tans—a chromatic display that instantly conveys the arid realities of the climate.

In this part of Colorado, north and west of Denver, open range mixes with scrubby woodland and the vast, undulating expanse of the Great Plains suddenly transforms into the rapidly ascending peaks of the Rocky Mountains. Stands of ash, pinyon pine, juniper, and jumbles of buckbrush mix with a multitude of wild grasses, creating excellent habitat for game animals, like big horned sheep and black bear. Elk and mule deer often grace the lowlands and water at the fresh, cool, snowmelt fed streams.

The Arapaho and Ute Indians used to make their homes in this rugged countryside, which once comprised the favored hunting grounds of many other Native American tribes including the Cheyenne, Shoshone, Pawnee and Crow. However, that was all very long ago, when millions of wild bison used to roam freely over the flatlands to the east. The physical landscape of this small piece of America remains impressive today, though much else has changed. The only bison near Lyons today are those that have been put there by man.

Not far from Lyons, near the North Fork of the Little Thompson River, on the fringe of Roosevelt National Forest, is a 5,000-acre family owned ranch.

The "Bison Ranch", though small in comparison to many ranches in the western United States, is nevertheless successful, specializing in the raising, selling, showing and

slaughtering of bison. Since its creation in the late 1980s, the Ranch has achieved a modicum of economic success, in addition to a handful of professional accolades, thanks largely to the development of a burgeoning niche market for bison meat, which is sold in refrigerated supermarket cases as the "high protein, low fat"—not to mention healthy, eco-friendly and sustainable—alternative to "regular" beef.

A herd of about two hundred bison roam behind miles of fences, and among numerous handling facilities, working pens and corrals at the Ranch. Every year, dozens of are slaughtered to meet the demands of private consumers, while a few more are singled out for specialty "hunting" purposes.

A "trophy" bull bison hunt costs about $5,000 (not including transportation costs or other miscellaneous fees). For under half that expense, a modest $1,700-$2,000, one can hunt a bull, or a heifer, for meat only, but won't be going home with any trophies to display. The by-products from the Ranch's commercial slaughter and specialty hunting enterprises, including the bison's hides, horns, skull and bones are transformed into various consumer products, which are in turn sold at retail for a nice profit. The success of the Bison Ranch, despite its small size is a testament to the innovation, creativity and hard work of the small business owner. However, the "Ranch" isn't alone in attempting to cash in on the contemporary bison meat and product industry.

An estimated 5,000 bison ranches or farms, similar to the "Ranch", are spread across the United States, a number likely to grow as consumer demand for bison meat increases(The National Bison Association, 2011). The bison meat and product industry

experienced 10 percent growth from 2009 to 2010—the fifth consecutive year of industry wide "double digit growth" (The National Bison Association 2011d).

The non-profit National Bison Association, comprised of bison producers, processors, marketers and self proclaimed "enthusiasts", boasts over 1,000 members in 50 states and 10 countries (The National Bison Association 2011). According to statistics maintained by the Bison Association and the National Park Service, approximately 198,300 bison are kept on private ranches, 20,000 occupy public lands—mostly state or national parks—including a herd of 2,300-4,500 living within the confines of Yellowstone National Park, and another 220,000 roam the flatlands of central Canada (The National Bison Association, 2011; The National Park Service, 2011). The total North American bison population today is estimated to be about 450,000 head, of which 95 percent are privately owned (The National Bison Association, 2011).

The current status of today's bison industry, which is remarkably strong despite a stagnant economy, record job losses and rising inflation, provides little hint of the tumultuous legacy of what was, once, the largest, most prolific, land mammal in North America (Isenberg 2000; Branch 1997 ed.; Danz 1997; Haines 1995). Some might consider a population of 450,000 animals to be large and healthy; after all, that figure represents approximately 40 percent of the resident populations of Vermont and Wyoming combined (U.S. Census Bureau 2010). Indeed, the fact that bison can be seen in the wilds of Yellowstone National Park is a living testament to the legacies of those few individuals who worked tirelessly to preserve the species following its near extinction. Yet, even today's bison population of 450,000 pales in comparison to the bison population of

America prior to the 1860s. When considering that 150 years ago the wild bison population in America was 15 million, and that another 150 years before that it was closer to 30 million—and possibly once reached as high as 40 million—it becomes clear that the bison of modern day has had a very difficult past (Hornaday 2002 ed.; Lueck 2002; Lott 2002; Isenberg 2000; Branch 1997; Danz 1997; Haines 1995; McHugh 1972; Roe 1970).

While attitudes existed among many powerful military and federal officials that were conducive to allowing the bison slaughter to continue, the attitudes of those individuals alone are not enough to explain the failure of the federal government to protect the bison. A much stronger explanation for the failure of the government to protect the bison is found in the attitudes and beliefs of American society during the period of the bison slaughter. The attitudes reflected in the actions and statements of those government and military officials, and the lackadaisical efforts of legislators to protect the bison, mirrored a much more pervasive societal attitude in existence at the time that was callous, racist and ethnocentric.

When it would have been most important for the American public to rally behind Congressional legislation to protect and preserve the bison, and thereby the Native American tribes dependent on them, the American public appeared more interested in wild tales of bravery, or romanticized accounts of "royal" hunting parties, like that of Grand Duke Alexis. The public record reflects a society generally unconcerned, in the initial years of the bison slaughter, with the long-term implications arising from that event. Furthermore, the data show that only

once the social and environmental harms stemming from the bison slaughter became overwhelmingly obvious did the public discourse surrounding the bison slaughter begin to shift more towards condemnation than support. As a result, it becomes much easier to understand how the bison slaughter continued without interruption.

Of course, the fact that the attitudes of those powerful individuals—General's Sherman and Sheridan, Secretary Delano and President Grant—were a reflection of the attitudes of the larger American society does not excuse the inaction of the federal government to protect the bison and the bison dependent Native American tribes from harm. Those military and government officials who openly supported the slaughter of the bison as a means to solving the "Indian" problem allowed grievous environmental and social harms to progress unchecked. Compounding the failures of those in power was an American society that failed to hold those powerful individuals to a higher standard and collectively speak out against an unwritten policy of destruction.

Interestingly, with the exception of William Temple Hornaday in 1889, no other scholar studying the near-extinction of the bison has explored the contradiction that existed at the time of the bison slaughter between federal action to protect the fur seal in Alaska and the government's failure to protect the bison in the continental United States. While scholars David Smits and E. Douglas Branch insinuated that the slaughter of the bison was no mere "accident", but, in fact, was a cold, calculated effort by the federal government to starve the remaining

Plains Indian tribes into compliance with federal policies, they were unable to provide persuasive evidence beyond the quotations from a handful of powerful individuals presented earlier. The importance of the government's passage of protective legislation for the fur seal in Alaska—an animal sought after for its hide just as the bison was—is that it unequivocally demonstrates that the federal government after 1866 was perfectly capable, and willing, to enact protective legislation for an animal species, even if that willingness was driven by an underlying economic incentive.

Attempts to explain the government's failure to protect the bison thus becomes more difficult and it also becomes much easier to believe that the bison slaughter was allowed to continue because it cleared land for domestic cattle and forced many Native American tribes to abandon their lands and traditional lifestyles and accept federal government authority. Unfortunately, the public discourse surrounding the bison slaughter further revealed that the vision of the newly re-united nation was one in which the bison and the bison dependent Native American tribes had no part, as both the bison and the bison dependent Native American tribes were simply deemed to be "useless".

Works Cited

Allen, Joseph Asaph. 1876. *The American Bison, Living and Extinct.* Memoirs of the Geological Survey of Kentucky.

Allen, Joseph Asaph. 1877. *History of the American Bison, Bison Americanus.* U.S. Department of the Interior, United States Geological Survey. Government Printing Office (June).

Babbie, Earl. 2007. *The Practice of Social Research, 11th Edition.* California: Thomas Wadsworth.

Berg, Bruce. 2008. *Qualitative Research Methods for the Social Sciences,* 7th Edition. Boston: Allyn & Bacon.

Black, Richard. 2010. "World's Biodiversity Crisis Needs 'Action', Says U.N." *BBC News.* Retrieved February 14, 2011 from (http://news.bbc.co.uk/2/hi/8449506.stm).

Bolen, Eric G. Robinson, William L. *Wildlife Ecology and Management, 5th Ed.* New Jersey: Prentice Hall.

Brown, J. Stanley. 1894. "Fur Seals and the Bering Sea Arbitration." *Journal of the American Geographical Society of New York* 26(1): 326-372.

Branch, E. Douglas. 1997. *The Hunting of the Buffalo.* University of Nebraska Press: Lincoln.

Chambliss, William J. and Eglitis, Daina. Forthcoming Sociology Textbook.

Chambliss, William J. 2001. *Power, Politics and Crime.* Colorado: Westview Press.

Cook, John R. 1938. *The Border and the Buffalo: An Untold Story of the Southwest Plains.* Chicago: Donnelley.

Danz, Harold. *Of Bison and Man.* 1997. Colorado: University of Colorado Press.

Davis, Theo R. 1869. "The Buffalo Range." *Harper's New Monthly Magazine* 0038(224): 147-148.

Delano, Columbus. 1874. "Testimony of Delano, Jan. 10, 1874." House Report No. 384. 43rd Congress, 1 Session (Serial 1624): 99.

Delano, Columbus. 1873. "Annual Report of the Secretary of the Interior, 1873." 42nd Congress, 1st Session (Serial 1650): 5.

Delano, Columbus. 1872. "Report of the Secretary of the Interior." 42nd Congress, 3rd Session, H. Exdoc. 1 (Serial 1560): 5.

Gallup Poll, April 7. Retrieved February 14, 2011 (http://www.gallup.com/poll/22291/Americans-Still-Highly-Concerned-About-Global-Warming.aspx).

Gallup Opinion Research Center. 2011. "Most Important Problem." *Gallup Poll, January 7-9*. Retrieved February 14, 2011 (http://www.gallup.com/poll/1675/most-important-problem.aspx).

Green, Penny. Ward, Tony. 2004. *State Crime: Governments, Violence and Corruption.* London: Pluto Books.

Gwyne, S. G. 2010. *Empire of the Summer Moon.* New York: Scribner.

Haines, Francis. 1995. *The Buffalo: The Story of American Bison and Their Hunters From Prehistoric Times to the Present.* University of Oklahoma Press: Norman.

Hanner, John. 1981. "Government Response to the Buffalo Hide Trade." *Journal of Law and Economics* (24) 2: 239-271.

Hardin, Garret. 1968. "The Tragedy of the Commons." *Science,* 162: 1243-1248.

Harper's Magazine. 1874. "The Last Buffalo." Cartoon. Retrieved April 12, 2011 (http://www.nytimes.com/learning/general/onthisday/harp/0606.html).

Hillyard, Paddy. Tombs, Steve. 2007. "From 'Crime' to Social Harm?" *Crime, Law and Social Change* (48) 9:9-25.

Hillyard, Paddy. Pantazis, Christina. Tombs, Steve. Gordon, Dave. 2004. *Beyond Criminology: Taking Harm Seriously.* London: Pluto Press.

Hornaday, William Temple. 1889. *The Extermination of the American Bison (2002 Edition).* Edited by E. Anne Bolen. Smithsonian Institution Press: Washington.

Isenberg, Andrew C. 2000. *The Destruction of the Bison: An Environmental History, 1750-1920.* Cambridge University Press: Cambridge.

Inflation Calculator. 2011. "Tom's Inflation Calculator." Retrieved March 11, 2011 (http://www.halfhill.com/inflation.html).

Isenberg, Andrew C. 1992. "Towards a Policy of Destruction: Buffaloes, Law and the Market, 1803-1883." *Great Plains Quarterly* 12: 227-241.

Lasslett, Kristian. 2010. "Crime or Social Harm? A Dialectical Perspective." *Crime, Law and Social Change* 54(1): 1-19.

Lueck, Dean. 2002. "The Extermination and Conservation of the American Bison." *The Journal of Legal Studies* (31) 2: S609-S652.

Lott, Dale F. 2002. *American Bison: A Natural History.* University of California Press: Berkley & Los Angeles.

Marine Mammal Center. 2011. "Northern Fur Seal." Marinemamalcenter.org. Retrieved March 11, 2011 (http://www.marinemammalcenter.org/education/marine-mammal-information/pinnipeds/northern-fur-seal/).

Mattes, Merril J. *The Great Platte River Road.* Lincoln: Nebraska State Historical Society.

McHugh, Tom.1972. *The Time of the Buffalo.* Alfred A. Knopf: New York.

NOAA. 2011. "Northern Fur Seal (Callorhinus ursinus)." Office of Protected Resources, National Oceanic and Atmospheric Administration, Fisheries Division. Retrieved March 19, 2011 (http://www.nmfs.noaa.gov/pr/species/mammals/pinnipeds/northernfurseal.htm)

Pemberton, Simon. 2007. "Social harm future(s): exploring the potential of the social harm approach." *Crime, Law and Social Change* 48(1-2): 27-41.

Pimentel, David; Zuniga, Rodolfo; Morrison, Doug. 2005. "Update on the Environmental and Economic Costs Associated with Alien-Invasive Species in the United States." *Ecological Economics* 52:273-288.

Rister, C.C. 1929. "The Significance of the Destruction of the Bison in the Southwest." *The Southwestern Historical Quarterly* (33) 1: 33-49.

Roe, Frank Gilbert. 1970. *The North American Buffalo: A Critical Study of the Species* in (Isenberg A. C., 2000) *its Wild State.* University of Toronto Press (2nd Edition): Toronto.

Roppel, Alton Y. Davey, Stuart P. 1965. "Evolution of Fur Seal Management on the Pribilof Islands." *The Journal of Wildlife Management* 29(3): 448-463.

Rothe, Dawn L. 2009. *State Criminality.* Maryland: Lexington Books.

Sadd, Lydia. 2006. "Americans Still Not Highly Concerned About Global Warming."

Sandoz, Mari. 1954. *The Buffalo Hunters: The Story of the Hide Men.* New York: Hastings.

Shell, Hannah Rose. 2002. "Finding the Soul in the Skin." *The Extermination of the American Bison (2002 ed.)* Edited by E. Anne Bolen. Smithsonian Institution Press: Washington, D.C.

Sherman, William Tecumseh. 1886 edition. *Memoirs of General William T. Sherman*. New York: D. Appleton and Company.

Sheridan, Phillip Henry. *Sheridan Papers*. Microfilm reel no. 12.

Smits, David D. 1994. "The Frontier Army and the Destruction of the Buffalo: 1865-1883." *The Western Historical Quarterly* (25) 3: 313-338.

Stephens, Mitchell. 1994. "Newspaper." *Collier's Encyclopedia*. New York: P.F. Collier.

The National Bison Association. 2011a. "Gold Trophy Bison Sale Results Reflect Industry Optimism." Retrieved April 1, 2011 (http://www.bisoncentral.com/news/gold-trophy-bison-sale-results-reflect-industry-optimism).

The National Bison Association. 2011b. "Current Status". Retrieved February 11, 2011 (http://www.bisoncentral.com/index.php?c=63&d=64&a=1017&w=2&r=Y).

The National Bison Association. 2011c. "History and Mission." Retrieved February11, 2011 (http://www.bisoncentral.com/index.php?c=66&d=83&a=1024&w=2&r=Y).

The National Bison Association. 2011d. "Industry Data and Statistics." Retrieved February 11, 2011 (http://www.bisoncentral.com/index.php?s=&c=14&d=105&a=1064&w=2&r=Y).

The National Bison Association. 2011e. "The Bison Industry." Retrieved February 11, 2011 (http://www.bisoncentral.com/index.php?s=&c=63&d=71&a=1087&w=2&r=Y).

The National Park Service. 2011. "Frequently Asked Questions." Yellowstone National Park. Retrieved January 22, 2011 (http://www.nps.gov/yell/naturescience/bisonqa.htm).

Treaty of Fort Laramie. 1868. "Article 11." Retrieved March 11, 2011 (http://www.ourdocuments.gov/doc.php?flash=true&doc=42&page=transcript)

Treaty of Medicine Lodge Creek. 1867. "Article 11." Retrieved March 8, 2011 (http://www.cyberlodg.com/mlcity/treaty.html).

U.S. Census Bureau. 2010. "Quick Facts: Population of Vermont and Wyoming." U.S. Census Bureau. Retrieved March 11, 2011 (http://quickfacts.census.gov/qfd/states/50000.html).

Utley, Robert M. 1973. *Frontier Regulars: The United States Army and the Indian, 1866-1891.* New York: MacMillan Publishing Company, Inc.

Webb, Eugene J. Campbell, Donald T. Schwartz, Richard D. Sechrest, Lee. 1966. *Unobtrusive Measures: Nonreactive Research in the Social Sciences.* Chicago: Rand McNally Publishing Company.

White, Rob. 2008. *Crimes Against Nature: Environmental Criminology and Ecological Justice.* Oregon: Willan Publishing.

Wooster, Robert Allen. 1988. *The Military and United States Indian Policy.* Yale University Press: New Haven and London.

Appendices

Appendix A
Descriptive Tables for Newspaper Content Analysis

Table 1: Distribution of all news articles by category code

Article Category Codes	# Articles	% Total Articles
C	70	27.6
P	71	28.0
N	87	34.3
E	15	5.9
T	11	4.3
Sum	N= 254	100.0%*

*Actual column percentages may not sum to 100 due to rounding.
**Category codes E and T represent erroneous or tangential articles.

Table 2: Distribution of all news articles by category code with erroneous and tangential articles (codes E, T) removed

Article Category Codes	# of Articles	% Total Articles
C	70	30.7
P	71	31.1
N	87	38.2
Sum	N=228	100.0*

*Column percentages may not sum to 100 due to rounding.

Table 3: Category C articles by date of publication

Date of Publication	# Articles	% of all Category C articles
1866-1869	1	1.4
1870-1874	18	25.7
1875-1879	14	20.0
1880-1884	14	20.0
1885-1890	23	32.9
	N=70	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Note: Between 1866 and 1879, 47.1% of the category C articles were written and published. After 1880, 52.9% of the articles are published. Thus, in the first fourteen years of the sample, during which time the peak of the bison slaughter and height of the Indian Wars occurred, fewer articles condemning the slaughter of the bison were written than in the ten years following.

Table 4: Category C articles by average length of article

Average Length of Article	# of Articles	% of articles within Category C
1 paragraph	23	32.9
2-4 paragraphs	17	24.3
1 page or more	30	42.9
	N=70	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Table 5: Category C articles by state or territory of publication

State/Territory	# of Articles	% of all Category C articles
Colorado	14	20.0
California	13	18.6
Missouri	9	12.9
Kansas	8	11.4
New York	7	10.0
Idaho	4	5.7
Georgia	3	4.3
Wisconsin	2	2.9
Ohio	2	2.9
Illinois	2	2.9
North Dakota	2	2.9
Arkansas	1	1.4
Oregon	1	1.4
Texas	1	1.4
North Carolina	1	1.4
15 states/territories	70 articles	100.0*

* Column percentages may not sum 100 due to rounding.

Table 6: Category P articles by date of publication

Date of Publication	# Articles	% of all Category P articles
1866-1869	13	18.3
1870-1874	17	24.0
1875-1879	12	16.9
1880-1884	11	15.5
1885-1890	18	25.4
	N=71	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Note: Between 1866 and 1879, 59.2% of the category P articles were written and published. From 1880 onward, 40.8% of the category P articles were written and published. Before 1875, when both the bison slaughter and the Indian Wars were escalating, 42.3% of the articles supporting/positive towards the bison slaughter were written and published.

Table 7: Category P articles by average length

Average Length of Article	# of Articles	% of articles within Category P
1 paragraph	15	21.1
2-4 paragraphs	16	22.5
1 page or more	40	56.3
	N=71	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Table 8: Category P articles by state or territory of publication

State/Territory	# of Articles	% of all Category P articles
California	13	18.3
Colorado	9	12.7
Kansas	9	12.7
Georgia	7	9.9
Arkansas	6	8.5
Missouri	5	7.0
New York	5	7.0
Idaho	3	4.2
Illinois	3	4.2
Massachusetts	2	2.8
Montana	2	2.8
Wisconsin	1	1.4
North Dakota	1	1.4
Texas	1	1.4
Louisiana	1	1.4
Maine	1	1.4
Michigan	1	1.4
Oklahoma	1	1.4
18 states/territories	71 articles	100.0*

* Actual column percentages may not sum 100 due to rounding.

Table 9: Category N articles by date of publication

Date of Publication	# Articles	% of all Category N articles
1866-1869	8	9.2
1870-1874	13	15.0
1875-1879	10	11.5
1880-1884	16	18.4
1885-1890	40	46.0
	N=87	100.0*

*Actual column percentages may not sum to 100 due to rounding.
Note: Prior to 1879, 36.5% of the category N articles were written and published. From 1880 onward, 64.4% were written and published, coinciding with the severe reduction in the bison herds.

Table 10: Category N articles by average length

Average Length of Article	# of Articles	% of articles within Category N
1 paragraph	36	41.4
2-4 paragraphs	15	17.2
1 page or more	36	41.4
	N=87	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Table 11: Category N articles by state or territory of publication

State/Territory	# of Articles	% of all Category N articles
California	18	20.7
Colorado	12	13.8
Kansas	12	13.8
Wisconsin	8	9.2
Missouri	7	8.0
Texas	5	5.7
New York	4	4.6
Massachusetts	3	3.4
North Dakota	3	3.4
Georgia	2	2.3
Louisiana	2	2.3
Oregon	2	2.3
Utah	2	2.3
Indiana	2	2.3
Arkansas	1	1.1
Michigan	1	1.1
Washington, D.C.	1	1.1
Arizona	1	1.1
Minnesota	1	1.1
19 states/territories	87 articles	100.0*

*Column percentages may not sum 100 due to rounding.

Table 12: Contribution of all news articles by state or territory

State/Territory	Total # of Articles	% of Total
California	44	19.3
Colorado	35	15.4
Kansas	29	12.7
Missouri	21	9.2
New York	16	7.0
Georgia	12	5.3
Wisconsin	11	4.8
Arkansas	8	3.5
Idaho	7	3.1
Texas	7	3.1
North Dakota	6	2.6
Illinois	5	2.2
Massachusetts	5	2.2
Louisiana	3	1.3
Oregon	3	1.3
Indiana	2	0.9
Michigan	2	0.9
Ohio	2	0.9
Montana	2	0.9
Utah	2	0.9
Arizona	1	0.4
Maine	1	0.4
Minnesota	1	0.4
North Carolina	1	0.4
Oklahoma	1	0.4
Washington, D.C.	1	0.4
26 states/territories	228 articles	100.0*

Note: By 1890, the United States appeared much as it does today in regard to state boundaries. The Dakota Territories were split into North and South Dakota in 1889, for which reason I have chosen to represent them as distinct entities in the tables. Arizona, New Mexico, Utah, Oklahoma and Alaska remained "territories"—not yet states in and of themselves—past 1890. Hawaii would not become a state until 1959. Thus, this sample draws data from more than half the states in existence between 1866 and 1890 and three of the five continental "territories."

Table 13: Distribution of all news articles by date of publication

Date of Publication	# of Articles	% of all of articles
1866-1869	22	9.6
1870-1874	48	21.1
1875-1879	36	15.8
1880-1884	41	18.0
1885-1890	81	35.5
	N=228	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Table 14: Distribution of all news articles by average length

Average Length of Article	# of Articles	% of all articles
1 paragraph	74	32.5
2-4 paragraphs	48	21.1
1 page or more	106	46.5
	N=228	100.0*

*Actual column percentages may not sum to 100 due to rounding.

Appendix B
Search Term/Phrase and Publication Information for Content Analysis

Table 1: List of search results by state/territory, term/phrase and name of publication

State/Territory	Results and Search term or phrase correlate	Publication(s)
Arkansas	6 ("buffalo") 2 ("fur trade") 8 total	Gazette Little Rock Daily Morning Republican
Arizona	1 ("buffalo") 1 total	Weekly Arizona Miner
California	21 ("buffaloes") 16 ("buffalo") 3 ("buffalo hunters") 4 ("fur trade") 44 total	Daily Evening Bulletin Los Angeles Times Los Angeles Daily Times
Colorado	3 ("bison") 8 ("buffaloes") 22 ("buffalo") 2 ("fur trade") 35 total	Daily Rocky Mountain News Rocky Mountain News Daily Register Call
District of Columbia	1 ("buffaloes") 1 total	Daily National Intelligencer
Georgia	2 ("buffaloes") 9 ("buffalo") 1 ("buffalo hunting") 12 total	Weekly Georgia Telegraph Georgia Weekly Messenger
Idaho	1 ("bison") 6 ("buffalo") 7 total	Idaho Avalanche Owyhee Avalanche Owyhee Daily Avalanche Idaho Signal
Illinois	5 ("bison") 5 total	Daily Inter Ocean
Indiana	2 ("buffalo")	Terre Haute Express

Indiana Cont.	2 total	Indianapolis Times
Kansas	3 (“bison”) 9 (“buffaloes”) 17 (“buffalo”) 29 total	Atchison Daily Champion Atchison Daily Globe
Louisiana	1 (“bison”) 2 (“buffalo”) 3 total	Daily Picayune
Massachusetts	1 (“buffaloes”) 4 (“buffalo”) 5 total	Lowell Daily Citizen and News
Michigan	2 (“buffalo”) 2 total	Weekly Detroit Free Press
Maine	1 (“buffaloes”) 1 total	Bangor Daily Whig and Courier
Minnesota	1 (“buffaloes”) 1 total	St. Paul Daily News
Missouri	7 (“buffaloes”) 11 (“bison”) 3 (“fur trade”) 21 total	St. Louis Globe-Democrat
Montana	2 (“buffalo”) 2 total	Glendive Times
North Carolina	1 (“buffaloes”) 1 total	Raleigh News and Observer
North Dakota	6 (“buffalo”) 6 total	Bismarck Daily Tribune
New York	2 (“buffaloes”) 6 (“bison”) 8 (“buffalo”) 16 total	Frank Leslie’s Illustrated Frank Leslie’s Illustrated & Daily Graphic

New York cont.		New York Times
Oklahoma	1 ("bison") 1 total	Cherokee Advocate
Oregon	2 ("bison") 1 ("buffaloes") 3 total	Morning Oregonian
Ohio	2 ("bison") 2 total	Daily Cleveland Herald Cleveland Herald
Texas	2 ("bison") 3 ("buffaloes") 2 ("buffalo") 7 total	Galveston Daily News
Utah	2 ("buffalo") 2 total	Salt Lake Daily Telegraph
Wisconsin	1 ("bison") 3 ("buffaloes") 7 ("buffalo") 11 total	Milwaukee Sentinel
26 states/territories	N=228 results	41 publications

Table 2: List of search term/phrase, total results and the % of articles represented

Search Term or Phrase	Total # of Results	% of all articles
Bison	38	16.7
Buffalo	114	50.0
Buffaloes	61	26.8
Buffalo Hunting	1	0.4
Buffalo Hunters	3	1.3
Fur Trade	11	4.8
6 terms/phrases	N=228	100.0*

* Actual column percentages may not sum to 100 due to rounding.

Table 3: Complete listing of publications by state/territory, including articles reprinted from their original source

Note: *Indicates article from this publication appeared as a reprint in one of the publications in the sample.

State/Territory	Name of Publication(s)
Arkansas	Gazette
	Little Rock Daily
	Morning Republican
Arizona	Weekly Arizona Miner
	Daily Evening Bulletin
California	Los Angeles Times
	Los Angeles Daily Times
Colorado	Daily Rocky Mountain News
	Rocky Mountain News
	Daily Register Call
	Denver Tribune*
	Denver News*
District of Columbia	Daily National Intelligencer
	Washington Post*
Georgia	Weekly Georgia Telegraph
	Georgia Weekly Messenger
Idaho	Idaho Avalanche
	Owyhee Avalanche
	Owyhee Daily Avalanche
	Idaho Signal
Illinois	Daily Inter Ocean
	Chicago Tribune*
	Chicago Times*
Indiana	Terre Haute Express
	Indianapolis Times
Kansas	Atchison Daily Champion
	Atchison Daily Globe
	Kansas City Star*

Kansas cont.	Kansas City Times* Leavenworth Times*
Louisiana	Daily Picayune
Massachusetts	Lowell Daily Citizen and News
Michigan	Weekly Detroit Free Press
Maine	Bangor Daily Whig and Courier
Minnesota	St. Paul Daily News St. Paul Pioneer Press*
Missouri	St. Louis Globe-Democrat
Montana	Glendive Times
North Carolina	Raleigh News and Observer
North Dakota	Bismarck Daily Tribune
New York	Frank Leslie's Illustrated Frank Leslie's Illustrated & Daily Graphic New York Times New York Sun* New York Tribune* New York Commercial Advertiser*
Oklahoma	Cherokee Advocate
Ohio	Daily Cleveland Herald Cleveland Herald
Oregon	Morning Oregonian
Texas	Galveston Daily News Galveston News*
Utah	Salt Lake Daily Telegraph
Wisconsin	Milwaukee Sentinel

Canadian Publication(s)	Manitoba Free Press*
Miscellaneous	Sioux City Journal (Iowa)* The London Field* Harpers Magazine* Omaha Republican (Nebraska)* Omaha Daily Herald (Nebraska)* Omaha Bee (Nebraska)* Chamber's Journal* Popular Science Monthly* Norristown Herald (Pennsylvania)*

Total Publications: 65

Appendix C
Federal, State and Territorial Efforts to Protect the Bison and other Wild Game

Table 1: Federal, sate and territorial legislation for protecting wild game during the height of the bison slaughter: 1860-1880

Year	Federal, State or Territory	Type of Legislation	Legislation passed?	Specific to the Bison?
1860	Nebraska	Rudimentary game law	Yes	No
1861	Kansas	Rudimentary game law	Yes	No
1864	Idaho	Game code	Yes	Yes; the law establishes a closed season and fines for violators
1867	Colorado	Game code	Yes	No
1868	Federal	Game Law	Yes	No; this legislation protects the Fur Seals of Alaska from overhunting, imposes a tax on each seal hide harvested, stipulates open and closed seasons, establishes federal oversight of the Fur Seal fisheries and implements protections for the Native inhabitants of
	Federal cont.			

	Federal cont.			the Alaskan Islands where the fur seals congregate
1869	Wyoming	Game code	Yes	No
1870	Montana	Game code	Yes	No
1871	Federal	Bill introduced	No; the bill was submitted and died in committee	Yes; introduced by Rep. R.C. McCormick of Arizona, the bill outlaws only the "wanton" killing of the bison
1871, 1875, and 1882	Wyoming	Game code and amendments	Yes	Yes; Over a decade Wyoming establishes a closed hunting season and other hunting restrictions
1872	Federal	Bill (H.R. 157) introduced	No; the bill was submitted and died in committee	Yes; the bill would have outlawed the killing of bison on public lands
1872	Kansas	Game code	No; passed both houses but pocket vetoed by the Governor	Yes; the game code bill in Kansas would have established a closed bison hunting season
1872,	Colorado	Game code and	Yes	Yes; the 1872

1874 and 1876	Colorado cont.	amendments		bill outlaws "wasteful" hunting practices and imposes a $25 fine per offense; the 1876 law establishes a closed season and outlaws the shipment of bison hides out of the state
1874*	Federal	Yes; Bill H.R. 921 introduced	No; the bill was debated** in the House and Senate, passed by each and sent to President Grant—he never signed the bill into law and it died as a result of a "pocket veto"	Yes; bill H.R. 921 would have outlawed the killing of a female bison by any non-Native American person on Federal lands
1874*	Federal	Yes; Bill H.R. 1689 introduced	No; the bill was referred to the Committee on Ways and Means and never emerged	Yes; this bill would have placed a federal tax on all bison hides
1875 and	Nebraska	Game code and	Yes	The 1875 law

1879	Nebraska cont.	amendment		establishes a closed hunting season; the 1879 amendment imposes harsher penalties for violators
1875 and 1881	Dakota Territories	Game code and amendment	Yes	Yes; the 1875 law is similar to many others; the 1881 amendment outlaws the "waste" of big game animals
1876	Federal	Bill H.R. 1719 introduced	No; the bill was debated and passed in the House; the Senate referred it to the Committee on the Territories and it never emerged	Yes; the bill would have outlawed the killing of any bison within the remaining Territories of the United States
1876	Federal	Bill H.R. 2767 introduced	No; the bill was referred to the Committee on Ways and Means and never emerged	Yes; this bill would have imposed a tax on all bison hides harvested
1880	New Mexico	Game code	Yes	Yes; the New

Territory	Mexico game law establishes a closed hunting season
New Mexico Territory cont.	

*These two bills represent the most substantial efforts on the part of Federal legislators to enact protective legislation for the bison.
**Federal legislation to protect the bison resulted in only two debates in Congress, both concerning H.R. 921.

Table 2: The development of U.S. Federal fur seal protective legislation during the bison slaughter: 1866-1874

Date	Brief Summary of Legislation
30 March 1867	U.S. and Russian officials agree to the sale of Alaska and the Pribilof (seal) Islands to the U.S. for $7.2 million.
13 April 1868	The U.S. House of Representatives requests that the Foreign Affairs Committee conduct an inquiry into the value of the two main Pribilof islands (St. Paul and St. George)
27 July 1868	A special Act is signed into law imposing, among other things, new limitations on the use of the two Pribilof islands (St. Paul and St. George) and the fur seal populations residing therein
18 December 1868	At the urging of the President of the United States and the Secretary of the Treasury, the Committee on Commerce is directed by Congress to inquire about what type of legislation is needed to protect and regulate the hunting of fur seals in the Pribilof Islands
11 January 1869	Bill H.R. 1603 is introduced; it is the first and earliest draft of protective legislation for the fur seal population
18 January 1869	Bill H.R. 188 is introduced; it is the second attempt to draft protective legislation for the fur seal population
6 February 1869	Bill H.R. 1885 in introduced; it is the third attempt to draft protective legislation for the fur seal. It specifies an

6 February 1869 cont.	open season for hunting (June to October), makes it illegal to kill any female fur seal and any fur seals under 1 year old, sets a "bag" limit allowing no more than 100,000 fur seals to be killed each year, outlaws the use of firearms and the possession or sale of alcohol and "spirits", grants the Treasury Secretary the power to accept bids and award private contracts for the hunting rights on both "seal" islands, as well as the power to alter bag limits and other restrictions as needed, imposes misdemeanor criminal punishments (including fines, jail time and the forfeiture of assets) for impeding the official "lessees" and any government agents in their business and establishes an annual "rental fee" to be paid to the federal government by the winning bidder and places a federal tax of $2 on each skin.
26 February 1869	Joint Resolution S.R. 239 is passed by Congress; this resolution declares the islands to be a "special reservation" of the U.S. government, making it unlawful for any person not an agent of the government, or without Dept. of the Treasury approval, to utilize the islands (with the exception of native inhabitants); further, it authorizes the Secretary of War to implement and enforce the resolution
2 March 1869	Bill S. 980 is introduced, essentially re-stipulating the main points from S.R. 239
19 March 1869	H.R. 146 is introduced; it is a fourth draft of protective legislation for the fur seal population, only slightly altered from H.R. 1885
29 March 1869	H.R. 305 introduced; it is a fifth draft of protective legislation for the fur seal population with some minor changes from earlier drafts, including H.R. 146
10 January 1870	The United States Congress resolves to have the Secretary of the Treasury address several question relating to the Pribilof (seal) Islands and the enforcement of the Act of July 27, 1868; Congress is seeking the Treasury Secretary's opinion on the most profitable means of utilizing the islands; in addition, Congress is seeking information regarding allegations that the initial

	protective legislation of July 27, 1868 has been a failure, in addition to being inadequately enforced.
18 February 1870	A letter from the Secretary of the Interior is read in Congress; the letter contains information from a report conducted on the Pribilof Islands.
26 April 1870	House bill H.R. 1884 is introduced; it is the fifth draft of protective legislation for the fur seal population; it contains stronger language concerning the treatment of the Native inhabitants of the islands, establishes a permanent trading harbor manned by a Treasury agent appointed by the President, mandates that all vessels travelling from the Pribilof islands with fur seal hides utilize only the Port of San Francisco, dictates that a military garrison be established on the islands and reduces the criminal punishments for violators.
1 July 1870	An amended and revised version of H.R. 1884 (also S. 32) is approved and signed into law by President Grant officially establishing broad protective legislation for the fur seal fisheries in the Pribilof Islands and allowing the fisheries to be rented for a term of 20 years to the highest private bidder, who will pay the federal government an annual fee of $55,000 and a tax on each skin taken of $2.62½; among other things the act establishes a "bag" limit of 100,000 fur seals per annum, outlaws the killing of female fur seals or seals less than 1 year old; outlaws the sale or possession of "spirituous liquors", especially to the Native inhabitants of the islands, dictates the winning bidder must establish a school for the Native islanders and provide them with goods each season including 25,000 dried salmon, 60 cords of firewood, salt and barrels for curing meat, outlawed the use or possession of firearms on the islands and called for several agents of the U.S. Treasury Department to take up residence on the islands in order to enforce the provisions of the Act (see Roppel and Davie 1965).
10 July 1870	San Francisco merchants voice their concern via representatives in Congress that the government will allow a monopoly to control the fur seal fisheries

24 March 1874	An amendment to the July 1, 1870 law is passed further establishing the authority of the Treasury Secretary to alter the "open season" and "bag limit" provisions of the earlier Act to protect the fur seals as needed, so as to preserve the fur seal fisheries and protect the revenues of the U.S. government.