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A STUDY OF THE PUBLIC CAREER OF ETHAN ALLEN HITCHCOCK

by

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PREFACE

Several years ago while doing a seminar paper on the Department of the Interior during Theodore Roosevelt's administration, I became interested in Ethan Allen Hitchcock, the Secretary of the Department. Research disclosed that, with the exception of contemporary newspaper and magazine articles and an account in the Dictionary of American Biography, there was little information available about Hitchcock. His service as ambassador to Russia and as Secretary of the Interior under two Presidents seemed to indicate that an intensive study of his career might be of historical significance.

In an effort to find papers belonging to Hitchcock, which might be extant, I wrote to his grandson, E.A.H. Shepley, a St. Louis attorney. Through Mr. Shepley's efforts, I found that the Hitchcock papers were in the possession of Mrs. Anne Morison, Hitchcock's granddaughter. I am very grateful to Mrs. Morison, for promptly sending the papers to the National Archives, where I was able to examine them.

The guidance and encouragement of Dorothy Ganfield Fowler, Professor of History at the City University of New York, have been an invaluable help in completing this study.

I am indebted to Mr. Richard Maxwell and his staff at the National Archives, who aided me in my research of the Hitchcock Papers and of the archives of the Department of the Interior, as well as to the librarians in the Manuscript Division of the Library of Congress and in the New York Public Library.

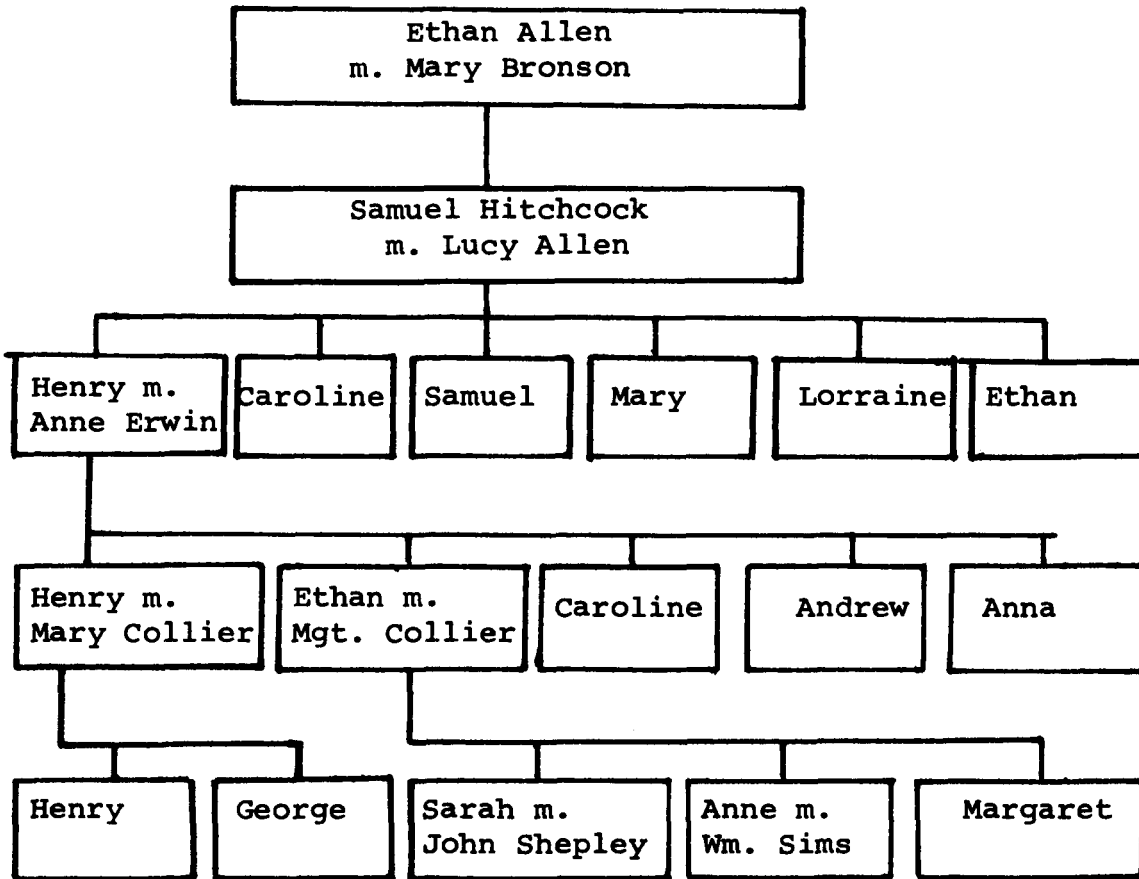
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INTRODUCTION

When Ethan Allen Hitchcock retired from his position as Secretary of the Interior on March 4, 1907, he had served longer than any of his predecessors, a little more than eight years. He had been appointed by President William McKinley on February 20, 1898, and he had been retained by President Theodore Roosevelt. In spite of the length of his services, he was not generally well known. Although a loyal Republican, he had not been actively engaged in politics. He had been a business man, who had entered public life at the request of a President whom he admired. His reserved manner caused him, throughout his career, to shun rather than to seek publicity. He administered the office entrusted to him with unswerving consistency, regardless of praise or criticism. With a colorful figure like Theodore Roosevelt in the White House, Hitchcock's prosaic devotion to duty often passed unnoticed.

GENEALOGY OF THE HITCHCOCK FAMILY



CHAPTER I

EARLY LIFE AND BUSINESS CAREER

An assassin's bullet, in September 1901, brought to an end the McKinley years and made way for the Roosevelt era. The two Presidents, William McKinley and Theodore Roosevelt, were dissimilar in almost every way, but perhaps their differences were most noticeable in their personalities. McKinley had a calm, dignified demeanor, which inspired confidence. Roosevelt capitalized upon his flamboyant conduct. Ethan Allen Hitchcock, who joined McKinley's Cabinet in 1899 as Secretary of the Interior and who remained in Roosevelt's Cabinet until 1907, bridged the two administrations. Hitchcock was more attuned to the sedate McKinley administration than to the colorful Roosevelt regime.

Ethan Allen Hitchcock was the great grandson of Ethan Allen, the hero of Ticonderoga, who has been described by one of his biographers as a "swashbuckling

hell-roaring indomitable man."¹ The Secretary of the Interior, an unpretentious man, did not inherit these characteristics from his Revolutionary ancestor, but he did inherit his persistence in the face of obstacles. Ethan Allen Hitchcock was proud of his illustrious ancestor whose name he bore.²

Ethan Allen of Revolutionary fame had been born January 21, 1738, in Litchfield, Connecticut, the oldest son of Joseph and Mary Baker Allen. He was descended from an Allen who had come with the Dorchester Company to Massachusetts in 1632. In 1769 Ethan Allen was living in the New Hampshire Grants, a territory which was claimed by both New York and New Hampshire and which later became Vermont. Ethan Allen organized the Green Mountain Boys to keep the settlers from New York out of the Grants.³ It was this group of frontiersmen which the Connecticut colonial government authorized Ethan Allen to command for his famous attack on Fort Ticonderoga on May 10,

¹ Stewart H. Holbrook, Ethan Allen (New York: The Macmillan Company, 1940), p. viii.

² Anne Hitchcock Sims, "As I Remember Him," Ethan Allen Hitchcock Papers, National Archives, Washington, D.C. (Hereafter cited as E.A.H. Papers).

³ Holbrook, Ethan Allen, pp. 23-24, 38-46.

1775, when, according to his own account Allen ordered the commander to surrender "in the name of the Great Jehovah and the Continental Congress."⁴

Allen's next adventure in the Fall of 1775 was less successful. He led an attack against Montreal, was captured and sent to England as a prisoner. Three years later he was exchanged for a British officer.⁵ He returned to Vermont where he worked to keep it from being divided between New York and New Hampshire. When Congress showed scant interest in recognizing Vermont as a state, Allen corresponded with the British about the possibility of Vermont becoming a British province.⁶ It was not until 1791, two years after Ethan Allen's death, that Vermont was admitted to the Union as a separate state.⁷

Ethan Allen had eight children, five by his first wife, Mary Bronson, who died in 1783, and three by his second wife, Fanny Montreser Buchanan, whom he married

⁴Ethan Allen, A Narrative of Colonel Ethan Allen's Captivity Containing His Voyages and Travels (New York: The Georgian Press, 1930), pp. 5-9.

⁵Ibid., pp. 12-26, 122.

⁶Holbrook, Ethan Allen, pp. 194, 201-202.

⁷Ibid., p. 27.

in 1784.⁸ Two years before his death he moved his family from Sunderland to Burlington, Vermont, a frontier development.⁹ It was here in 1789 that his daughter Lucy married Samuel Hitchcock. Their certificate of marriage was the first to be entered on the town records.¹⁰ Although living in Vermont at the time of his marriage, Samuel Hitchcock had been born in Brimfield, Massachusetts. He was a descendant of Luke Hitchcock who was listed as a freeman in New Haven in 1644.¹¹ Samuel was graduated from Harvard in 1777. He was attorney general for Vermont from 1790 to 1793 and was appointed United States Circuit Judge by President John Adams. He had two sons, Henry, father of the Secretary of the Interior, and Ethan Allen, who had a notable career in the United States Army.¹² This uncle of the Secretary of the Interior

⁸Gilbert H. Doane, "Ethan Allen," Dumas Malone, (ed.), Dictionary of American Biography (22 vols. New York: Charles Scribner's Sons, 1932), I, 188.

⁹Holbrook, Ethan Allen, pp. 244-245.

¹⁰Ethan Allen Hitchcock to E.W. Newman, March 23, 1905, Box 22, E.A.H. Papers.

¹¹Tyrell Williams, "Henry Hitchcock," Dictionary of American Biography, IX, 75-76.

¹²Henry Hitchcock, Marching with Sherman, (ed.) M.A. DeWolfe Howe (New Haven: Yale University Press, 1927), pp. 1, 21.

served as commander of the cadets at West Point. Among the cadets who attended the military academy while Hitchcock's uncle was commander were Jefferson Davis, Robert E. Lee, Joseph E. Johnston and William T. Sherman. Hitchcock's uncle also served in the Mexican War and the Civil War. During the latter he was commissioner for the exchange of prisoners of war. Although a military man he had an interest in philosophy and had several philosophical works published.¹³

Samuel Hitchcock's oldest son, Henry, the father of the Secretary of the Interior, was born September 19, 1792, at Burlington, Vermont. He studied law at the University of Vermont from which he was graduated in 1811. He went to Alabama, first living at St. Stephens and then at Mobile. In 1819 he was appointed attorney general of Alabama. He served as a member of the supreme court of the state and later as chief justice of that court. He married Anne Erwin, daughter of Andrew Erwin of Nashville, Tennessee, who had emigrated from the North of Ireland. The Erwin family was Presbyterian and Anne must have influenced her husband who was baptized

¹³ Ernest Suterland Bates, "Ethan Allen Hitchcock, 1798-1870," Dictionary of American Biography, IX, 73-74.

and made his profession of faith in that denomination at the age of forty-three. They had eight children, only three of whom reached maturity, Henry, Ethan and Anne. After the death of her husband, Henry, Anne took her children to live in New Orleans for a short time and then to Nashville, Tennessee, where they would be close to her mother and brother who lived on an estate near Shelbyville not far from Nashville.¹⁴

Anne Erwin Hitchcock, while she lived in Nashville, was one of the founders of the Protestant Orphan Asylum of that city and its first president.¹⁵ She died in 1854 after the family had moved to St. Louis where the oldest son, Henry, was practicing law.

Henry, born July 3, 1829, was six years older than Ethan. He was graduated from the University of Nashville in 1846 and from Yale in 1848. He spent a few months in a New York law office and a year as a teacher of classics in a school at Worcester, Massachusetts. He was admitted to the bar in St. Louis in 1852. He became prominent in the

¹⁴E.A.H. to E.W. Newman, March 23, 1905, Box 22, E.A.H. Papers; Henry Hitchcock, Marching with Sherman, pp. 1-2.

¹⁵The Nashville Banner, 15 Dec. 1905, Box 4, E.A.H. Papers.

legal profession and in the civic affairs of that city. In 1857 he married Mary Collier, daughter of a St. Louis merchant. He became a member of the Republican Party in 1860, backing Abraham Lincoln for the Presidency. In January 1861 he was elected to the convention called by the Missouri state legislature to consider the relation of Missouri to the other states. This convention in July 1861, after fighting had occurred in Missouri between the unionists and the secessionists, deposed the secessionist governor and appointed a provisional government. Henry was proud of the fact that, when the convention voted approval of the Crittenden Compromise, he was one of the four who voted against it. This compromise was an attempt to bring back the seceding states by proposing a constitutional amendment which would have prohibited Congressional interference with slavery in the future.¹⁶

In 1864 he became a member of General William T. Sherman's staff. Friends and family advised him that he would better serve the Union cause by remaining in St. Louis. He, however, did not follow their advice because, as he later said, he "could not endure the thought of profiting

¹⁶ Tyrell Williams, "Henry Hitchcock," Dictionary of American Biography, IX, 75-76; Henry Hitchcock, Marching with Sherman, pp. 1-5.

in safety at home by the heroism of others."¹⁷

After the war he returned to St. Louis and to the practice of law. He was director of the Washington University and helped to organize its law department, the St. Louis Law School, where he was a professor and dean of the faculty from 1867 to 1881. He had an active part in the founding of the American Bar Association and in 1889 he was elected President of the Association.¹⁸ Ethan, all his life, regarded his older brother with admiration and felt a justifiable pride in his notable career. Henry was his confidant, his business advisor and his friend.

Ethan, born in Mobile, Alabama, September 19, 1835, was only four years old when his father died. While the family lived in Nashville, he often visited his uncle's farm in Shelbyville. He said that he acquired here a fondness for country and farm life which was always a source of pleasure for him.¹⁹ In 1852 he was sent to the Military and Commercial College conducted by W.H. Russell

¹⁷Henry Hitchcock, Marching with Sherman, p. 7.

¹⁸Ibid., p. 5.

¹⁹E.A.H. to E.W. Newman, March 23, 1905, Box 22, E.A.H. Papers.

at New Haven, Connecticut.²⁰ After he was graduated in 1855, he returned to St. Louis where his brother was practicing law and he worked as a clerk in a commission house for twenty dollars a month. Three years later he went to St. Joseph, Missouri, to become a partner in a commission house there.²¹ The partnership was soon dissolved. Ethan then carried on alone for a time. An advertisement dated April 27, 1858, read, "E.A. Hitchcock successor to Barrow and Hitchcock, Wholesale Grocer, Forwarding and Commission Merchant, St. Joseph, Mo."²²

In 1860 Ethan went to China in the employ of Olyphant and Company at the advice of a relative who was a partner in the company.²³ Olyphant and Company, one of the leading firms engaged in China trade, had been founded in 1828 by David W.C. Olyphant. Mr. Olyphant combined business acumen with deep religious convictions, taking an interest in the work of missionaries and providing free transportation on the ships of his

²⁰E.A.H. to J.T. Gerould, April 23, 1906, Box 22, E.A.H. Papers.

²¹E.A.H. to E.W. Newman, March 23, 1905, Box 22, E.A.H. Papers.

²²Box 28, E.A.H. Papers.

²³E.A.H. to E.W. Newman, March 23, 1905, Box 22, E.A.H. Papers.

company for missionaries to China. Because of his moral convictions, he refrained from engaging in the opium trade, which most American companies in China were finding a lucrative source of profit.²⁴

Foreign trade in China, at the time when Olyphant organized his company, was restricted to the port of Canton. In 1839 the Chinese government attempted to put an end to the opium trade by confiscating and destroying the opium of foreign companies at Canton. The British, anxious to extend trading privileges as well as to continue the opium trade, engaged in hostilities against the Chinese for two years. In 1842 the Treaty of Nanking between Great Britain and China ceded Hong Kong to the British and opened four new ports to foreign trade. Two years later the Treaty of Wanghia between the United States and China guaranteed Americans the right to trade in ports which had been opened by the treaty of Nanking. In 1858 eleven more ports were opened to foreign trade by the Treaty of

²⁴Kenneth Scott Latourette, "David Washington Cincinnatus Olyphant," Dictionary of American Biography, XIV, 34; Thatcher Thayer, A Sketch of the Life of D.W.C. Olyphant (New York: Edward O. Jenkins, 1852), pp. 11, 13, 23.

Tientsin.²⁵

When Ethan Allen Hitchcock joined Olyphant and Company in 1860, D.W.C. Olyphant had been dead for nine years, and the company had been reorganized by his youngest son Robert. The company was engaged in a general importing, shipping, commission and mercantile business. Hitchcock, who remained with the company for twelve years, spent most of that time at Hong Kong, although he was for a time in Shanghai. In 1866 he was made a partner in the firm.²⁶

Ethan was in China during the time that the Civil War took place in the United States. The young man, with a tradition of military service in his family, may have thought of returning to take an active part in the war as his brother was doing. His uncle, Major General Ethan Allen Hitchcock, wrote to him, July 30, 1864:

I am in the decline of life and circumstances beyond my control have compelled me to be a near witness to some of the saddest spectacles ever exhibited in any nation. Pray reconcile yourself to your being absent

²⁵Tyler Dennett, Americans in Eastern Asia (New York: Barnes and Noble, Inc., 1922), pp. 99, 320; Kenneth Scott Latourette, The Development of China (Boston and New York: Houghton Mifflin Company, 1917), pp. 139, 145-47.

²⁶Edward Conrad Smith, "Robert Morrison Olyphant," Dictionary of American Biography, XIV, 34-35; E.A.H. to S.S. Seward, April 13, 1878, Box 18, E.A.H. Papers.

from this country, and except that we wish to see you indeed, I say - stay where you are. If you wish to marry consider the expediency of having the church ceremony part of it done by proxy and then you and your lady can go out among the "pig tails."²⁷

Ethan returned to the United States for a six month visit in 1866, when he was made a partner in the firm. Whether he had been considering marriage in 1864 as his uncle thought, he did not marry until he returned for another visit in 1869. Then he married Margaret Dwight Collier, the sister of his brother Henry's wife, and took her back to China with him. In 1870 their first child Sarah was born. After a few years the American couple decided to return to the United States. They feared that if they continued to live the luxurious life with many servants they might become accustomed to it and not wish to return home. Ethan retired from Olyphant and Company in 1872 and he and Margaret and their child spent two years traveling in Europe before returning to St. Louis.²⁸

On their return they lived with Margaret's mother on Lucas Place in St. Louis until her death. They then

²⁷Major General Ethan Allen Hitchcock to E.A.H., July 30, 1864, Box 30, E.A.H. Papers.

²⁸E.A.H. to E.W. Newman, March 23, 1905, Box 22; Anne Hitchcock Sims, "As I Remember Him," Box 31, E.A.H. Papers.

moved to a new home on Vanderventer Place. Two more daughters were added to the family, Anne, born January 4, 1875²⁹ and Margaret, born May 16, 1878.³⁰

Anne, the second daughter, has left recollections of life as it was in the home on Lucas Place when she was a child. Morning prayers were at twenty minutes to eight. Anne sat on a small sofa next to her father. She says, "Even as a child I realized he did not take pleasure in morning prayers. His reading of the bible was perfunctory. I used to suspect that he leaned toward the shortest psalm." Prayers were followed by a southern breakfast: cereal, eggs, meat and hot bread. The evening meal was at six. The children took part in it at an early age. Anne remembers that she frequently fell asleep at the table before the meal was finished.³¹

On Sunday evening the family recited rather than sang hymns because they were "a sadly unmusical" family. Ethan Hitchcock's favorite was a hymn by A.L. Waring from the Presbyterian Hymnal beginning:

²⁹Entry in letter press book November 1874-
November 1876, Box 18, E.A.H. Papers.

³⁰E.A.H. to Robert Olyphant, May 17, 1878, Box 18,
E.A.H. Papers.

³¹A.H.S., "As I Remember Him," Box 31, E.A.H.
Papers.

Father I know that all my life is portioned out for me
The changes that will surely come I do not fear to see.³²

Anne gives a description of her father's physical appearance, "He had very curly hair, I think it was black or dark brown, but it was turning gray when I first took note of it. His complexion was rather dark and he had a slight lisp, very slight."³³

Throughout his life Ethan Hitchcock seems always to have maintained a reserve in his relationship with other people. This reserve often led to misunderstandings in his business and public career. His daughter's recollection of his personal relationship with his children was that:

He was not an intimate kind of parent. He did not play with us, as far as I can remember, or take us to walk on Sundays, or tell us stories. But I have no unpleasant associations, for instance I never remember him as scolding me or being cross.³⁴

She says also of her parents, "I never remember seeing either of them give way to temper or fits of horridness or depression."³⁵

Ethan's brother, Henry, was an important influence

³²Ibid.

³³Ibid.

³⁴Ibid.

³⁵Ibid.

in his life. The two families lived only a block apart while they were on Lucas Place. When Ethan's family moved to Vanderventer they were only two doors apart. Every day the brothers visited each other. Henry often stopped in to borrow or return a book. Anne says that, "The friendship and devoted love (I don't think they are quite the same thing) between the two brothers was a beautiful thing."³⁶ Ethan consulted Henry about his business transactions, discussed his financial affairs with him and wrote to him whenever they were separated.

As the family settled into life in St. Louis, Ethan Hitchcock became involved in the affairs of the city. In 1876 he wrote to his former partner that he was, "trying to get up a fund and organize an art gallery."³⁷ He was also interested in establishing a zoo in St. Louis. He wrote to a friend in Canton, China asking him to send, "a China buffalo, a China Bull and Cow, a pair of China (sway-backed) pigs, one or two of those little Formosa deer, and something curious from Manila and Saigon."³⁸

³⁶Ibid.

³⁷E.A.H. to Edward Walsh, May 22, 1881, Box 19, E.A.H. Papers.

³⁸E.A.H. to F.R. Talbot, March 11, 1876, Box 18, E.A.H. Papers.

The years spent in China had been lucrative ones and Ethan Allen Hitchcock had money to invest in American business when he returned to St. Louis. He became involved during the next twenty years in various enterprises, a plate glass company, an iron mine, a steel mill, a coal mine, a railroad, a resort with mineral springs and a silver mine. The most successful venture was the plate glass company.

In 1881 the Vulcan Steel Company, of which Hitchcock was President, was consolidated with the Pilot Knob Iron Company to form the St. Louis Iron and Steel Company.³⁹ This company, in 1882, joined with the Grand Tower and Carbondale Rail Road Company and the Mount Carbon Coal and Coke Company to form the Grand Tower Mining, Manufacturing and Transportation Company. This brought an iron mine, a steel company, a coal mine and a railroad under one control.⁴⁰ The venture was not a successful one. The small steel company, producing pig iron and steel rails, had difficulty competing with the large steel companies in Pennsylvania. The Pilot Knob mine contained less ore than had been anticipated. The coal mine and the steel mill suffered

³⁹ E.A.H. to Edward Walsh, May 22, 1881, Box 19, E.A.H. Papers.

⁴⁰ E.A.H. to Thomas Dickson, January 11, 1882, March 30, 1882, Box 19, E.A.H. Papers.

through several crippling strikes.⁴¹ In 1892 Hitchcock wrote to Robert Olyphant, who had invested money in the company, that the Pilot Knob and Vulcan properties had been sold to Oliver Garrison and Pierre Chouteau respectively.⁴²

About 1883 Ethan Allen Hitchcock, with two friends, H.N. Spenser and George Allen, organized the Montresano Springs Company. The Montresano property contained springs of mineral water and the three hoped to develop a resort. They even attempted to sell bottled spring water. The venture, however, was a failure and years later, when he was Secretary of the Interior, Hitchcock still had the property on his hands.⁴³

Another business endeavor, which was unsuccessful, was the "Little Miami", a silver mine in Leadville, Colorado. Hitchcock was treasurer of the Little Miami Syndicate. In April 1888, when F.G. White, who was carrying on the operation in Leadville, struck silver, the possibilities seemed

⁴¹U.S. Congress, 47th Cong. 2d Sess., House Misc. Doc. no. 6, Report of Tariff Commission appointed under Act of Congress approved May 15, 1882 (Washington: Government Printing Office, 1883), Part III, 1185; E.A.H. to R.M. Olyphant, March 26, 1883, Box 19, E.A.H. Papers.

⁴²E.A.H. to R.M. Olyphant, May 11, 1892, E.A.H. Papers.

⁴³E.A.H. to Col. A.W. Soper, January 8, 1883, E.A.H. to G.H. Spencer, May 3, 1883, E.A.H. to George W. Allen, April 20, 1883, Box 18, E.A.H. Papers.

hopeful. The ore, however, was of poor quality. In August of 1889 Hitchcock instructed White to stop work on the mine until they could interest other parties.⁴⁴

The American Plate Glass Company had been started at Detroit, probably about 1870, by a Mr. Ward.⁴⁵ It was transferred to Crystal City, Missouri, in 1872.⁴⁶ Three years later Hitchcock took charge of the company.⁴⁷ At this time there were four other plate glass factories in the United States, one at Lenox, Massachusetts, a second at New Albany, Indiana, another at Louisville, Kentucky, and a fourth at Jeffersonville, Indiana. All had been operating less than ten years and, in 1875, none was as yet making a profit. Hitchcock had the foresight to realize that a vast American market was available if American manufacturers could produce in sufficient quantity to undersell the European product, which at that time was the principal source of supply.⁴⁸

⁴⁴Little Miami Syndicate Book, Box 20, E.A.H. to F.G. White, April 24, 1888, August 16, 1889, Box 20, E.A.H. Papers.

⁴⁵47th Cong. 2d Sess., House Misc. Doc. no. 6, Part III, 1188.

⁴⁶E.A.H. to Roger Q. Mills, January 1888, Box 20, E.A.H. Papers.

⁴⁷47th Cong. 2d Sess., House Misc. Doc. no. 6, Part III, 1189.

⁴⁸E.A.H. to Roger Q. Mills, January 1888, Box 20, E.A.H. Papers.

Establishing a plate glass industry presented many difficulties. Skilled labor was needed for casting, polishing and cutting. Since it was a new industry in the United States, trained workers were not available. Either Europeans had to be hired, or Americans had to be trained. Hitchcock hired George F. Neale as manager of the plant at Crystal City. Neale had been manager of a large English plate glass factory near London.⁴⁹ He had the technical knowledge and Hitchcock relied upon him for the operation of the plant. In July of 1875, Hitchcock could write that they were "progressing with satisfaction at Crystal City. We have lighted up one of the new furnaces on the 4th inst. and will begin to 'cast' on the 15th and within two weeks I hope we shall be at work in all our various departments."⁵⁰

In spite of his high hopes, the company did not show a profit. In December of 1876, the bondholders of the American Plate Glass Company bought the company and organized the Crystal Plate Glass Company. The company could make glass of fine quality, but it had difficulty

⁴⁹47th Cong. 2d Sess., House Misc. Doc. no. 6, Part III, 1189.

⁵⁰E.A.H. to Willard Parker, July 8, 1875, Box 18, E.A.H. Papers.

producing it in sufficient quantity to make a profit. In 1878, after additions to the plant, Hitchcock hoped to double production so that they would not be behind on orders. He felt confident that he would be able to offer glass in New York "at prices that would virtually stop importation." He did not succeed in doing that, but, in 1881, the company showed a profit of seven per cent.⁵¹

In regard to Crystal City, Hitchcock maintained a paternal attitude which was not unusual among industrialists at that time. He constructed a village, providing homes for his five hundred workers and their families. In an age which did not have the advantage of the automobile, it was necessary that workers be located near the company. It was also necessary, because of the isolation of the company town, that certain facilities be provided for the inhabitants, such as a store. The company town, which developed in answer to the need of the employer for an adequate work force and the need of the employee for convenient housing, tended, as used by some industrialists, to make the worker dependent upon the employer. As unionism gained a foothold in American industry, company towns were often the cause of

⁵¹ E.A.H. to Cousin William, October 23, 1876, E.A.H. to Messrs. E.F. Holbrook & Bros., April 19, 1878, Box 18, E.A.H. Papers; 47th Cong., 2d Sess., House Misc. Doc. no. 6, Part III, 1188.

labor agitation.⁵² In Crystal City there does not seem to have been undue dissatisfaction with the operation of the company town. Hitchcock watched carefully that the company store was not run for profit but for the convenience of the workers. In 1887, when the store showed a profit of twenty-five per cent, he gave instructions to Neale that the store was not to realize a profit of more than ten per cent.⁵³ Hitchcock concerned himself with other aspects of the lives of the workers. He made an attempt to interest them in gardening, providing them with imported tomato seeds. The results of this endeavor were a great disappointment.⁵⁴ A further effort to regulate the lives of the workers was the prohibition of the sale of liquor in the town.⁵⁵ To provide entertainment for the workers, Hitchcock wrote to Professor Albert S. Bickmore of the American Museum of Natural History of New York inquiring about a series of lectures, accompanied by slides, which he hoped would

⁵²47th Cong. 2d Sess., House Misc. Doc. no. 6, Part III, 1188; Foster Rhea Dulles, Labor in America (New York: Thomas Y. Crowell Company, 1966), pp. 171-72, 189.

⁵³E.A.H. to George F. Neale, February 14, 1887, Box 20, E.A.H. Papers.

⁵⁴A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

⁵⁵47th Cong. 2d Sess., House Misc. Doc. no. 6, Part III, 1188.

"entertain and at the same time instruct."⁵⁶

Hitchcock's reaction to attempts to unionize his workers reflected his paternalistic attitude. He felt that he treated his workers justly, that his stockholders were entitled to dividends on their investments and that decisions which he made for the good of the company were also for the benefit of the workers. In slow times the stockholders might have to go without dividends, but the workers should be willing to take a reduction in wages to keep the company operating. Men who joined unions and took part in strikes were not rehired. In 1886 some of the workers at Crystal City joined the Knights of Labor. They were dismissed and when they petitioned for reinstatement, Hitchcock wrote to Neale, the manager, "To permit the organization, as at present conducted, to gain a foothold at Crystal City would be to invite an arbitrary and dictatorial interference with the management of our business."⁵⁷ He reiterated the position he had taken in a talk given to the workers in February, that they could not belong to the

⁵⁶E.A.H. to Professor Albert S. Bickmore, October 22, 1884, Box 18, E.A.H. Papers.

⁵⁷E.A.H. to George F. Neale, April 5, 1886, Box 31, E.A.H. Papers.

union and be employed at Crystal City.⁵⁸

Hitchcock, in his relation with the other plate glass manufacturers, realized that if they were to eliminate foreign competition effectively they would have to cooperate. Only by presenting a united front could they hope to capture the American market. To attempt to compete against each other would mean disaster. For several years the Star Glass Company at New Albany, Indiana, owned by W.C. DePauw, was the only other company of any significance. DePauw regarded the St. Louis company with suspicion. He accused the Crystal Plate Glass Company of taking his workers and of underselling his product. Hitchcock wrote to him frequently denying the charges against his company and arguing for cooperation.⁵⁹ He was particularly anxious that the two companies come to an understanding with the plate glass dealers in New York. He often sought the assistance of Isaac Holbrook, a New York dealer, in attempting to reach an understanding with DePauw.⁶⁰ In 1883 four

⁵⁸Talk delivered to workmen at Crystal City, Missouri, February 24, 1886, Box 31, E.A.H. Papers.

⁵⁹E.A.H. to George F. Neale, December 13, 1878, Box 18; E.A.H. to W.C. DePauw, December 16, 1878, Box 18; E.A.H. to W.C. DePauw, March 8, 1879, Box 19, E.A.H. Papers.

⁶⁰E.A.H. to Messrs. Holbrook & Bros., January 7, 1879, Box 18,; E.A.H. to Isaac E. Holbrook, June 19, 1879, June 28, 1879, Box 19, E.A.H. Papers.

plate glass companies located at Crystal City, New Albany, Jeffersonville, and Pittsburgh formed a Plate Glass Association "to maintain prices and mutually protect each other's interest." Crystal withdrew from the association in July 1885.⁶¹

Hitchcock was still anxious to establish some form of consolidation. In June 1890 he had a meeting with the New York glass jobbers who proposed the organization of a company to control the trade of the states of New York, Connecticut and New Jersey. The jobbers were to control sixty per cent of the stock of the corporation and the manufacturers forty per cent. The manufacturers were to agree to surrender the sale of their product exclusively to the new company in the proposed territory. Hitchcock rejected the proposition, objecting that:

It would render us liable to the very first paragraph of the Federal bill (originally introduced by Mr. Sherman) which will undoubtedly pass both branches of Congress, and which reads as follows: Section 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared illegal.⁶²

⁶¹E.A.H. to Charles W. Clifford, August 18, 1885, Box 19, E.A.H. Papers.

⁶²E.A.H. to Edward Ford, June 12, 1890, Box 20, E.A.H. Papers.

He still felt, however, that there was a need for organization of the glass industry. He feared that in a few years the success of the glass companies would lead to overproduction and a reduction of prices. He explained his ideas to Edward Ford of the Pittsburgh company:

In my judgment the best means of preventing such a condition of affairs is to be found in the organization of a corporation of such magnitude, but entirely devoid of any 'trust' feature, as will by its resources and productive capacity, in the very nature of things, prevent the further investment of capital in additional organizations. . . . Such organization would virtually control the business of the country, would be able to regulate the price of its product and that of labor, and could secure the cooperation and business of our New York friends by allowing them to subscribe for and take such minority interest in its stock as would, in my judgment, be even more profitable to them than would result from the plan they propose.⁶³

In 1893 serious consideration was given to a consolidation of the Crystal Plate Glass Company, the Diamond Plate Glass Company and the Charleroi Company with Hitchcock as President and General Manager. This, however, did not materialize.⁶⁴ The next year talks were again resumed with two more companies added, the Howard Plate Glass Company and the Pittsburgh Plate Glass Company.⁶⁵ This led to the

⁶³ Ibid.

⁶⁴ E.A.H. to Charles W. Clifford, April 4, 1895, Box 21, E.A.H. Papers.

⁶⁵ E.A.H. to Edward Ford, November 30, 1894, Box 21, E.A.H. Papers.

consolidation of the five companies as the Pittsburgh Plate Glass Company in the Spring of 1895, with Hitchcock as a member of the Board of Directors.⁶⁶

Because of his interest in the plate glass industry, Ethan Allen Hitchcock became an advocate of the protective tariff. The issue of the protective tariff had been a source of contention between the North and South in pre-Civil War days. During the war, while the anti-protectionist advocates were absent from Congress, a series of tariff acts were passed. Beginning with the Morrill Act of March 1861, these acts provided protection for American products. Throughout the remainder of the nineteenth century, in spite of attempts at reform, tariff legislation remained consistently protective. The passage of an act in 1872 had provided for a ten per cent reduction of tariff rates, but the high duties were restored in 1875. Attempts at tariff reduction usually marshalled enough pressure on Congressmen in both parties to prevent any drastic lowering of rates.⁶⁷

When Hitchcock took charge of the plant at Crystal

⁶⁶E.A.H. to Edward Ford, March 25, 1895, Box 21, E.A.H. Papers.

⁶⁷F.W. Taussig, The Tariff History of the United States (New York and London: G.P. Putman's Sons, 1923), p. 192.

City, Missouri in 1875, plate glass manufacturing was an infant industry. The American companies had to compete against old, established firms, which previously had had free access to the American market. A tariff duty had been placed on plate glass by an act of Congress March 2, 1861.⁶⁸ Since this had been before the establishment of American plate glass companies, the tariff was solely for revenue. In the 1870's the struggling new companies wanted to maintain the duties imposed by that tariff. Any suggestion as to revision of the tariff or as to free trade was a cause of anxiety to the owners of the new plate glass factories, who had invested so much capital in their ventures.

Hitchcock, therefore, anytime that the question of tariff rates was considered by Congress, tried to prevent a reduction in the rates on plate glass. In 1877 when a bill for lower tariff rates was before the Ways and Means Committee of the House of Representatives, Hitchcock wrote to W.C. DePauw, owner of the Star Glass Company, New Albany, Indiana, asking him to come to Crystal City to discuss the proposed tariff reduction. DePauw, whose relations with Hitchcock were never friendly, did not come to Missouri, but he did send a copy of a letter which he had written to

⁶⁸U.S. Congress, Statutes at Large (Boston: Little Brown and Company, 1863), XII, 186, 187.

Fernando Wood, Chairman of the Committee of Ways and Means.⁶⁹ Hitchcock then wrote to Wood and he reiterated the assertion, which DePauw had made, that foreign manufacturers of plate glass were trying to destroy the American industry.⁷⁰ Hitchcock seems to have been convinced that there was a concerted effort on the part of foreign manufacturers and foreign importers in New York to bring about a reduction in the tariff. In April 1878 Hitchcock wrote to DePauw that the New York Tribune had stated that the bill as reported to the House of Representatives was not the same as had been agreed upon in committee. Some reductions had been made on the duties imposed on plate glass. Hitchcock blamed the reductions on the fact that "the importers have of course been at work."⁷¹ The bill was defeated in the House, June 5, 1878, so there was no change in the tariff law at that time.⁷²

The movement for tariff revision, however, did not

⁶⁹E.A.H. to W.C. DePauw, December 8, 1877, Box 18, E.A.H. Papers.

⁷⁰E.A.H. to Fernando Wood, January 1, 1878, Box 18, E.A.H. Papers.

⁷¹E.A.H. to W.C. DePauw, April 1, 1898, Box 18, E.A.H. Papers.

⁷²Charles S. Olcott, The Life of William McKinley (2 vols., Boston and New York: Houghton Mifflin Company, 1916), I, 134.

die and, in 1881, President Chester A. Arthur, in his annual message to Congress, asked for the establishment of a commission to review the tariff question.⁷³ Following the President's suggestion, Congress, by an act of May 15, 1882, provided for the appointment of a commission of nine members.⁷⁴ The commission traveled throughout the country conducting hearings in twenty-nine cities.⁷⁵

In September 1882 when the commission visited St. Louis, Ethan Allen Hitchcock testified for both the steel industry and the plate glass industry. He had little to say about steel because a convention had recently been held at Cresson, Pennsylvania, and two representatives from the convention were to report to the Commission. He merely reminded the Commission that the steel companies in Cleveland, Joliet and St. Louis should not be considered on the same basis as those in Pennsylvania, which, because of their size, did not have the same problems as the smaller

⁷³U.S. Congress, Congressional Record, 47th Cong. 1st Sess. (Washington: Government Printing Office, 1882), p. 26.

⁷⁴Joshua Bernhardt, The Tariff Commission, Its History, Activities and Organization (New York: D. Appleton and Company, 1922), p. 6.

⁷⁵Ibid., p. 7.

companies.⁷⁶

For the plate glass industry, he made a strong plea for protection. He explained that it was a new industry and that the few factories in existence were only now beginning to realize a profit. He pointed out that three-fourths of the cost of manufacturing plate glass was labor, citing the higher wages paid in the United States than in England, France and Belgium. Hitchcock claimed that the establishment of American companies had reduced the average cost of plate glass to the consumer from two dollars and fifty cents per square foot to one dollar. To illustrate the large initial capital outlay necessary, he testified that one million dollars had been invested in his company and that they expected to put in half as much more "before we can reach that degree of profit which will put us in the condition of a regular paying business."⁷⁷

The Commission, in its report of December 4, 1882, suggested a general reduction in tariff duties.⁷⁸ On plate glass, however, it advised the retention of the classifications

⁷⁶47th Cong. 2d Sess., House Misc. Doc. no. 6, Part III, 1185.

⁷⁷Ibid., Part III, 1185-1190.

⁷⁸J. Bernhardt, The Tariff Commission, p. 7.

and rates of the existing tariff. The section of the report pertaining to plate glass shows the influence of Hitchcock's testimony. The arguments given by the Commission for maintaining the duties on plate glass were those that had been presented to the Commission by Hitchcock.⁷⁹ Following the Commission's report, Congress drew up a tariff bill which disregarded the proposed general reductions suggested by the Commission but which did not make any changes in regard to plate glass.⁸⁰ Hitchcock wrote to Martin L. Clardy, a representative from Missouri, warning that, although the Ways and Means Committee had not changed rates on glass, the opposition was "merging to reduce the tariff."⁸¹ Clardy spoke in the House of Representatives in favor of protection for the glass industry on February 6, 1883.⁸² Hitchcock, also, wrote to the two Senators from Missouri, Francis M. Cockrell and George G. Vest, advising them that the Senate Finance Committee was reported to have recommended

⁷⁹47th Cong. 2d Sess., House Misc. Doc. no. 6, Part I, 15.

⁸⁰J. Bernhardt, The Tariff Commission, p. 8.

⁸¹E.A.H. to Martin L. Clardy, January 3, 1883, Box 18, E.A.H. Papers.

⁸²U.S. Congress, Congressional Record, 47th Cong. 2d Sess. (Washington: Government Printing Office, 1883), p. 2162.

"such reductions in the Duty on Plate-Glass as will, if passed by Congress, materially cripple the young and growing industry . . ." ⁸³ He explained why the industry needed protection and then asked that his letter be shown to Senator Hoar of Massachusetts because residents of New Bedford, Massachusetts had invested one hundred thousand dollars in Crystal City. ⁸⁴

The protectionist sentiment in Congress prevailed, and on March 8, 1883 Hitchcock wrote to a stockholder in New Bedford:

In reply to your favor of the 3rd inst. I beg to say that no change whatever was made in the rate of duty on plateglass, by the tariff which was adopted by the last Congress. The Tariff Commission, Senate Finance Committee, and Ways and Means Committee having recommended that the duties should remain as they have heretofore been. ⁸⁵

In 1884 another attempt was made for tariff reform. W.R. Morrison, Chairman of the Ways and Means Committee, presented to the House of Representatives a bill which provided for horizontal reductions of twenty per cent on all dutiable articles. The bill did not pass

⁸³E.A.H. to F.M. Cockrell and George G. Vest, January 5, 1883, Box 18, E.A.H. Papers.

⁸⁴Ibid.

⁸⁵E.A.H. to William J. Rotch, March 8, 1883, Box 18, E.A.H. Papers.

the house.⁸⁶

In December 1887, President Grover Cleveland, concerned about a surplus in the Treasury, asked for a revision of "our present tariff laws, the vicious, inequitable and illogical source of unnecessary taxation . . ."⁸⁷ Roger Q. Mills of Texas introduced a bill in the House which would have provided for a reduction of duties. Hitchcock wrote to Mills giving him arguments in favor of protection of the plate glass industry.⁸⁸ He sent a letter to Martin L. Clardy, Representative from Missouri, stating that every Missouri delegate should join Clardy "as a matter of state pride in fighting this reduction." He set forth arguments for protecting the American plate glass industry:

We want more American plate glass manufactories in this country, as those here now cannot supply half the demand, and the way to get them here is not to destroy those that are now here. In other words the true way to cheapen glass to the American consumer is to increase the supply of it from American works and this can only be done by building more American factories. For when this is done competition among them will soon do the rest, that is

⁸⁶Davis Rich Dewey, Financial History of the United States (New York: Longmans, Green and Co., 1939), p. 423.

⁸⁷U.S. Congress, Congressional Record, 50th Cong. 1st Sess. (Washington: Government Printing Office, 1888), pp. 9-10.

⁸⁸E.A.H. to Roger Q. Mills, January 1888, Box 20, E.A.H. Papers.

cheapen the cost to the consumer. Home-made competition is fair and right and we don't object to it, - we expect it, and let the best man win - but don't make us compete with cheap European money and pauperized labor. America for Americans is the true doctrine and American brains, American capital, energy, industry and labor rightfully demand that the American market shall be reserved for American industries, and such will be the verdict of the people at the polls in November next--sure.⁸⁹

In April of 1888 Hitchcock wrote to the editor of the Missouri Republican citing his reasons why the tariff duty on plate glass should not be reduced.⁹⁰

The Mills bill, after prolonged debate, passed the House on July 21, 1888. The Republican Senate reported the Mills bill, with a substitute bill, on October 8. When the Senate recessed on October 20, the bill had not been passed. The tariff became an important issue in the campaign of 1888. The Democrats advocated reduction of the tariff along the lines recommended by the Mills bill. The Republicans espoused the cause of protection. As a result of the election, the Republicans had a slight majority in both houses of Congress. The Ways and Means Committee of the House of Representatives, of which William McKinley was

⁸⁹ E.A.H. to Martin L. Clardy, March 8, 1888, Box 20, E.A.H. Papers.

⁹⁰ E.A.H. to Editor of the Missouri Republican, Box 20, E.A.H. Papers.

Chairman, drew up a new tariff bill which was a strong protection measure.⁹¹

When the bill was reported to the House from the Ways and Means Committee on April 16, 1890, the section which dealt with plate glass met with Hitchcock's approval. This bill provided a classification for smooth polished glass, which had not been given a separate classification in previous tariff acts. The existing legislation had provided classification for rough plate glass and silvered polished glass. The unsilvered polished glass was included under the heading of "all other manufactures of glass," which had a duty of forty-five per cent ad valorem. Importers were bringing in glass smoothed on one side to escape the specific duties on rough plate glass. The bill passed the House on May 21, 1890. The Senate Finance Committee considered making changes in the section of the bill pertaining to plate glass, which would have eliminated the classification given to polished glass. William McKinley urged the presidents of the companies involved to appear before the Senate Finance Committee and to protest against

⁹¹Charles S. Olcott, The Life of William McKinley I, pp. 149-50, 158-59; F.W. Taussig, The Tariff History of the United States, p. 254.

changes in the bill. Hitchcock went to Washington to protect the interest of the Crystal Plate Glass Company.⁹²

In September 1890 Hitchcock wrote to McKinley that "the change in the Senate amendment was just as we desired and the bill, so far as relates to plate glass, when it goes to the Conference Committee, will be just as we would like to have it stand."⁹³ He feared that "parties in New York", by whom he meant the agents of foreign plate glass manufacturers, would try to have the bill changed.⁹⁴ The McKinley Bill became a law October 1, 1890, without the changes which Hitchcock had feared.⁹⁵

In 1894 a tariff bill prepared in the House under the leadership of William L. Wilson provided for a reduction in the specific rates on some of the cheaper grades of plate glass. The bill passed the House and in the Senate, under the leadership of Senator Arthur P. Gorman, the rates were raised, but not to those of 1890.⁹⁶ Hitchcock wrote to

⁹²E.A.H. to Henry Hitchcock, June 18, 1890, June 20, 1890, Box 20, E.A.H. Papers.

⁹³E.A.H. to William McKinley, September 1, 1890, Box 20, E.A.H. Papers.

⁹⁴Ibid.

⁹⁵F.W. Taussig, The Tariff History of the United States, p. 256.

⁹⁶D.R. Dewey, Financial History of the United States, p. 455.

Edward Ford, president of a plate glass company in Pittsburgh, in August 1894: "The fight is over and we are 4½ cents better off in the 5 to 10 foot bracket - than if the Wilson bill had passed."⁹⁷

Hitchcock was anxious that another tariff act should be passed which would provide greater protection than the Wilson-Gorman Act. In October 1896 he wrote to Senator Nelson W. Aldrich of Rhode Island, Chairman of the Senate Finance Committee, urging the support of a bill being prepared by Nelson Dingley of Maine. Hitchcock argued that the passage of the proposed bill would provide an immediate solution to the problem of foreign manufacturers flooding the country with their goods. He was confident that there would be a Republican victory and that tariff reform, in the guise of greater protection, would follow. Until, however, a new bill could be drawn up and gotten through Congress, which might take a year, he wanted the protection offered by the bill being prepared by Dingley.⁹⁸

When McKinley, who had been elected President in 1896, took office, he convened the Fifty-fifth Congress in

⁹⁷E.A.H. to Edward Ford, August 14, 1894, Box 21, E.A.H. Papers.

⁹⁸E.A.H. to Nelson W. Aldrich, October 20, 1896, Box 21, E.A.H. Papers.

extra session to consider the tariff question. Dingley's bill was reported from the Ways and Means Committee, and within two weeks the House passed it. After many changes the bill was finally passed by the Senate in July and was signed by McKinley on July 24, 1897. In general it had slightly higher duties than the McKinley Act. As far as plate glass was concerned, it raised the rates on cheaper types of plate glass to those of 1890. The rates on the more expensive types of plate glass remained the same.⁹⁹

It was his interest in tariff legislation which brought Hitchcock into contact with McKinley. McKinley's consistent dedication to the cause of protectionism was heartening to the plate glass manufacturer, who needed high duties if his business was to survive. McKinley had waged a fight in Congress from 1878 until 1890 to prevent tariff reform in the form of lower duties. Hitchcock seems to have met William McKinley in March 1886, when the Committee of Ways and Means of which McKinley was a member, conducted hearings on the tariff. Hitchcock testified before the Committee for the plate glass industry. William McKinley

⁹⁹ F.W. Taussig, The Tariff History of the United States, p. 341; Act of August 27, 1894, 28 Stat. 513; Act of July 24, 1897, 30 Stat. 157.

interrogated Hitchcock.¹⁰⁰ In April 1886 Hitchcock had given his brother, Henry, a letter of introduction to William McKinley. Henry was to convey Ethan's thanks for McKinley's efforts toward "maintaining the present rate of duty on Plate Glass." From September 1890 Hitchcock's correspondence shows that he and McKinley were on friendly terms and that Hitchcock had great admiration for McKinley.¹⁰¹

In September 1890 he rejoiced that McKinley had been nominated for a seat in the House, and he assured him ". . . that if there is any possible way in which we can assist you in your canvass, all you have to do is point out the way and we shall avail of it with great pleasure."¹⁰² McKinley was not reelected to the House of Representatives in 1890, but he became governor of Ohio in 1892.¹⁰³

In December 1893 Hitchcock invited McKinley, the governor of Ohio, to address the St. Louis Commercial Club on February 7, 1894, and to stay at the Hitchcock home for

¹⁰⁰Statement of E.A. Hitchcock to Committee of Ways and Means of House of Representatives, March 8, 1886, pamphlet.

¹⁰¹E.A.H. to William McKinley, April 5, 1886, Box 19, E.A.H. Papers.

¹⁰²E.A.H. to William McKinley, September 1, 1890, Box 20, E.A.H. Papers.

¹⁰³Margaret Leech, In the Days of McKinley (New York: Harper & Brothers, 1959), pp. 51-52.

a few days to meet some personal friends.¹⁰⁴ In September 1894 McKinley accepted an invitation from the Missouri Republican State Convention and Hitchcock had an opportunity to entertain the Ohio Governor at his home.¹⁰⁵ When McKinley was seeking reelection as governor of Ohio in 1893, Hitchcock wrote to Cornelius Bliss, Treasurer of the Republican National Committee:

Replying to your circular letter of the 19th inst. with reference to the necessity of raising funds for the Ohio campaign, I would say to you confidentially that - returned last evening from a visit with Gov. McKinley, with the result of which he expressed himself more than gratified. I having met him by appointment at Zania on Monday last. More than this I need not say, as you will understand the rest. The Governor is making a magnificent canvass and from all I could learn I shall be greatly disappointed if his majority is not somewhere in the neighborhood of \$50,000. The appeal you have made, however, is well timed and necessary and I hope will meet with a liberal response, as the Governor is fighting a grand battle in favor of Protection.¹⁰⁶

In January 1896 Hitchcock was among those approached for a contribution by Mark Hanna, the manager of McKinley's

¹⁰⁴ E.A.H. to William McKinley, December 13, 1893, Box 21, E.A.H. Papers.

¹⁰⁵ E.A.H. to William McKinley, September 22, 1894, Box 21, E.A.H. Papers.

¹⁰⁶ E.A.H. to Cornelius Bliss, October 26, 1893, Box 21, E.A.H. Papers.

campaign for Republican nomination for the Presidency.

Hanna wrote to Hitchcock:

Governor McKinley has given me your address as one whom he considers such a friend that can be asked to aid in his campaign. As you know he is a poor man and as the fight seems to be the field against McKinley - with Politicians trying to defeat the choice of the people. He will be at a great disadvantage unless funds are supplied for his support. You will appreciate that there are not many that can be asked to do this and only those who feel a personal interest in his success.¹⁰⁷

Hitchcock sent a check for two hundred and fifty dollars.¹⁰⁸

Hitchcock was in contact with McKinley during the 1896 campaign. In May he wrote to McKinley expressing his regret that he was not able to stop at Canton, McKinley's home town. He wished to give McKinley some facts which would be of assistance to him in the "furtherance of clear and anti-machine administration of Federal affairs" in Missouri.¹⁰⁹ He visited McKinley a few days before the Republican Convention was held in St. Louis. At this visit Hitchcock saw the proposed currency resolution for the platform for the Republican Party. He pronounced it

¹⁰⁷ Marcus A. Hanna to E.A.H., January 7, 1896, Box 28, E.A.H. Papers.

¹⁰⁸ Marcus A. Hanna to E.A.H., January 20, 1896, Box 28, E.A.H. Papers.

¹⁰⁹ E.A.H. to William McKinley, May 25, 1896, Box 21, E.A.H. Papers.

as "all that we business men can ask."¹¹⁰ Writing on June 18, Hitchcock said that the money plank would probably be adopted on that day, and that with "a few verbal changes" it would be the same as he had seen in Canton.¹¹¹

The money plank, when Hitchcock saw it, was probably that proposed by McKinley, which said that the party would:

welcome bimetalism based upon an international ratio, but until that can be secured it is the plain duty of the United States to maintain our present standard, and we are therefore opposed under existing conditions to the free and unlimited coinage of silver at sixteen to one.¹¹²

The committee on resolutions at the convention presented the following wording:

We are therefore opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the earth, which agreement we pledge ourselves to promote; and until such agreement can be obtained, the existing gold standard must be maintained.¹¹³

¹¹⁰ E.A.H. to Edward Ford, June 18, 1896, Box 21, E.A.H. Papers.

¹¹¹ E.A.H. to R.S. Grant, June 18, 1896, Box 21, E.A.H. Papers.

¹¹² Charles S. Olcott, William McKinley, I, 312-13.

¹¹³ Ibid., 313.

It was this introduction of the word "gold" which, although it did not substantially change the meaning of the plank, made money the issue of the 1896 campaign.

Although Hitchcock was not a delegate to the Republican Convention at St. Louis, letters written at this time show that he had a keen interest in the proceedings of the convention.

On November 4, 1896 Hitchcock sent a telegram to the victorious McKinley, "Warmest congratulations cannot find words for my delight at the triumph of National honor and good government or my admiration of your splendid share in this unparalleled campaign."¹¹⁴

Hitchcock attended the inauguration ceremonies with his wife and two youngest daughters. While in Washington, they were invited to the White House for a personal interview with McKinley.¹¹⁵

In the summer of 1897, while Hitchcock was in Washington in regard to the Dingley Tariff Bill, McKinley offered him the post of Minister to Russia.¹¹⁶

¹¹⁴E.A.H. to William McKinley, November 4, 1896, Box 21, E.A.H. Papers.

¹¹⁵A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

¹¹⁶Ibid.

CHAPTER II

RUSSIA

In August 1897, President McKinley offered the post of Minister Plenipotentiary to Russia to Ethan Allen Hitchcock, who on August 14 telegraphed his acceptance.¹ In the meantime he had made an inquiry about the expenses incurred by a Minister to Russia.² He had to decide whether he could leave his business interests for a period of time and assume the financial burden which the post would place upon him. Since a minister's salary did not cover his expenses, he knew that he would have to rely heavily upon his own private income. He and his wife were also concerned about separating their two youngest daughters, Anne and Margaret, from their home and friends for a long period of time. Hitchcock had gone to Dublin, New Hampshire, where the family was vacationing, consulted with his wife, but did not

¹E.A.H. to William McKinley, September 14, 1897, Box 21, E.A.H. Papers.

²E.A.H. to Mr. Pitcairn, August 6, 1897, Box 21, E.A.H. Papers.

tell the two girls, and then he had left for New York, intending to send the President his refusal. Mrs. Hitchcock and the girls paid a visit to the Catlins, another St. Louis family, who also had a summer home at Dublin. Mr. Catlin inquired about the offer that had been made to Mrs. Hitchcock's husband. Anne has left an account of what followed:

We girls could not get my mother home quick enough and then we bombarded her and soon forced her to consent to telegraph my father not to refuse until he had talked to her again. The telegram was handed to him in the old Fifth Avenue Hotel as he was walking to the letter box to drop the refusal into it!³

On August 15th, the newspapers carried the story of Hitchcock's acceptance of the position.⁴ The official appointment was made at the White House on August 20th, but dated the 16th, the day on which the appointment had been sent to President McKinley by John Sherman, the Secretary of State.⁵

Hitchcock went to Washington to acquaint himself

³Anne Hitchcock Sims, "As I Remember Him," Box 31, E.A.H. Papers.

⁴The New York Times, 15 Aug. 1897, p. 1; The St. Louis Post-Dispatch, 15 Aug. 1897, clipping in Box 16, E.A.H. Papers.

⁵The New York Times, 21 Aug. 1897, p. 7; John Sherman to William McKinley, August 16, 1897, vol. 8, The William McKinley Papers, Library of Congress.

with the duties of his post.⁶ Here, he made a favorable impression upon John Addison Porter, secretary to the President, who later wrote to John Hay, the Ambassador to England:

I am so glad that you like Mr. Hitchcock, the new minister to Russia. The President is very fond of him personally, and while Mr. Hitchcock was here making his arrangement with the State Department, I became well acquainted with him and believe he is well-qualified for his proposed work in Russia.⁷

Hitchcock's daughter, Anne, always thought that President McKinley had offered her father the Russian post because of friendship and admiration.⁸ This, undoubtedly, was true, but it was not the only reason for the choice. It seems to have been generally accepted that Hitchcock was chosen because he was a business man, and it was understood that he was to promote American business interests in Russia. Shortly after Hitchcock's appointment, Wilber F. Wakeman, General Secretary of the American Protective Tariff League, wrote to Chester Griswold of the Buffalo Car

⁶John Sherman to William McKinley, August 21, 1897, vol. 8, The William McKinley Papers.

⁷John Addison Porter to John Hay, December 7, 1897, Container 21, John Milton Hay Papers, Library of Congress.

⁸A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

Manufacturing Company:

I have yours of September 10th and in reply beg to say that the information which I obtained regarding the equipment of the new Russian railways was mainly acquired from the new Minister to Russia, Hon. E.A. Hitchcock of St. Louis, Missouri, who, you will remember is one of our Board of Managers. In this connection would say that there was great pressure for the appointment to Russia and it finally turned upon industrial influences, and entirely unbeknown to Mr. Hitchcock, the place was offered to him by the President. The reasons for this, as I say, were industrial, recognizing, as the President did, that large orders might come to the United States through the agency of a business man at St. Petersburg.⁹

Hitchcock, himself, recognized the promotion of business as an important aspect of his mission. In a speech delivered to the St. Louis Commercial Club, on October 15, 1897, he emphasized President McKinley's desire to promote American business abroad:

I go to Russia at the personal request of our Industrial President, whose life record illustrates his unflagging patriotic and far-reaching devotion to the upbuilding and protection of American industries and the disposition of their products at home and abroad, and who, with prosperity established at home, is now seeking other markets to likewise conquer.¹⁰

In a letter to John Sherman, the Secretary of State,

⁹Wilber F. Wakeman to Chester Griswold, September 11, 1897, Box 16, E.A.H. Papers.

¹⁰Speech of E.A.H. to St. Louis Commercial Club, October 15, 1897, Box 21, E.A.H. Papers.

written from St. Petersburg in January 1898, Hitchcock referred to the fact that the President and the State Department had defined for his guidance "a special policy regarding the commercial and industrial relations with Russia."¹¹

During his stay in Russia, Hitchcock strove earnestly to fulfill the Presidential mandate and to encourage commerce. He was optimistic in regard to Russia's potential as a consumer of goods. He wrote to John Pitcairn of the Pittsburgh Plate Glass Company about the future of Russia:

Russia is on the threshold of development with a progressive young Emperor at the helm, aided by Ministers who realize the virgin opportunities open for the exercise of their very best energies and highest talents and the possibilities for Russia's future are simply amazing. Although only 30 years of age, the young Emperor seems to have grasped the situation - which in a nutshell is that with the completion of the Great Siberian Railway - with its Manchurian branch to Port Arthur, - which will be un fait accompli - in the next four or five years - Russia will not only develop her own too long dormant and magnificent resources - agricultural, mineral and manufacturing - but vigorously and successfully compete for the trade with China's 400 millions for the new route will be 1/3 in distance and one half in time as compared with the shortest route of its great competitor England

For such outside assistance as Russia must have - she is more than willing to first draw upon our friendship and experience - which means that Americans will have

¹¹ E.A.H. to John Sherman, January 4, 1898, Box 37, E.A.H. Papers.

the first chance over any and all other outsiders.¹²

In connection with business opportunities for American firms, Hitchcock was interested in Russian expansion in China. The Chinese defeat by the Japanese in the war in 1894-95 had given the Western nations a realization of the weakness of the Manchu government in China. European nations began to make overtures to the Chinese government for leases on Chinese territory. Russia was the first to do so and signed the Li-Lobanov Treaty in June 1896, which gave her the right to construct a railroad across Manchuria, thus shortening the distance to Vladivostok. In March 1898 the Russians were negotiating for a twenty-five year lease on the southern part of the Liaotung Peninsula, as well as a right to construct a railroad from Harbin on the Chinese Eastern Railway to the ports of Ta Lien Wan and Port Arthur.¹³

There was apprehension on the part of Americans who had been doing business in Manchuria that this move on the part of Russia would close the Manchurian market to

¹² E.A.H. to Mr. Pitcairn, January 20, 1898, Box 37, E.A.H. Papers.

¹³ Tyler Dennett, Americans in Eastern Asia, p. 604.

them.¹⁴ In May 1898 William R. Day, the Secretary of State, asked Hitchcock to find out whether any agreement had been made between China and Russia in regard to railroad construction. Hitchcock inquired of the Minister of Foreign Affairs, Count Mouravieff, who informed him that there was an agreement that the Russian government would control all such construction.¹⁵ This did not discourage Hitchcock because he was confident that the Russians in constructing railroads would need American materials. He was fortified in this thinking when the Russian government ordered 2,000,000 poods of rails and 240,000 poods of fish plates from the Pennsylvania and Maryland Steel Companies for use on the Chinese Eastern Railway.¹⁶

Hitchcock took a rather trusting, perhaps naive, attitude toward Russia's eastern policy. He was inclined to be an Anglophobe, maybe because of his contact with the English during his China days. He saw less to be feared by American business men in China from Russia than from

¹⁴Thomas A. Bailey, America Faces Russia (Glouster, Mass.: Peter Smith, 1964), p. 176; William Appleman Williams, American Russian Relations (New York: Rinehart & Co., Inc., 1952), p. 30.

¹⁵E.A.H. to William R. Day, May 25, 1898, Microcopy 35, roll 52, Dispatches from United States Ministers to Russia, The National Archives.

¹⁶E. Ziegler to E.A.H., March 25, 1898, Microcopy 35, roll 52, Dispatches from United States Ministers to Russia.

England. He wrote his views on the subject to John Hay, the Ambassador to England:

Russia is but just entering the "open door" of her own industrial development to meet her own requirements, and accordingly has neither the desire, intention nor ability to withhold from us an "equality of opportunity" in China, in which direction I am satisfied, from my long residence and experience in that country, we must look for a market for our surplus manufactured products.

That Russia should seek political and diplomatic supremacy at Peking is natural and perfectly proper, in view of her long line of territorial contiguity and in protection of the vast interests to be developed by her magnificent Siberian railway system, which is also, even now, foreshadowing enormous possibilities for our own trade across the Pacific.

That Russia will use this power to our disadvantage, or fail in her own interests to encourage such possibilities, I do not believe, but I am convinced - as a business proposition, that we should in no way jeopardise Russia's friendship so cordially demonstrated, and in so many ways up to the present time and which we have no just cause to suspect as to the future.¹⁷

To a friend, who had lived in the Far East, he wrote that he knew that he could appreciate

the enormous possibilities that are now within our reach in China for marketing our surplus manufactured products and rather than enter upon any entangling alliances our motto should be "Friendship for all, dependence upon none," for we have certainly just demonstrated our ability to take care of ourselves.

Russia and Great Britain have been, and still are,

¹⁷ E.A.H. to John Hay, August 18, 1898, Box 22, E.A.H. Papers.

engaged in a duel for political and diplomatic ascendancy at the court of Peking; Russia in protection of her thousands of miles of contiguous territory, and the vast interests to be developed by her magnificent Siberian Railway, and England in her already excessive share of the foreign trade of the Chinese Empire.

Russia does not propose, nor would she dare, to restrict or invade the treaty rights of any Power, but certainly had the right to ask of, and receive from China, such concessions, leases and privileges as were no in violation of the treaty rights of other nations, in China, which is all she had done.

The hue and cry about the "open door" and "equality of opportunity" is political clap-trap and bosh, manufactured for home consumption and foreign effect.¹⁸

Hitchcock gave aid and encouragement to all who came to him with plans which might foster American business interests. He was interested in a Danish steamship line, the United Steamship Company, which was endeavoring to establish direct transportation service between the United States and Russia. In March 1898, he wrote to John Sherman informing him about the company. He also wrote to Stuyvesant Fish, President of the Illinois Railway, introducing Hans Schach, a representative of the Danish Company. He pointed out the advantages of direct transportation to Russia. Goods, such as cotton, were now shipped to England and then reshipped to Russia from English ports. Direct shipment to Russia would

¹⁸E.A.H. to George B. Williams, September 12, 1898, Box 22, E.A.H. Papers.

result in greater profits for Americans. Direct shipment, would, he predicted, encourage the sale of American manufactured products in Russia, where he foresaw an increasing demand for such products.¹⁹

He wrote to Prince Hilkoﬀ, the Imperial Minister of Ways of Communication, to endorse the Marsh Jetty, a system for removing sand bars in rivers. He said that the Russians had a problem in the Volga River similar to that which the Americans had in the Mississippi and that the Marsh Jetty had been successful in the Mississippi.²⁰

The interest which Hitchcock had in American business was shown in his concern about the renewal of passports for Americans living in Russia. It was the duty of the head of an American legation to give his approval for the renewal of passports for Americans residing in a foreign country. Hitchcock followed the State Department policy of being lenient toward "agents of American commercial establishments in foreign countries, who, by

¹⁹United States Department of State, Papers Relating to the Foreign Relations of the United States, 1899 (Washington: United States Government Printing Office, 1901), p. 598; E.A.H. to Stuyvesant Fish, February 26, 1898, Box 37, E.A.H. Papers.

²⁰E.A.H. to Prince Hilkoﬀ, July 28/ August 9, 1898, Box 37, E.A.H. Papers.

peculiar qualifications are useful in promoting our mercantile relations."²¹ He recognized the value to American firms of a representative who could speak Russian and who was familiar with the country. Hitchcock claimed that the volume of business done by an agent of an American firm in Russia could not be the determining factor in deciding whether or not to reissue a passport. He felt that some firms which had few orders at that time had very good prospects. Therefore, he would consider the future prospects of the firm in deciding whether or not to permit the agent to remain in Russia. He inquired of the State Department as to whether he was handling the situation correctly.²²

William Day, Secretary of State, assured Hitchcock that he had a "correct understanding of the policy of the Department with regard to the issuance of passports to persons indefinitely residing abroad." The Department left it to Hitchcock's discretion to deal with each individual case.²³

²¹E.A.H. to William Day, May 10, 1898, United States Department of State, Papers Relating to Foreign Relations of the United States, 1898 (Washington: United States Government Printing Office, 1901), p. 533.

²²Ibid.

²³William Day to E.A.H., June 3, 1898, Papers Relating to Foreign Relations, 1898, p. 536.

In February of 1898, the American legation at St. Petersburg and the Russian legation at Washington were raised to embassies, and on February 4th, President McKinley sent the nomination of Ethan Allen Hitchcock as Ambassador Extraordinary and Plenipotentiary to Russia to the Senate. On Washington's Birthday Hitchcock wrote to President McKinley to thank him for the nomination. He gave a dinner in honor of Count Cassini, who had been appointed to the Russian Embassy at Washington.²⁴

Hitchcock, who had lived a rather quiet, retiring life in St. Louis, seems to have enjoyed the social life at St. Petersburg. Herbert Peirce, the legation secretary, had secured a twenty-one room house in a good location for the Hitchcocks.²⁵ Here Hitchcock entertained frequently. He wrote a description of a fete given in honor of the King and Prince of Rumania at Peterhof, the Imperial Palace. The affair took place outdoors. A ballet was performed on one of the islands in the palace grounds. He

²⁴The New York Times, 3 Feb. 1898, p. 3, 6 Feb. 1898, p. 3; E.A.H. to William McKinley, February 22, 1898, Box 37; Count Cassini to E.A.H., June 2, 1905, Box 31, E.A.H. Papers.

²⁵Herbert D. Peirce, September 15, 1897, Microcopy 35, roll 51, Dispatches from United States Ministers to Russia.

wrote enthusiastically to Henry, "I cannot begin to describe the beauty of the grounds and gardens and surroundings - on and about these islands and the Lake. It was simply an evening in Fairlyland - one never to be forgotten!"²⁶

He soon came to realize that these social gatherings were an opportunity to gain information. In a letter to Henry he said, "You would be astonished to know how freely and unguardedly some of these diplomats sometimes talk - especially after dinner."²⁷

Hitchcock made a good impression on American visitors to Russia. It was reported to President McKinley that Hitchcock treated Irving M. Scott, the builder of the battleship Oregon, kindly and made it possible for him to meet several Russian officials.²⁸

In May 1898 Hitchcock was called upon to obtain information to aid the United States in its claim to territory in a boundary dispute between Alaska and British Columbia. The United States was basing its claim on an

²⁶E.A.H. to Henry Hitchcock, August 2, 1898, Box 22, E.A.H. Papers.

²⁷E.A.H. to Henry Hitchcock, July 20, 1898, Box 22, E.A.H. Papers.

²⁸Charles A. Moore to William McKinley, September 9, 1898, Vol. 17, William McKinley Papers.

Anglo-Russian treaty of 1825. When the United States had purchased Alaska from Russia in 1867, it had accepted the boundary line of the 1825 treaty. Unfortunately the boundary as indicated in the treaty was inaccurate. According to the treaty, the line ran along a non-existent mountain range. Trouble did not occur until the discovery of gold in the Klondike in 1896. Canada wished to lay claim to bays in the southern part of the Alaskan panhandle which could have given her access to the Klondike. Hitchcock hired a man to carry on research in the Archives of the Ministry to find documents which would throw light on the boundary question. The dispute was settled in 1903 by a Commission composed of three Americans, two Canadians and one British member. The decision was in favor of the United States, the British member of the commission voting with the three Americans.²⁹

The year 1898 was a fateful one for the United States. On April 25th, Congress declared war on Spain, bringing to a climax the months of controversy over the

²⁹John W. Foster, "The Alaskan Boundary," The National Geographic Magazine, X (November 1899), pp. 425, 433-34; Tyler Dennett, John Hay (New York: Dodd, Mead and Company, 1933), pp. 224-25; Howard K. Beale, Theodore Roosevelt and the Rise of America to World Power (Baltimore: The John Hopkins Press, 1956), pp. 128-29.

question of intervention in Cuba. Hitchcock from his post in St. Petersburg regarded the United States's conduct of the war with pride. He waited impatiently for war news and he was "awfully proud of Dewey, Hobson and the 'Oregon'."³⁰

He wrote to President McKinley:

Cost what it may in blood and treasure - it was simply inevitable and has already demonstrated to the world not only that we can fight - but will fight again for freedom and humanity. - Its value to us as individuals and as a nation - in the way of experience, will be incalculable - and there will be no longer any question as to our power and purposes among the nations of the world.³¹

In Russia Hitchcock was involved in the diplomacy of the war. The Spanish hoped that the European nations might become entangled in the conflict, if not as actual participants, perhaps as mediators or that they could be induced to interfere in the Philippines to prevent the massacre of the Spanish garrison at Manila by a group of native insurgents. Admiral George Dewey had defeated the Spanish fleet at Manila Bay, May 1, 1898. The American fleet remained in Manila harbor during the summer months, but Manila was not occupied by American troops until August thirteenth. In the meantime, Emilio Aguinaldo, a

³⁰ E.A.H. to Mr. Pitcairn, June 23, 1898, Box 22, E.A.H. Papers.

³¹ E.A.H. to William McKinley, July 15, 1898, vol. 16, McKinley Papers.

native leader, had organized a group of insurgents and there was a possibility that this group might seize Manila before American forces could be sent to Dewey's aid. The Spanish Ambassador approached Count Mouravieff, the Russian Minister of Foreign Affairs, and suggested that a massacre might be prevented if a foreign power were to hoist its flag at Manila. The Count consulted Hitchcock to ascertain the United States' views.³² Without instruction from the Department, Hitchcock had to assume the responsibility of a reply. He informed the Russian Minister that Admiral Dewey was virtually in control of the Philippines and that he would not permit the insurgents "to conduct their part of the war upon any other basis than that of the code recognized by civilized nations." He also informed the Count that United States troops would arrive at Manila within a few days and Admiral Dewey and General Merritt would be able "to successfully demand the immediate surrender of the Spanish forces, when the American flag and no other would fly over Manila and there remain at the pleasure of the

³² Margaret Leech, In the Days of McKinley, pp. 283-85; according to Ernest May, Imperial Democracy (New York: Harcourt, Brace & World, Inc., 1961), pp. 234-35, Mouravieff was not seriously concerned about the United States in the Philippines.

United States Government."³³

Rumors were circulating about the possibility of mediation by European powers. Hitchcock questioned Count Mouravieff about an article in the Paris edition of the New York Herald concerning these rumors. The Count assured him that the facts in the article were without foundation.³⁴

A few days later Sir Nicholas O'Conor, the British Ambassador to St. Petersburg, informed Hitchcock that France, Germany and Russia were "pour parlying as to the situation in the Philippines." Hitchcock sent word to Horace Porter, United States Ambassador to France, on June 21, 1898. The following day he advised Porter that he had spoken to Count Mouravieff who assured him that there was no truth in the rumor. The Count told Hitchcock that concerning the governments and the people of the United States and Russia, "We were friends, we are friends and we intend to remain friends."³⁵

The war was of short duration. The Spanish surrendered Cuba on July 16. Although Admiral Dewey had

³³ E.A.H. to William Day, June 16, 1898, Box 37, E.A.H. Papers.

³⁴ Ibid.

³⁵ E.A.H. to Horace Porter, June 21, 22, 1898, Box 22, E.A.H. Papers.

defeated the Spanish fleet in Manila Bay on May 1, the city of Manila was not taken by American forces under General Wesley Merritt until August 13, two days after the signing of the armistice.³⁶ The question to be settled at the peace conference, which was to take place in Paris at the end of September, was whether or not the United States would annex the Philippines. Hitchcock expressed his opinion in a letter to a friend:

. . . the future of the Philippines is certainly a serious problem - which, however, I feel confident will be worked out satisfactorily, knowing, as I do, by experience the enormous value to us of trade across the Pacific. I don't want to see our Govt give up the slightest fraction of the advantages we have gained in that direction.³⁷

An interesting aspect to the Spanish American War episode is that there is a possibility that the explosive instrument which caused the sinking of the battleship Maine may have been invented in Russia. Hitchcock received an anonymous note which claimed that the Spanish blew up the Maine using an electric apparatus sent to Madrid by a Colonel "Kovako." The Embassy secretary, Herbert Peirce, asked General Petroff, the Director of

³⁶M. Leech, In the Days of McKinley, pp. 283-85.

³⁷E.A.H. to Jasper High, August 22, 1898, Box 22, E.A.H. Papers.

Posts of the Empire, for information. Petroff said that the records showed that an electrical machine was sent by Colonel Kovago to Mr. Chacon in Madrid and that the object of the machine was the destruction of bridges, mines and other obstacles. On April 16, 1898 Hitchcock sent this information to John Sherman, Secretary of State. He also told Sherman of a clipping from the Times (He does not say whether it is New York or London.) which stated that the former Spanish minister of the Marine said that Senor Chacon had placed torpedoes in the harbors of Cuba. Hitchcock pointed out that Chacon had Kovago's device and could have used it.³⁸

In August 1898, the Czar, Nicholas II, proposed, through his Minister of Foreign Affairs, that a conference be held to seek means for maintaining peace and restricting armaments. The document was handed to Hitchcock by Count Mouravieff on August 24, 1898. Hitchcock sent a copy to William R. Day, the retiring Secretary of State, and to John Hay, the newly appointed Secretary of State, still at his post as Ambassador to London. On September 3rd, he sent

³⁸Translation of note sent to Hitchcock, March 22, 1898, Microcopy 35, roll 52, Dispatches from United States Ministers to Russia.

a telegram to William Day giving further details of the Count's conference program. No political or diplomatic questions were to be discussed, no secret arrangements were to be made, present armaments were not to be disturbed, but it was hoped that a means could be found to prevent an increase of future armaments.³⁹ John Bassett Moore, the Assistant Secretary of State, sent a reply to Hitchcock, September 6th:

Telegram as to disarmament received. Though war with Spain renders it impracticable for us to consider the present reduction of our armaments, which even now are doubtless far below the measure which principal European powers would be willing to adopt, the President cordially concurs in the spirit of the proposal of His Imperial Majesty, and will send a representative to the peace conference.⁴⁰

Hitchcock called upon Count Mouravieff to inform him that the President would send a representative. The Ambassador was pleased that the United States was the first great power to accept the proposal for the conference. He wrote to his brother-in-law, Dwight Collier, that, "I made the most of the fact - the others will follow - as they can't

³⁹ E.A.H. to William Day, August 25, September 23, 1898, U.S. Department of State, Foreign Relations Papers, 1898, pp. 540, 542; E.A.H. to John Hay, August 26, 1898, Box 22, E.A.H. Papers.

⁴⁰ John Moore to E.A.H., September 6, 1898, U.S. Department of State, Foreign Relations Papers, 1898, p. 543.

afford to refuse!"⁴¹

Toward the end of November, 1898 Hitchcock took a vacation, which he had postponed because of the war. He took his wife and daughters to Paris. While there he received a cable from the President asking him to accept the position of Secretary of the Interior in the Cabinet. He sent a cable to his brother, Henry, asking for advice. Henry's cable sent on the same day advised him to accept "unless continued official life strongly objected to. New duties laborious and less interesting but important. Admirable opportunity for honorable return. Reputation gained sufficient."⁴²

Arriving back in St. Petersburg in December, 1898, Hitchcock proceeded to make plans for his return to the United States. He notified Count Mouravieff of his new appointment.⁴³ The Senate had confirmed his nomination on

⁴¹E.A.H. to Dwight Collier, September 10, 1898, Box 22, E.A.H. Papers.

⁴²E.A.H. to Henry Hitchcock, December 13, 1898, Henry Hitchcock to E.A.H., December 13, 1898, Box 37, E.A.H. Papers.

⁴³E.A.H. to Count Mouravieff, December 10/22, 1898, Box 22, E.A.H. Papers.

December 21st.⁴⁴ He wrote to Lieutenant William S. Sims at Paris, who had been appointed Naval Attaché to St. Petersburg, but who had not as yet taken up his duties, expressing the regret of the Hitchcock family that he would not be able to "take bread and salt" with them in Russia. He told him that he would go directly home but that his wife and daughters would tour Europe until July or August.⁴⁵

Hitchcock made an attempt before leaving St. Petersburg to put in motion steps which would lead to a trade exposition of American goods in Russia. He wanted to make arrangements to bring the exhibit which would be shown in Paris Exposition of 1900 to Russia. In January of 1899, he inquired about the possibility in a note to Count Mouravieff.⁴⁶ In the same month he wrote to John Hay, now Secretary of State, explaining that the United States should make known its developments in machinery, manufactures, and transportation because "Russia's extra-

⁴⁴ Henry Hitchcock to E.A.H., December 21, 1898, Box 37, E.A.H. Papers; The New York Times, 22 Dec. 1898, p. 1.

⁴⁵ E.A.H. to Lieutenant W.S. Sims, December 31, 1898, Box 22, E.A.H. Papers.

⁴⁶ E.A.H. to Count Mouravieff, January 8, 1899, U.S. Department of State, Foreign Relations Papers, 1898, pp. 594-95.

ordinary progress in industrial enterprise opens a wide field for our commerce."⁴⁷

He continued his interest in the exhibit after he returned to the United States. In April of 1899, he wrote to Herbert H.D. Peirce, First Secretary to the Embassy at St. Petersburg, that he had brought the matter to the attention of the Cabinet where, "it appeared to meet with great interest." It did not seem to meet with enthusiasm from Charlemagne Tower, the new Ambassador, and Hitchcock confided to Peirce that he felt "delicacy about proceeding further without an expression from Mr. Tower."⁴⁸ In August 1900, he made the trip to Boston from his summer home in Dublin, New Hampshire, to meet Tower, who was on leave in the United States. He wrote to his brother, Henry, "I want to talk especially to him about the Exposition in Russia, the importance and necessity of which I do not think he understands; and further because it is now his business and not mine to look after it."⁴⁹ The exposition

⁴⁷E.A.H. to John Hay, January 21, 1899, U.S. Department of State, Foreign Relations Papers, 1898, p.594.

⁴⁸E.A.H. to Herbert H.D. Peirce, April 10, 1899, Box 24, E.A.H. Papers.

⁴⁹E.A.H. to Henry Hitchcock, August 7, 1900, Box 8, E.A.H. Papers.

never took place. Tower seems never to have developed an interest in promoting it and Hitchcock, whose scheme it was, was no longer in a position to actively foster it without the cooperation of the Ambassador.

The Hitchcock family had enjoyed the Russian experience and it was with great regret that they left St. Petersburg. They had taken an active part in the social life, and they were remembered with pleasure after their return home. In September 1899, Colonel W.R. Holloway, United States Consul at St. Petersburg, wrote to Hitchcock that Thomas Smith, United States Consul at Moscow, had remarked to him, "What a delightful impression the Hitchcocks left behind them. I still hear people speak most kindly of them and enquire about them everytime I come to St. Petersburg."⁵⁰ Charlemagne Tower wrote to Hitchcock that, "you are by no means forgotten in St. Petersburg, for you and your family have left the kindest memories behind you and these are recalled by frequent inquiries for you, all made of me by people in Russian Society and the Diplomatic Corps."⁵¹

⁵⁰ Col. W.R. Holloway to E.A.H., September 2, 1899, Box 8, E.A.H. Papers.

⁵¹ Charlemagne Tower to E.A.H., March 30, 1901, Box 14, E.A.H. Papers.

Vice-President Theodore Roosevelt wrote to Hitchcock in August 1901, that:

Mr. F.W. Hollis was with me the other evening on his return from a very interesting European trip. While in St. Petersburg he saw the Czar and a great many people whom it was worthwhile meeting. He happened to mention to me, with no idea of my ever speaking to you about it, that he was astonished to find how vivid the remembrance of you was at St. Petersburg. Not only did everyone speak of you with a genuine affection and respect which it is very rare for a diplomat to leave as a legacy which will last through the years, but there was a universal agreement you were simply as a diplomat far and away the best man of your kind in St. Petersburg. Moreover, they spoke continually of the impression left by Mrs. Hitchcock and your daughters.

I write this for my own pleasure, my dear Mr. Secretary. I have always taken pride in you, and I knew how much you had done at St. Petersburg. But it is a good thing to have it so well remembered!⁵²

⁵²Theodore Roosevelt to E.A.H., August 21, 1901, Box 1, E.A.H. Papers.

CHAPTER III

CABINET MEMBER 1899-1907

The White Star liner Teutonic arrived in New York on February 17, 1899 with Ethan Allen Hitchcock, the newly appointed Secretary of the Interior, as its most notable passenger. He told the reporters who were on hand to greet him that he had found, while Ambassador to Russia, that a friendly feeling existed between that country and the United States.¹

Hitchcock proceeded to Washington where he was sworn in as Secretary of the Interior by Justice David Brewer of the United States Supreme Court.² The Washington Post described him at the time that he took office:

Mr. Hitchcock will not strikingly add to the avoirdupois of the Cabinet as he is by no means a big man physically. He has an intellectual face, and his hair and mustache are white. His manner and air are those of a successful man of affairs and

¹The New York Times, 18 Feb. 1899, p. 5.

²The Evening Star (Washington, D.C.). Box 28, E.A.H. Papers.

he speaks with deliberation and decision.³

Hitchcock replaced Cornelius Bliss in McKinley's Cabinet. Bliss, from New York, was, like Hitchcock, a business man, but unlike Hitchcock, he was deeply involved in politics and therefore had been interested in dispensing patronage.⁴ Hitchcock, although a staunch Republican, was not a politician and had no need to foster a political career or to strengthen a political organization back home.

As a Cabinet member, Hitchcock found himself in the company of a group of men who were "personally congenial to McKinley."⁵ The members of the Cabinet in 1899 were John Hay, Secretary of State; Lyman Gage, Secretary of the Treasury; John Long, Secretary of the Navy; James Wilson, Secretary of Agriculture; Russell Alger, Secretary of War, and John Griggs, Attorney General. With the exception of John Griggs, who was fifty years old, all were over sixty. Hitchcock was sixty-three. In July 1899 Alger was replaced by Elihu Root who was fifty-four years old.⁶

³The Washington Post, 20 Feb. 1899, Box 28, E.A.H. Papers.

⁴M. Leech, In the Days of McKinley, p. 384.

⁵Ibid., p. 383.

⁶Who Was Who in America (Chicago: Marquis Who's Who Inc., 1962), I, 15, 434, 439, 538, 743, 1056, 1138, 1161.

There is no evidence to be found in McKinley's correspondence, either with Hitchcock or with others, as to why he chose Hitchcock as his Secretary of the Interior. The President probably took into consideration Hitchcock's business background. He may also have wanted, as other Presidents did, in choosing a Secretary of the Interior, someone from a western state, and Hitchcock's residence in Missouri may have weighed in his favor. Hitchcock, however, thought, and others did too, that he had been included in the Cabinet because of his experience in China and Russia. In a letter to Sir Cecil Clement Smithe, an Englishman with whom he had become acquainted while in China, Hitchcock said, "I presume the President's action has some relation to my residence and experience in the Far East of which I shall endeavor to give him the benefit of the best of my ability" ⁷

Joseph L. Bristow, who was Fourth Assistant Postmaster General, wrote in his memoirs:

Hitchcock was brought into the cabinet when the Oriental question was at its most acute stage of development, presumably because his long residence in China and his service as ambassador to Russia had equipped him for giving valuable advice on

⁷E.A.H. to Sir Cecil Clement Smithe, December 30, 1898, Box 22, E.A.H. Papers.

questions affecting our commercial interest in the Far East.⁸

The situation in the Far East claimed American attention during the last few years of the nineteenth century. China's weakness was made apparent by her defeat by Japan in 1894-95. The European powers took advantage of this vulnerability to press for concessions in China. Between 1896 and 1899, Russia, Germany, Great Britain and France all obtained concessions and "spheres of influence." By 1898 Americans were becoming anxious that this scramble of European powers for China might deprive the United States of opportunities to expand trade in that country. Great Britain, fearing Russian expansion, had suggested in March 1898, cooperation with the United States to maintain equal commercial opportunities in China. President McKinley, at that time occupied with the Cuban crisis, had declined the offer. When John Hay became Secretary of State, he was of the opinion that the United States should take a stand in regard to the China situation. Because Hay himself had no experience in the Far East, he relied heavily upon the advice of William Rockhill, who had been in China at one time in the employ of the Department of State. Hay had

⁸Joseph L. Bristow, Fraud and Politics at the Turn of the Century (New York: Exposition Press, c. 1952), p. 62.

been instrumental in having Rockhill, who was minister to Greece, brought to Washington in April 1899 as the Director of the Bureau of American Republics. Rockhill had an English friend, Alfred Hippisley, a member of the Chinese Imperial Maritime Service, who was visiting the United States. Rockhill, with Hippisley's aid, set about finding a way to state American policy in China. They decided to approach the problem by having the United States take the initiative in asking the nations involved in China to agree to respect each other's trading rights and to permit trade and commercial activity on the part of all the nations within spheres of influence. On September 6, 1899 Hay sent notes to Great Britain, Germany and Russia. In November notes were sent to Japan, Italy and France. The six nations sent back evasive replies. On March 20, 1900 Hay sent notice to the six governments that he had received satisfactory assurances from all and that he considered each reply "final and definitive."⁹

It is difficult to ascertain just how much influence

⁹ Lawrence L. Battistini, The United States and Asia (New York: Frederick A. Praeger, c. 1955), pp. 50-56; Tyler Dennett, Americans in East Asia, p. 604; Tyler Dennett, John Hay, p. 285; Alfred Whitney Griswold, The Far Eastern Policy of the United States (New York: Harcourt, Brace and Company, 1938), pp. 44, 62-63, 67, 74, 77-78.

Hitchcock had upon that policy.¹⁰ He was firmly convinced of the possibilities of furthering United States commerce in China, and he did not, as many Americans did, look upon Russian expansion as a hindrance to that trade. He did not consider Great Britain's protestations about equal trade opportunities sincere. He had communicated his ideas about Great Britain, Russia and the Far East to Hay in a congratulatory letter written at the time that Hay was made Secretary of State. He said:

That each [Great Britain and Russia] is unnecessarily jealous of our friendship for the other, with none to spare as between themselves, is quite apparent, but, in view of the situation, I think I should not delay assuring you that, so far as Russia is concerned, we have nothing to fear, diplomatically or commercially, from the position she has achieved and will maintain in the Far East.

We are of course not directly concerned with Russia and Great Britain's differences growing out of the Port-Arthur and Ta-Lien-Wan incident, - but there are, as I happen to know, two sides to that story.¹¹

Before Hitchcock left Russia, he had written to a friend in Chicago, Jasper High:

¹⁰There is no indication in the McKinley or Hay papers in the Library of Congress that Hitchcock was consulted in a special manner, other than being present at Cabinet meetings. There is no record of what took place at the Cabinet meetings.

¹¹E.A.H. to John Hay, August 18, 1898, Box 22, E.A.H. Papers.

We must have our full share of the trade of China 400 millions - and the opportunities and possibilities that will be developed by Russia's magnificent Siberian railway system for all of which we shall have to compete with England, Germany, Belgium and France -, Russia not being as yet in a position to meet her own requirements & necessities - even here in Russia, not to mention Manchuria and Siberia - where, so far as Russia is concerned we will surely find the "open door" and "equal opportunity" about which England is making so much fuss - for England!¹²

With this viewpoint he probably spoke in Cabinet meetings against any statement being made by the United States in collaboration with Great Britain or any statement which would have been pointedly against Russia. There is a possibility that Hitchcock may have influenced the President, who did not give his approval until the decision had been made to present the proposal to all the nations concerned in China.¹³ The final form of the notes, a policy agreed upon by all the nations involved, no doubt, met with Hitchcock's approval.

During June 1900 another crisis occurred concerning China. An anti-foreign movement known as the Boxer Rebellion resulted in the siege of foreigners in the legation area in Peking. An expeditionary force, in which the

¹² E.A.H. to Jasper High, August 22, 1898, Box 22, E.A.H. Papers.

¹³ Alfred Griswold, The Far Eastern Policy of the United States, pp. 68-69.

United States participated, was sent by the foreign powers to quell the uprising. The legations at Peking were freed on August 14. Secretary John Hay was fearful that one of the powers might take advantage of the situation to seize additional territory in China. He issued a circular note, on July 3, 1900, which stated that the policy of the United States was to "preserve Chinese territorial and administrative entity."¹⁴

On that day, Hitchcock wrote to his brother, Henry:

The situation in China is, of course, most serious, but the administration's policy has been agreed upon, and it will not be necessary for me to remain here, as my department is not actively concerned as are some others.¹⁵

In another letter to Henry, on August 21, he commented:

The magnificent work of the President and Secretary Hay in connection with the China question needs no comment from me, and you may be assured that the same wise conservative policy will be continued.¹⁶

Hitchcock was present at a special meeting of the Cabinet on August 28 when a Russian proposal for withdrawal of troops was considered. Two drafts of a reply were

¹⁴Ibid., pp. 78-80.

¹⁵E.A.H. to Henry Hitchcock, July 3, 1900, Box 24, E.A.H. Papers.

¹⁶E.A.H. to Henry Hitchcock, August 21, 1900, Box 24, E.A.H. Papers.

submitted to the Cabinet, one prepared by President McKinley, the other by Elihu Root, who was substituting for Hay during the latter's absence from Washington due to illness. The reply decided upon was an ambiguous one reflecting the dilemma of the United States. McKinley and his advisors wished to get American troops out of China, but they preferred withdrawal in concert with all powers.¹⁷ The Chinese situation continued for another year. The military force was eventually reduced to a guard at the legation. In September 1901 the Boxer Protocol was signed by representatives of the Imperial Government of China and the foreign powers. It provided for punishment of Chinese who had taken part in the rebellion and a payment by China of an indemnity to the foreign powers.¹⁸ It is evident that Hitchcock was present and took part in the discussions about the Chinese situation. His letters to his brother show that he approved of the administration policy. Perhaps Hitchcock, with his pro-Russian tendencies and his mistrust of Great Britain, was a restraining force on

¹⁷M. Leech, In the Days of McKinley, pp. 525-26; H. Wayne Morgan, William McKinley and His America (Syracuse: Syracuse University Press, 1963), pp. 472-473; Alfred R.P. Dennis, Adventures in American Diplomacy 1896-1906 (New York: E.P. Dutton & Company, 1928), p. 230.

¹⁸L. Battistini, The United States and Asia, p. 58.

Secretary Hay who was pro-British in his attitude. However, although Hitchcock expressed these views in private correspondence, there is no evidence to show that he voiced them at Cabinet meetings and therefore no proof that he influenced foreign policy in the Far East.

When Hitchcock came to Washington in February 1899, he was alone, his wife and daughters having stayed in Europe to travel for several months before returning to the United States. He stayed at the Arlington Hotel, while he looked for a residence for his family. He found a comfortable house at 1601 K Street N.W., which was home for the Hitchcock family for the eight years that they lived in Washington.¹⁹

Hitchcock had a friendly relationship with President McKinley. In May 1899, while his family was still in Europe, he spent a few days at Hot Springs, Virginia, where the President and Mrs. McKinley were seeking relaxation in the company of Mr. and Mrs. Charles Dawes. Dawes was Comptroller of the Currency and had been McKinley's campaign manager in Illinois in 1896. Hitchcock took lunch and dined with the President's party several times and accompanied the President on walks. Dawes found Hitchcock

¹⁹The New York Times, 18 Feb. 1899, p. 5, Box 28, E.A.H. Papers.

to be "a very companionable and able man."²⁰

When President McKinley toured the South and Southwest on a trip to San Francisco, in the Spring of 1901, Hitchcock was one of the Cabinet members who made up the Presidential party. His daughter Anne accompanied him. It was probably Anne who made the scrapbook of that trip containing newspaper clippings, menus and mementoes. Hitchcock delivered a speech at Tucson, Arizona, in which he assured the people of the territory that the Department of the Interior was aware of the need of the territory for water and had plans to help to alleviate the deficiency. A serious illness of Mrs. McKinley caused grave concern while the party was in San Francisco and resulted in a change in the itinerary. The party returned East by the most direct route.²¹

²⁰ Charles G. Dawes, A Journal of the McKinley Years (Chicago: Lakeside Press, R.R. Donnelly & Sons Company, 1950), p. 142.

²¹ Scrapbook of a trip to San Francisco with President McKinley, Box 25; E.A.H. to Henry Hitchcock, April 20, 1901, Box 24, E.A.H. Papers. In Margaret Leech, In the Days of McKinley, p. 576 and in H. Wayne Morgan, William McKinley and His America, p. 513 it is stated that Hitchcock did not accompany the President through the Southwest, but joined him in San Francisco. The scrapbook gives evidence that Hitchcock was with the President throughout the trip.

The two and a half years during which Hitchcock was a member of the McKinley Cabinet were a time of harmonious relations between the President and his Secretary of the Interior. Hitchcock was in agreement with the policies of McKinley. He regarded William J. Bryan, McKinley's opponent in the campaign of 1900, as "a downright anarchist."²²

Hitchcock was not present at the Pan American Exposition at Buffalo on September 6, 1901, when President McKinley was shot. Hitchcock and the other Cabinet members were at Buffalo on September 14 when the President died as a result of the wound.²³ Hitchcock had lost a trusted and admired friend and a man with whom he had been able to work without conflict.

Theodore Roosevelt, who took the oath of office in Buffalo, immediately following McKinley's death, was a very different man from the deceased President, both in his political views and in his approach to other people.²⁴ When

²²E.A.H. to C.N. Bliss, October 30, 1900, Vol. IV, Secretary Hitchcock's Private Correspondence, Department of the Interior, National Archives, Washington, D.C.

²³W. Scott Smith to C. Hydrich, September 7, 1901, Vol. V, Secretary Hitchcock's Private Correspondence.

²⁴Henry F. Pringle, Theodore Roosevelt (New York: A Harvest Book, Harcourt, Brace and World, Inc., c. 1956), pp. 162-164.

Roosevelt promised to continue the policies of his predecessor and asked the Cabinet members to remain in office, Hitchcock accepted his statement as being sincere and remained in the Cabinet. In a letter to his son-in-law, John Shepley, he wrote:

Just in passing, I want to say that our new President is a man after your own heart, and you may depend upon a thoroughly energetic, vigorous, clean administration, looking to the good of the American people only.²⁵

Hitchcock's daughter later wrote that he "started out believing in him [Theodore Roosevelt] wholeheartedly."²⁶

Hitchcock, no doubt, experienced a change in the tone of Cabinet meetings. John Long, the Secretary of the Navy, expressed this difference in his memoirs. He described McKinley presiding at the meetings as "so quietly cordial, so generously deferential and considerate." With Roosevelt presiding, Long said, "Our Cabinet meetings are as good as a circus."²⁷

²⁵ E.A.H. to John Shepley, October 16, 1901, Box 24, E.A.H. Papers.

²⁶ A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

²⁷ Lawrence Shaw Mayo, ed., America of Yesterday as Reflected in the Journal of John Davis Long (Boston: The Atlantic Monthly Press, 1923), p. 231.

Shortly after Roosevelt took office, Hitchcock gave the Roosevelt children a pony. At one time he had raised Shetland ponies as a hobby, but in later years he had given the ponies to his grandsons. He wrote to John Shepley offering to pay the Shepley boys the price of the pony. He intended to give the pony to the Roosevelt children in the name of his grandsons, hoping that the children of the two families would see more of each other as they grew older.²⁸ It was the pony given to the Roosevelt children by Hitchcock, which was taken to the top floor of the White House and made to walk down the broad stairway by the President's lively offspring.²⁹

In November 1905 a pony given by Hitchcock to the Roosevelt children was the subject of an interesting letter. It may have been the pony given in 1901 or it may have been another given later. A ten year old girl wrote from Maine to tell Hitchcock that she had read in the paper that he had given a pony to Ethel Roosevelt. She asked Hitchcock to give her a pony. She told him, "Our horse is a frade of cars and things, so I can't drive alone but I could drive a little

²⁸E.A.H. to John Shepley, October 7, 1901, October 16, 1901, Box 24, E.A.H. Papers.

²⁹A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

pony."³⁰ Hitchcock wrote to her that he regretted that he could not send her a pony but he had sold all his Shetland ponies some time ago.³¹

Cabinet members and their families were involved in the social life of the Capitol. The social season began with the New Year's Day reception at the White House and continued into the Spring with formal dinners and receptions. Each Cabinet member gave a formal dinner. In 1900 Hitchcock wrote to his brother, Henry, urging him to come to Washington to be present at Hitchcock's first dinner to be given on February 10 at 8 PM.³² Dinners began at eight and the guests were usually able to leave by ten-thirty or eleven. Mrs. Hobart, the wife of the Vice-President during McKinley's administration, recalled that she and her husband attended eighty-nine dinners during the 1898-1899 social season.³³ Perhaps a Cabinet member may have scored a few less, but it

³⁰Alice O'Brien to E.A.H., November 23, 1905, Box 12, E.A.H. Papers.

³¹E.A.H. to Alice O'Brien, December 19, 1905, Box 22, E.A.H. Papers.

³²E.A.H. to Henry Hitchcock, January 15, 1900, Box 24, E.A.H. Papers.

³³Jennie Hobart, Memories (Mount Vernon, New York: William Edwin Rudge, 1930), p. 34.

was a rigorous schedule. John Long, the Secretary of the Navy during McKinley's administration, complained that the dinners occurred at the rate of three a week. He lamented the monotony of "the same food, . . . the same men and women, exactly the same conversation. . . ." ³⁴ Mrs. Hobart, who was attending the same functions, had a different reaction. She found that the dinners were never dull because the guests were "intelligent, cultivated, often brilliant men and women interested in every subject under the sun." ³⁵

Hitchcock enjoyed dining out, although at times the pace of Washington social life was a strain. He wrote to Colonel W.R. Holloway, U.S. Consul-General at St. Petersburg:

. . . as I do not get away from the office until six or half past every evening, just leaving me time to change my clothes for some one of the many dinners we have to go to, you will see that private correspondence has gotten to be almost an impossibility with me. ³⁶

Years later Anne Hitchcock recalled "the boredom of some of the routine, now discarded, that made up the life of a devoted Cabinet minister's wife and to a certain extent of his daughters." The wives of the Cabinet members

³⁴L. Mayo, America of Yesterday, pp. 217-18.

³⁵Jennie Hobart, Memories, p. 49.

³⁶E.A.H. to Colonel W.R. Holloway, February 26, 1900, Box 24, E.A.H. Papers.

met with Mrs. Roosevelt on Tuesday mornings. Hitchcock would tease his wife at lunch on Tuesdays saying, "What did the ladies' Cabinet talk about today?" Anne noted that the ladies were "not above enjoying a nice tidbit of gossip," but she was careful to add, "not of the malicious sort."³⁷

One of the most important social events of Hitchcock's sojourn in Washington was the wedding of his daughter Anne to Lieutenant Commander William S. Sims, U.S.N. The ceremony took place at St. John's Episcopal Church on November 21, 1905. President and Mrs. Roosevelt, Vice-President and Mrs. Fairbanks, Cabinet members, representatives from foreign countries and members of Congress attended.³⁸

Lieutenant Sims had been assigned to Paris as Naval Attaché at the time that the Hitchcock family went to Russia. The Hitchcocks had met him when they stopped in Paris on the way to St. Petersburg and again when they went to Paris on vacation in November 1898. Hitchcock had been impressed by the younger man and he had requested that Sims be appointed to St. Petersburg as Naval Attaché and that he be given a promotion in rank. Sims had not gone to St. Petersburg

³⁷ A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

³⁸ The New York World, 20 Nov. 1905, Box 28, E.A.H. Papers.

because Hitchcock left Russia to become Secretary of the Interior. When Sims returned to Washington several years later, he renewed his acquaintance with the Hitchcock family. At that time Sims was gaining recognition for reforms which he had instituted in naval target practice. Hitchcock, who had a practical bent, enjoyed talking to the Navy man, and they often discussed the mechanical details of Sims' work. Anne, writing years later, claimed that Sims seemed more her father's friend than the friend of herself and her sister, Margaret. It is, therefore, not surprising that Hitchcock's letters, written at the time of Anne's engagement and marriage, express his approval of her choice of a husband.³⁹

The church affiliation of the Hitchcock family in St. Louis had been Presbyterian. While in Russia they had attended the English church. Because of this contact with Anglicanism, when they came to Washington they decided to attend the Episcopal church. The Episcopal Bishop of Washington, Rev. Henry Yates Satterlee, officiated at

³⁹Elting E. Morison, Admiral Sims and the Modern American Navy (Boston: Houghton Mifflin Company, 1942), p. 51; E.A.H. to Captain George L. Anderson, October 18, 1898, Box 22; A.H.S., "As I Remember Him," Box 31; E.A.H. to Dwight Collier, August 21, 1905, Box 22, E.A.H. to Thomas Ryan, September 11, 1905, Box 22, E.A.H. Papers.

Anne's marriage.⁴⁰

There were two years when the Hitchcock family did not take part in the social life in the Capitol, the year following the death of Hitchcock's brother Henry in March 1902, and the year preceding Hitchcock's retirement when he and his wife were not well.

Henry Hitchcock became ill in 1900. In May of that year his doctor advised a trip to Nauheim, Germany, a health resort, for a rest.⁴¹ On his way to Europe, Henry stopped in New York for a few days. The Secretary wrote to him that he would meet him in New York and spend as much time as possible with him, but he explained:

As you perhaps know, the last two or three days of the session are dangerous ones, for all sorts of plundering schemes are put back until the last month of the session in hope that the President and Chiefs of the Departments will not have time to give the bills thus passed proper consideration with a view of approval, or in cases where a veto should certainly be applied. Both houses are likely to pass such bills this session, and those of us on guard have to be at our posts if we are to do our duty.⁴²

⁴⁰A.H.S., "As I Remember Him," Box 31, E.A.H. Papers, The New York Times, 22 Nov. 1905, p. 11.

⁴¹E.A.H. to Henry Hitchcock, May 21, 1900, E.A.H. to Dr. W.E. Fischell, May 21, 1900, Box 24, E.A.H. Papers.

⁴²E.A.H. to Henry Hitchcock, May 24, 1900, Box 24, E.A.H. Papers.

Hitchcock was with his brother in St. Louis when Henry died on March 18, 1902.⁴³ The death of his brother left a void in Hitchcock's life which was never filled by anyone else. He had written frequently to Henry, consulted him on family matters, sought his legal advice and relied on him to manage his affairs in St. Louis. Henry seems to have been the one person with whom this reserved man communicated without restraint.

Henry's son, George, took over the management of Hitchcock's affairs in St. Louis. There was frequent correspondence between Hitchcock and his nephew. George partially filled the place which his father had had in Hitchcock's life.

In November 1902, while Hitchcock was still mourning his brother, he declined an invitation, extended by Owen Wister, to speak at the Boone and Crockett Club on December 13 about the forest reserves. He told Wister that he was not going out that winter. He also told Wister that he would have something to say about forestry in his annual report and that he wished that "it were possible to make it

⁴³W. Scott Smith to John Pitcairn, March 11, 1902, Box 24, E.A.H. Papers.

as attractive as *The Virginian*."⁴⁴

Two honorary degrees were conferred upon Hitchcock during the time that he served as Secretary of the Interior, an LL.D. from the University of Missouri in June 1902 and an LL.D. from Harvard University in June 1906.⁴⁵ George Hitchcock, congratulating his uncle on the Harvard degree, said, "As a Yale man I feel jealous of Harvard in conferring her LL.D. on you, but appreciate all the same the compliment in recognizing the splendid work which you have done for the government."⁴⁶

At the Harvard commencement, at which he received the degree, Hitchcock delivered an address in which he told of the work of the Department of the Interior in combatting frauds.⁴⁷ He was not an impressive speaker. His speeches usually consisted of an unembellished summary of the work of the Department of the Interior.

Each summer the Hitchcock family left the heat of

⁴⁴ E.A.H. to Owen Wister, November 10, 1902, Box 22, E.A.H. Papers.

⁴⁵ R.H. Jesse to E.A.H., March 13, 1902, Box 30; E.A.H. to Jerome D. Green, June 16, 1906, Box 22, E.A.H. Papers; The New York Times, 28 June 1906, p. 7.

⁴⁶ George Hitchcock to E.A.H., June 29, 1906, Box 8, E.A.H. Papers.

⁴⁷ Address of Ethan Allen Hitchcock at Harvard University Commencement, Box 22, E.A.H. Papers.

Washington and went to Dublin, New Hampshire. Here Hitchcock joined his wife and daughters whenever he was able to do so. While in Dublin he kept close contact with his office both by correspondence and by telegraph. An incident, which occurred in 1906, gives an insight into the character of the Secretary of the Interior. There were a number of families, some from St. Louis, who had homes on Lake Monadnoch, where the Hitchcock summer home was located. Hitchcock was concerned that these summer residents should not disregard the interests of the permanent residents. When the question of installing electric lights along the lake road came up, some of the summer residents protested that the lights would spoil the rustic atmosphere. Hitchcock argued that the people who lived there permanently needed the lights, so that they would be able to travel to Dublin on dark winter nights. He did not think that they should be deprived of enjoying a social life in the winter. He suggested that the matter should be "settled at the town meeting by an unbiased vote of the people."⁴⁸

The only time of the year when Hitchcock got completely away from his work was during August when he went on a fishing trip to Canada. Each year he and some friends

⁴⁸E.A.H. to Joseph L. Smith, March 6, 1906, Box 22, E.A.H. Papers.

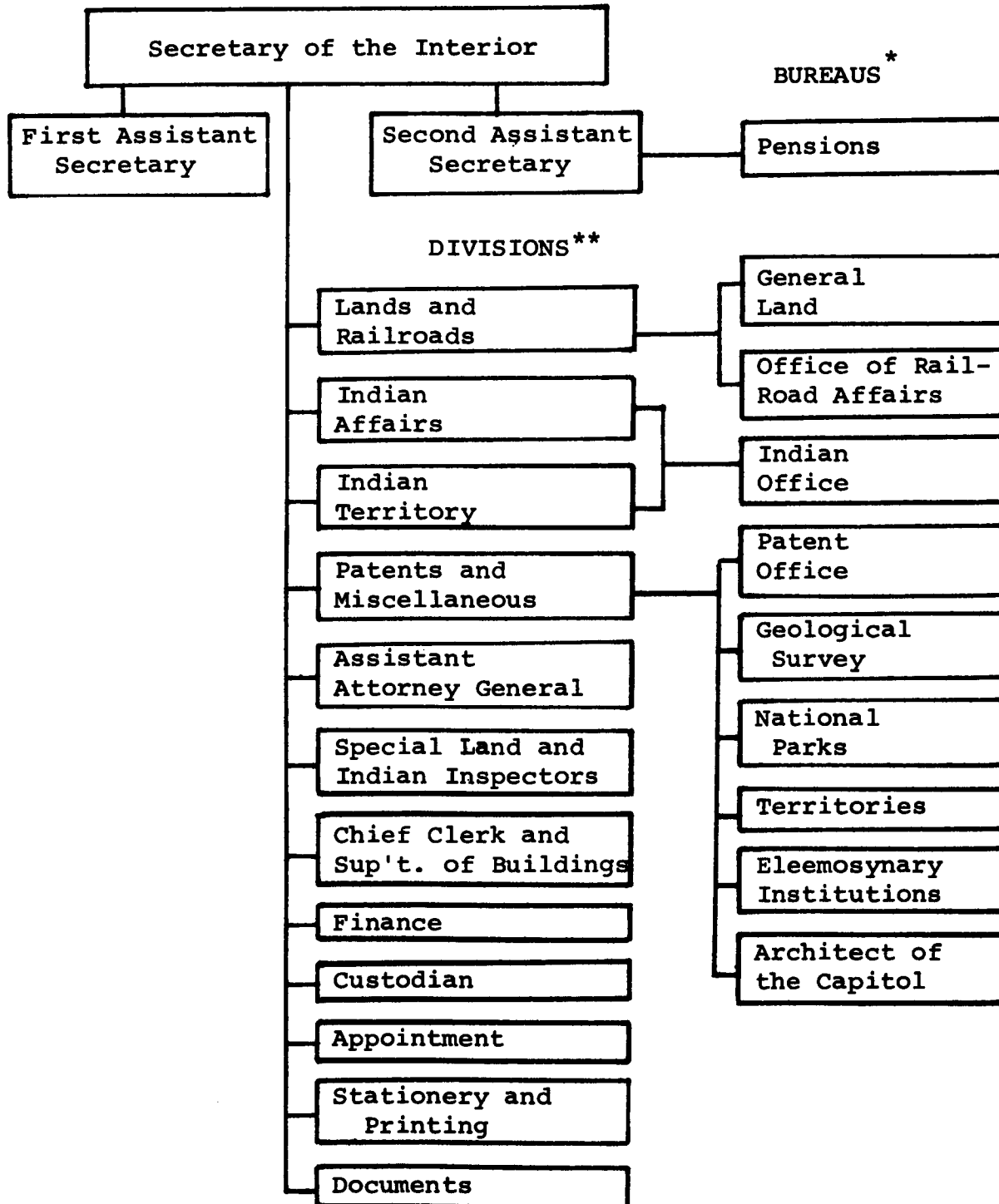
rented some salmon pools on the Nepisiquit River in New Brunswick. He was proud of his catch and would pack the salmon in ice and send them to Washington with detailed instructions for distribution to various officials and friends. In 1905 his daughter accompanied him on the fishing trip and he boasted of the thirteen pound salmon which she caught.⁴⁹

Life in Washington was a strenuous one for a man who was no longer young because of the official and social demands made upon him. In 1906 Hitchcock was hampered by ill health. He spent his evenings at home playing solitaire. On one occasion he said to his daughter, "You think I am doing nothing, but I am thinking."⁵⁰

⁴⁹ Stephen M. Weld to E.A.H., June 24, 1901, June 27, 1903, April 4, 1904, Box 15; Thomas Ryan to E.A.H., August 7, 1905, Box 33; E.A.H. to Dwight Collier, August 21, 1905, Box 22, E.A.H. Papers.

⁵⁰ A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

DEPARTMENT OF THE INTERIOR 1899



*Bureaus of the Department

**Divisions of the Secretary's Office

CHAPTER IV

SECRETARY OF THE INTERIOR

When Hitchcock became Secretary of the Interior in 1899, he headed a department which had come into existence in 1849. It had originally been called the "Home Department," but the title had been changed to the Department of the Interior in 1873. At the time of its inception, John C. Calhoun, Senator from South Carolina, warned that, "Everything upon the face of God's earth will go into the Home Department."¹ Time proved his prediction to be true. The Home Department was made up of bureaus taken from existing departments, General Land from the Treasury Department, Indian and Pension from the War Department, and Patent and Census from the State Department.² When Hitchcock took office in 1899, Land, Patent, Indian and Pension were still the principal bureaus.³ A brief

¹Henry Barrett Learned, The President's Cabinet (New Haven: Yale University Press, 1912), p. 285.

²Leonard D. White, The Republican Era (New York: The Macmillan Company, 1958), p. 175.

³U.S. Congress, 56 Cong. 1st Sess. House Doc. no. 5, Secretary of the Interior, Annual Report 1899 (Washington: Government Printing Office, 1899).

description of the four bureaus, their organization and their functions, will help to illustrate the complex administrative problem facing Hitchcock when he took office.

The General Land Office took care of the management and disposition of the public lands. The Bureau consisted of the central office in Washington and the field organization, a receiver and register in each local land office. Claims for land were filed at the local offices and it was the duty of the two officers to register the claims and to check that all requirements had been met before permitting the claims to be passed to patent, that is, before the claimant was given title.⁴

The Patent Office issued patents for inventions and registered trade marks. Its work was done in Washington by men who were highly trained experts.⁵

The Pension Office issued pensions to disabled veterans or to their widows, children or parents. These were the veterans of the Indian wars, the Mexican War, the Civil War and the Spanish American War. The Pension Office had a central staff in Washington and eighteen agencies throughout the country. There were hundreds of medical

⁴L. White, Republican Era, pp. 198-200.

⁵Ibid., p. 221.

boards, each composed of three medical examiners who passed upon the claimants for disabled pensions. Decisions as to pensions were made by a Board of Review in Washington. The final decision in the bureau was made by the Commissioner, but it could be appealed to a Board of Pension Appeals which was under the supervision of the Second Assistant Secretary.⁶

The Indian Office handled all that had to do with the Indians who were the wards of the government. It, too, was composed of personnel in a central office in Washington and field personnel. Each Indian reservation had an agent, some had a superintendent of a school and teachers. The Indians belonging to the Five Civilized tribes in the Indian Territory were under the supervision of the Indian Office. The Commission to the Five civilized tribes, created in 1893 by act of Congress, which directed the allotment of land in severalty, reported through the Commissioner of Indian Affairs.⁷

In the fifty years between 1849 and 1899 the Department had grown and a variety of bureaus had been added

⁶Ibid., pp. 211-12; Secretary of the Interior, Annual Report 1899, p. 48.

⁷Lawrence F. Schmeckebier, Office of Indian Affairs, Its History, Activities and Organization (Baltimore: The Johns Hopkins Press, 1927), pp. 1, 132.

with functions as unrelated as those of the original bureaus had been. In 1869 the Office of Education became part of the department. The work of this bureau was largely the collection of statistical material. It also managed the native schools and reindeer herds in Alaska. It distributed to agricultural and mechanical colleges in states and territories the amounts allotted to them.⁸

In 1873 the supervision of the territories was transferred from the Secretary of State to the Secretary of the Interior. In 1899 the territories included Alaska, Hawaii, Porto Rico, Arizona, New Mexico and Oklahoma.⁹

In 1879 the Geological Survey was organized as a bureau in the Department of the Interior. This bureau surveyed and mapped the public land of the United States. It also examined land for mineral content.¹⁰

As railroads were constructed across the western plains, those which received subsidies in bonds or land from the government came under the supervision of the Office of Railroad Affairs. In 1899 there were only three railroads

⁸W.B. Acker, Memorandum for the Secretary re. History of the Department of the Interior, January 24, 1907, Box 22, E.A.H. Papers.

⁹U.S. Department of the Interior, Memorandum, History of the Department of the Interior, August 31, 1912 (Washington: U.S. Government Printing Office, 1913), p. 4.

¹⁰W.B. Acker, Memorandum 1907

under this office, the Central Pacific, Sioux City and Pacific, and Central Branch Railway.¹¹

National parks and reservations had come under the Department of the Interior beginning in 1872 with Yellowstone National Park. By 1899 five more had been added, Yosemite, Sequoia, General Grant, Mount Ranier, Hot Springs Reservation and Casa Grande Ruin.¹²

Eleemosynary institutions were also under the direction of the Secretary of the Interior. St. Elizabeth's, the Government Hospital for the Insane, had been begun in 1855. Two years later Columbia Institution for Deaf and Dumb had been founded. Freedmen's Hospital, instituted in 1871 under the War Department, had been transferred to the Department of the Interior in 1874. Also included by 1899 were Maryland School for the Blind, Washington Hospital for Foundlings and Howard University.¹³

This vast department, with so many varied functions, was administered by the Secretary of the Interior through his office in Washington. There were two assistant

¹¹Ibid.; Secretary of the Interior, Annual Report, 1899.

¹²U.S. Department of the Interior, Memorandum, 1912, p. 12.

¹³Ibid., p. 5; Secretary of the Interior, Annual Report, 1899.

secretaries. The First Assistant Secretary had no specific duties, except to take the Secretary's place in his absence and to carry out assignments designated by the Secretary. The Second Assistant Secretary reviewed appeals from the Pension Office. The Secretary's office had twelve divisions: the Assistant Attorney General and his office, Special Land and Indian Inspectors, Chief Clerk and Superintendent of Building, Finance Division, Custodian's Division, Appointment Division, Stationery and Printing, Documents Division, Land and Railroad Division, Patents and Miscellaneous Division, Indian Territory Division and Indian Affairs Division.¹⁴

The four divisions, Lands and Railroads, Patents and Miscellaneous, Indian Affairs and Indian Territory came between the Secretary and the bureaus. These divisions handled material from the bureaus for the Secretary, wrote replies to correspondence for the Secretary's signature. The division chiefs, whose positions were clerical, made judgments on matters in which they had no practical experience. The Lands and Railroad

¹⁴ Report of C.H. Keep, Lawrence O. Murray, Gifford Pinchot to the President, Organization of the Department of the Interior, October 22, 1906, File 1-26, Record group 48, Department of the Interior, National Archives, Washington, D.C., p. 2.

Division took care of all correspondence forwarded to the Secretary from the General Land Office and the Office of Railroad Affairs. The Indian Affairs Division dealt with all matters from the Indian Office except those having to do with the Indian Territory, which were channeled through the Indian Territory Division. The Patents and Miscellaneous took care of everything which came from the Patent office, the Geological Survey, the territories, the National Parks, the eleemosynary institutions and the Architect of the Capitol.¹⁵

Several changes took place in the composition of the Department of the Interior during Hitchcock's administration. An Act of Congress of July 1902 established a permanent Census Office. Previous to this, the Census Office had been activated every ten years and had functioned until the completion of the census. In July 1903 the Census Office was transferred to the Department of Commerce and Labor in accordance with an act of March 3, 1903.¹⁶ In 1902 a Reclamation Service was added to implement the Reclamation

¹⁵ Ibid., pp. 6-12.

¹⁶ U.S. Congress, 58 Cong. 2d Sess. House Doc. no. 5, Secretary of the Interior, Annual Report, 1903 (Washington: Government Printing Office, 1903), p. 1; Secretary of the Interior, Annual Report, 1902, p. 80.

Act of June 17, 1902. The act provided for a fund created from the sale of public land to be used in the construction of irrigation sites in the arid and semi-arid states of the West.¹⁷

From the time that he took office, Hitchcock recognized the need for action on the part of the Federal government to provide an adequate irrigation plan. He had called attention to this need in his Annual Report of 1899.¹⁸ He gave a lengthy treatment of the irrigation problem in his report of 1901 in which he said:

. . . There is no one question now before the people of the United States of greater importance than the conservation of the water supply and reclamation of arid lands of the West, and their settlement by men who will actually build homes and create communities.¹⁹

Hitchcock sent a statement on irrigation to the Committee on Public Lands in January 1901, in which he advocated reclamation projects under the direction of the Federal Government.²⁰

¹⁷ U.S. Congress, 57 Cong. 2d Sess., Doc. No. 5, Secretary of the Interior, Annual Report, 1902 (Washington: U.S. Government Printing Office, 1902), p. 1.

¹⁸ Secretary of the Interior, Annual Report, 1899, p. 15.

¹⁹ U.S. Congress, 57 Cong, 1st Sess., House Doc. no. 5, Secretary of the Interior, Annual Report, 1901, (Washington: U.S. Government Printing Office, 1901), p. 102.

²⁰ Statement on Irrigation submitted by Hon. E.A. Hitchcock, Secretary of the Interior, to the Committee on Public Lands, January 18, 1901, Box 36, E.A.H. Papers.

By 1900 westerners were beginning to recognize the need for financial help from the Federal government for irrigation projects. The Carey Act of 1894 had been an attempt to have the states control the irrigation of arid land. Under this act certain western states could acquire up to a million acres of public land, if they would irrigate and settle it. The operation of the Carey Act showed that reclamation was too large an undertaking for the states.²¹

Shortly after Theodore Roosevelt took office as President, Gifford Pinchot, Chief Forester in the Department of Agriculture, and F.H. Newell, Chief Hydrographer in the Department of the Interior, visited him and discussed with him the necessity for irrigation. They were happy at the enthusiastic reception which the President gave their plans.²² They wrote the section of the President's Annual Message of December 1901, which dealt with the need for irrigation.²³

Roosevelt took credit for the passage of the

²¹E. Louise Peffer, The Closing of the Public Domain (Stanford: Stanford University, c. 1951), pp. 20-21.

²²Gifford Pinchot, Breaking New Ground (New York: Harcourt, Brace and Company, c. 1947), p. 188.

²³James D. Richardson (comp.), A Compilation of Messages and Papers of the Presidents, 1789-1905 (11 vols. New York: Bureau of National Literature and Art, 1910), X, 434.

irrigation act. On the day on which he signed the act he wrote to Hitchcock, "I regard the irrigation business as one of the great features of my administration and take keen personal pride in having been instrumental in bringing it about."²⁴ A few weeks later he protested to Hitchcock that accounts were appearing in newspapers in which Hitchcock was quoted as saying that Congressman Francis G. Newlands of Nevada, who had introduced the irrigation bill, should be given credit for passing the measure. The President told Hitchcock that he was sure that the interviews were "faked." The President thought that Newlands was trying to make political gain on the issue. He said that he had not consulted Newlands about his annual message.²⁵ Hitchcock was placed in the awkward position of having given praise to a man whose efforts the President, for political reasons (since Newlands was a Democrat), and perhaps from personal pride, did not wish to acknowledge. Hitchcock did not deny the praise which he had given to Newlands, which he maintained Newlands deserved "for his arduous efforts in furthering one of the most meritorious executive acts that

²⁴Theodore Roosevelt to E.A.H., June 17, 1902, Box 1, E.A.H. Papers.

²⁵Theodore Roosevelt to E.A.H., July 2, 1902, Box 1; William Stewart to E.A.H., July 3, 1902, Box 14, E.A.H. Papers.

has ever been placed on the statute books of the country," but he made it clear that the same praise was due to every member of Congress who helped in the passage of the act.²⁶

Plans were made to put the Reclamation Act into operation immediately. The act left the implementation in the hands of the Secretary of the Interior. The President informed Hitchcock that he wanted the work under the control of the Geological Survey because he knew that Charles Walcott, the Director, and F.H. Newell, the Hydrographer, would do efficient work. Walcott ordered extensive surveys and began to build a service within the Division of Hydrography, which became known as the Reclamation Service. Appointment to the Reclamation Service was to be by competitive examination through civil service.²⁷

When Ethan Allen Hitchcock assumed his duties as Secretary of the Interior in 1899, the Forest Reserves were under the supervision of the General Land Office. In March 1891 an act of Congress had provided for the creation of forest reserves by giving the President the power to withdraw

²⁶ Albert Walmsley to Francis G. Newlands, September 8, 1902, Box 15, E.A.H. Papers.

²⁷ Theodore Roosevelt to E.A.H., June 17, 1902, Box 1, E.A.H. Papers; Charles D. Walcott to E.A.H., June 18, 1902, Vol. VII, Secretary Hitchcock's Private Correspondence; Secretary of the Interior, Annual Report, 1902, pp. 1, 26.

timber lands from public sale. The Pettigrew Amendment to the Sundry Civil Act of June 4, 1897, had given the Secretary of the Interior the authority to protect and administer the Forest Reserves.²⁸ Hitchcock recognized the value of the reserves for the preservation of timber for future use and for the regulation of streams for irrigation.²⁹ He was handicapped in administering the reserves, however, in that he, himself, had little knowledge of forestry and he had no trained foresters in the Department. He needed money to maintain the reserves, to protect them from fire and deprecations. For this he was dependent upon Congressional appropriations.³⁰

The Department of Agriculture had a Division of Forestry, which had trained foresters. The Division of Forestry was headed by Gifford Pinchot, a wealthy young man who was making a career of forestry. After he had been graduated from Yale in 1889, he had studied forestry in Europe.³¹ In 1896 he had been a member of the commission

²⁸ Roy M. Robbins, Our Landed Heritage, The Public Domain, 1776-1936 (Lincoln: The University of Nebraska Press, 1962), pp. 304, 324.

²⁹ Secretary of the Interior, Annual Report, 1899, p. 19.

³⁰ Ibid., p. 22.

³¹ M. Nelson McGarey, Gifford Pinchot (Princeton: Princeton University Press, 1960), p. 19.

appointed by Congress which had conducted a survey on national forest policy.³² The following year Cornelius Bliss, Secretary of the Interior, had appointed Pinchot as his Special Agent to make an investigation and prepare a report to be used by the Secretary in organizing the Forest Reserves. Pinchot met with opposition to his suggestion for civil service for the field staff in the reserves from Binger Hermann, the Commissioner of the General Land Office.³³

This short period in the Department of the Interior left Pinchot convinced of the inefficiency of the General Land Office and of the unsuitability of Hermann for the position of Commissioner. His opinion of the management of the Forest Reserves under Division "P" of the General Land Office was expressed in the following:

The management was awful. Division P of the General Land Office at Washington, to which the Department had given the reserves in charge, knew literally nothing about them. At that time not one man in Division P had ever set foot in a Forest Reserve or had ever seen one Forest Reserve tree, unless perhaps from a Pullman window.

 But if Washington knew nothing about forests, it did know paper work, politics and patronage, and

³² Robbins, Our Landed Heritage, pp. 312-312; Homer S. Cummings and Carl MacFarland, Federal Justice (New York: The Macmillan Company, 1937), p. 385.

³³ Henry L. Stimson to Elihu Root, November 9, 1899, Box 36, E.A.H. Papers.

the greatest of these was patronage.

Since jobs on the Forest Reserves were for distribution to politicians, Commissioner Binger Hermann of the General Land Office was careful to get his while the getting was good. The average appointee was plenty bad enough, but Binger's personal appointments were horrible.³⁴

Pinchot, as head of the Division of Forestry in the Department of Agriculture, had the title of Chief Forester, but he had no forests. He had gathered in his division other young men who shared his enthusiasm for forestry. He wished to put into operation the rules for practical forestry which he had learned in Europe. Under his plan timber would be harvested from the forests. Trees to be cut would be carefully selected. The growth of young trees would be carefully protected and encouraged. The sale of timber would finance the maintenance of the forests. Pinchot and his staff worked out the plan in theory, but they had no authority to put it into operation in the forest reserves. Pinchot set about trying to get control of the reserves with the determination of a crusader.³⁵

³⁴ Gifford Pinchot, Breaking Ground (New York: Harcourt, Brace and Company, 1947), pp. 161-162.

³⁵ Ibid., pp. 194-96; Samuel P. Hays, Conservation and the Gospel of Efficiency, The Progressive Conservation Movement, 1890-1920 (Cambridge: Harvard University Press, 1959), p. 28.

He had little confidence in the ability of Hitchcock to administer the reserves properly. He classified Hitchcock as "a highminded Gentleman with the very best intentions in the world. If you knew him you had to respect him. But he was far from a heaven-born executive" ³⁶ In August 1899, in an attempt to have his plan put into effect, Pinchot prevailed upon William A. Richards, Acting Commissioner of the General Land Office, to request that Hitchcock ask the Division of Forestry of the Department of Agriculture for reports on forest questions and for working plans for harvesting timber. Hitchcock did not request help from the Department of Agriculture until December, and Pinchot complained of the length of time that it took Hitchcock to make up his mind to do so. ³⁷

Although the Forest Reserves remained in the Department of the Interior until 1905, the question of their transfer to the Department of Agriculture was being considered in the Fall of 1899. It was discussed at a Cabinet meeting in November. Pinchot saw that Elihu Root, Secretary of War, was informed of the situation in regard to the Forest Reserves through Root's law partner Henry L. Stimson.

³⁶ Pinchot, Breaking Ground, p. 172.

³⁷ Ibid.

Hitchcock may possibly have waited to see if anything would come of the discussion before asking the Department of Agriculture for help with the Forest Reserves.³⁸

Hitchcock was in favor of the transfer and his annual reports advocated it. His policy in regard to the Forest Reserves shows the influence of Pinchot. In the Secretary's Annual Report for 1901, he discussed the problem of sheep grazing in the reserves. He stated that his policy would be to permit sheep to graze "in that portion of certain reserves where it is shown, after examination, that such grazing is in no way injurious to or preventive of the water supply"³⁹ This was in accordance with the views of Pinchot who had spent three weeks the previous Spring studying conditions of sheep grazing in the forests of Arizona and who advised that grazing should be permitted under controlled conditions.⁴⁰ Hitchcock also made known in his report that he was considering, in conjunction with the Department of Agriculture, the harvesting of timber in

³⁸Henry L. Stimson to Elihu Root, November 9, 1899, Box 36, E.A.H. Papers.

³⁹Secretary of the Interior, Annual Report, 1901, p. 71.

⁴⁰Pinchot, Breaking Ground, p. 192.

the Forest Reserves.⁴¹ This report brought forth praise from Pinchot. It was evidence that the Secretary shared his views and was willing to put them into practice. He, Pinchot, commented that, "Whatever else could be said of Hitchcock he is not afraid."⁴²

Until a transfer could be put into effect, Hitchcock attempted to work out a plan with the Secretary of Agriculture, James Wilson, which would permit the Department of the Interior to have the benefit of the expert knowledge of the Division of Forestry. In January 1901 Hitchcock told James W. Wadsworth, Chairman of the Committee on Agriculture, that it would be unwise to try to secure legislation for the transfer of the reserves during the short session of Congress. He informed him of a plan agreed upon by Secretary of Agriculture Wilson and himself by which the Forester and his assistants would be appointed as special assistants, without pay, responsible to the Secretary of the Interior. The Department of the Interior would continue to police and patrol the reserves. There would be cooperation on the part of the employees of the Department of the Interior in supplying maps and information

⁴¹Secretary of the Interior, Annual Report, 1901, p. 73.

⁴²Pinchot, Breaking Ground, p. 192.

for the work of the Forester.⁴³

This plan never went into effect. The factor which prevented the implementation of the plan was the inability of Binger Hermann and Pinchot to come to an agreement about the authority which Pinchot would exercise as a subordinate in the General Land Department. Pinchot wanted all applications for timber cutting and grazing in the reserves to come to him rather than to Hermann. This was because of his conviction that there would be delays due to the inefficiency of the General Land Office. According to Pinchot, he was to have been appointed Special Agent and Forester in the Department of the Interior on February 8, 1901. He drew up a list of rules and regulations to go into effect on that date. When the day arrived, nothing happened. Pinchot waited until June, then drew up more rules. One of his suggestions was that he should sign all letters pertaining to the Forest Reserves. This became a point of contention between Pinchot and the Department of the Interior.⁴⁴ Hitchcock came to an understanding with

⁴³E.A.H. to James W. Wadsworth, January 10, 1901, Box 15, E.A.H. Papers.

⁴⁴Pinchot, Breaking Ground, pp. 193-194; Outline of principles and practices which should govern the administration of national forest reserves, October 31, 1901, Box 36, E.A.H. Papers.

Hermann that Pinchot was to have an "absolutely free hand", but he gave his support to Hermann on the question of signing letters. His reason was that to permit a subordinate in an office of the Department to sign letters would create a precedent.⁴⁵

Theodore Roosevelt entered the controversy when he succeeded McKinley as President. On October 18, 1901 he wrote to Pinchot urging him to accept Hitchcock's offer. The President remonstrated with Pinchot that it would be "to the last degree unwise to refuse to take advantage of the chance to do excellent work because of anything so unimportant as having your initials on a letter instead of signing it."⁴⁶ The following day Pinchot notified the President of his willingness to accept.⁴⁷ The President wrote to Hitchcock informing him that Pinchot had agreed to accept in accordance with the terms in his letter.⁴⁸ In spite of the capitulation on Pinchot's part, nothing came of the plan to appoint him Forester in the Department of

⁴⁵ Theodore Roosevelt to Gifford Pinchot, October 18, 1901, Box 36, E.A.H. Papers.

⁴⁶ Ibid.

⁴⁷ Pinchot, Breaking Ground, p. 195.

⁴⁸ Theodore Roosevelt to E.A.H., October 19, 1901, Box 36, E.A.H. Papers.

the Interior. He claimed that it was because his plans were not acceptable to the General Land Office.⁴⁹

A new approach to the handling of the forest reserves was tried by the Department of the Interior. The reserves were transferred from Division P to a New Division of Forestry.⁵⁰ Here Pinchot, through his influence with the President, was able to choose the men placed in the new division. It was headed by Filbert Roth, a Cornell man and - a friend of Pinchot, who was assisted by four men from the Division of Forestry of the Department of Agriculture.⁵¹

Hitchcock continued to advocate the transfer of the reserves to the Department of Agriculture in his Annual Reports.⁵² Perhaps some of the resistance to the transfer came from James Wilson, the Secretary of Agriculture. In August 1904 he wrote to Hitchcock about a trip that he had made to Denver. He noted that there was a great need for reforestation in that part of the country. He ended his letter by saying, "But the people really believe, if the

⁴⁹ Pinchot, Breaking Ground, p. 196.

⁵⁰ A.A. Anderson to E.A.H., December 10, 1902, Box 3, E.A.H. Papers.

⁵¹ Pinchot, Breaking Ground, p. 196.

⁵² Secretary of the Interior, Annual Report, 1903, p. 22; U.S. Congress, 58th Cong. 3d Sess., House Doc. no 5, Secretary of the Interior, Annual Report, 1904 (Washington: Government Printing Office, 1904), p. 4.

forests are turned over to the Department of Agriculture, that we would turn in and grow potatoes and shut up the mines. While they are in that frame of mind, I have no desire for any transfers, so far as I am individually concerned."⁵³ In less than a year, however, the transfer became an actuality. In January 1905 the American Forest Congress was held in Washington. The approval of practical forestry expressed by western lumber companies, miners, livestock men at the Congress convinced the United States Congress that the transfer had the backing of influential forces in the western states.⁵⁴

Congress gave approval to the transfer, effective February 1, 1905, and

the execution of all laws affecting public lands in forest reserves, excepting such lands as affect surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying or patenting of any such lands was transferred to the Secretary of Agriculture.⁵⁵

President Roosevelt urged cooperation between the

⁵³ James Wilson to E.A.H., August 17, 1904, Box 3, E.A.H. Papers.

⁵⁴ Pinchot, Breaking Ground, p. 254.

⁵⁵ U.S. Congress, 59th Cong. 1st Sess., House Doc. no. 5, Secretary of the Interior, Annual Report, 1905 (Washington: Government Printing Office, 1905), pp. 27, 30.

two Departments in the management of the reserves. He asked Hitchcock to consult with the Secretary of Agriculture before taking any action which would give an applicant "disposable title to the land" within the reserves.⁵⁶

In administering the Department of the Interior, Hitchcock encountered problems which were common to all government departments. One of the difficulties was finding adequate housing for an everexpanding department. In 1899 preparations were made to move the Indian Office and the General Land Office to the old Post Office building at Seventh and F Streets. This would leave the Patent Office and the Office of the Secretary in the Interior building. Throughout the years while Hitchcock headed the Department of the Interior, both the Secretary and the Commissioners of the bureaus cited in annual reports the need for adequate quarters for the bureaus and especially the need for fire proof storage space for valuable records.⁵⁷

Another problem which harassed the head of a

⁵⁶ Elting Morison, (ed.), The Letters of Theodore Roosevelt (8 vols. Cambridge: Harvard University Press, 1951), IV, 1182, (May 17, 1905).

⁵⁷ Secretary of the Interior, Annual Report, 1899, p. 3.

department was patronage. In 1899 there were 3,413 classified positions in the Department of the Interior. There were, however, 6,621 positions excluded from the provisions of the Civil Service rules. Of the number excluded, 2,759 had been excluded under amendments to the Civil Service rules made by President McKinley in May 1899.⁵⁸ At this time Hitchcock wrote to his brother, Henry, an advocate of civil service reform, defending McKinley's action. He told him, "There is a good deal of inside work connected with the whole business which the public is not aware of, and with regard to which the administrators of the various Departments do not feel like making public" ⁵⁹

The unclassified positions left ample opportunity for patronage. The Secretary was beset with importunings on the part of Congressmen for positions for their constituents. Requests varied from that of Senator John Coit Spooner of Wisconsin for a transfer of a law clerk from the General Land Office to the Special Agents Division, to that of Senator George P. Wetmore of Rhode

⁵⁸ U.S. Civil Service Commission, Sixteenth Annual Report, July 1, 1898 to June 30, 1899 (Washington: Government Printing Office, 1900), pp. 486, 203.

⁵⁹ E.A.H. to Henry Hitchcock, June 16, 1899, Box 24, E.A.H. Papers.

Island for an appointment for someone as charwoman in the Bureau of Pensions. Theodore Roosevelt often sent a note asking that someone, in whom he had an interest, be given a place. While Roosevelt was still Vice-President, he sent a request to Hitchcock that George B. Wilcox, a former lieutenant in Roosevelt's regiment, be made an Indian Agent. Roosevelt was always ready to find a job for a Rough Rider.⁶⁰

Hitchcock complied when he could, but there were times when, in the interests of efficient administration, he felt it necessary to refuse requests. In July 1901 he received a request from Senator Marcus Hanna of Ohio that a man of his choice be given the place held by Special Inspector James W. Zeverly, a Democrat. Hitchcock replied to Hanna that Zeverly had "demonstrated his entire fitness for the office and in the interests of public service, he will be retained."⁶¹ Another time Hanna came to the aid of a protégé of his, a clerk employed by the Dawes Commission, whose salary had been reduced. In writing

⁶⁰ W.A. Richards to E.A.H., December 21, 1904, Vol. X, E.A.H. to George P. Wetmore, July 6, 1900, Vol. III, Secretary Hitchcock's Private Correspondence; John C. Spooner to E.A.H., December 28, 1905, John Coit Spooner Papers, Library of Congress, Washington, D.C.; Theodore Roosevelt to E.A.H., May 16, 1900, Box 1, E.A.H. Papers.

⁶¹ E.A.H. to M. A. Hanna, July 18, 1901, Box 8, E.A.H. Papers.

to Hanna about the young man Hitchcock said, "It is the old story of reliance upon political influence as a protection for incompetency" The Secretary told Hanna that the man's salary would be restored when he proved himself worthy.⁶²

Although Hitchcock had not been involved in Missouri politics before becoming Secretary of the Interior, the Missouri Republicans regarded the appointment of a native son as an opportunity for placement for Missourians. Thomas J. Akins, the Republican State Chairman, wrote to Hitchcock in January 1900, "I feel certain as long as you are the Official Head of the Interior Department, you will see that Missourians have a fair deal on these appointments."⁶³ Akins made frequent requests for consideration for his fellow Missourians. When he asked that one be appointed U.S. attorney for Porto Rico, Hitchcock explained that it was necessary for the man who filled that position to speak Spanish and therefore Akins' friend could not be appointed.⁶⁴ In replying to a request which Akins had made

⁶² E.A.H. to M.A. Hanna, July 9, 1900, Vol. III, Secretary Hitchcock's Private Correspondence.

⁶³ Thomas J. Akins to E.A.H., January 24, 1900, Box 3, E.A.H. Papers.

⁶⁴ Thomas J. Akins to E.A.H., April 12, 1900, E.A.H. to Thomas J. Akins, May 8, 1900, Box 3, E.A.H. Papers.

for the appointment of a Missouri lawyer as Timber Inspector in the Indian Territory, Hitchcock expressed his views about filling positions in his department. He noted that the man had fine recommendations, especially in regard to his character and his political activity, but that nothing was said about his knowledge of timber. He said, "I believe, of course, in party organization on the right basis, but this does not relieve me from the responsibility of having fit and experienced men for the particular duty with which they must be charged."⁶⁵

Hitchcock's attitude in regard to filling public offices gradually changed. In a newspaper interview in 1905, he said that when he first took office he was opposed to the classified civil service, but that he had come to believe in the necessity for it. He felt that there was "too much politics in our government."⁶⁶ He expressed this same view in a memorandum given to Theodore Roosevelt in October 1905 for insertion in the President's annual message. He suggested that the policy "of selecting people for positions requiring

⁶⁵ E.A.H. to Thomas J. Akins, January 10, 1900, Box 3, E.A.H. Papers.

⁶⁶ James B. Morrow, "Turning Points in Secretary Ethan Allen Hitchcock's Active Career of Three Score and Ten," The Washington Post, 11 March 1906, Box 28, E.A.H. Papers.

confirmation by the Senate principally because they have rendered some political service," be abandoned. Instead, he recommended, that the positions be included within the classified service, which would "enable the Government to ascertain the fitness of applicants for such positions, intellectually and otherwise, and eventuate in the administration of such offices on a practical business basis, by persons who are subject to the rules and capable of being removed by the executive for proper cause."⁶⁷

Hitchcock, in the words of John Coit Spooner, faced the administration of his complex department "unflinchingly devoted to duty and determined to perform it with full regard to the good of the public service. . . ."⁶⁸ Throughout his eight years in office, even those who criticized his administrative ability, admitted his dedication to duty and his integrity.

⁶⁷ Elting E. Morison, ed., The Letters of Theodore Roosevelt, V, 52 (to E.A.H., October 10, 1905).

⁶⁸ John Coit Spooner to E.A.H., June 30, 1906, Box 16, E.A.H. Papers.

CHAPTER V

GUARDIAN OF THE PUBLIC LANDS

As Secretary of the Interior, Ethan Allen Hitchcock had the responsibility of the lands of the public domain. The Federal government owned valuable agricultural, forest, grazing and mineral lands in western states, and these lands were administered by the General Land Office of the Department of the Interior. From the time that he became Secretary, Hitchcock was cognizant of the problems involved in dealing with this valuable trust of the government. Greater emphasis was placed upon this aspect of his duties, however, when Theodore Roosevelt became President. Roosevelt had an enthusiastic interest in the conservation of natural resources, which had been fostered by the years which he had spent in the West as a young man. This interest was enhanced by his association with men such as Gifford Pinchot of the Division of Forestry of the Department of Agriculture and F.H. Newell, the Chief Hydrographer in the Department of the Interior, who were ardent conservationists. The result was that this phase of the work of the

Secretary of the Interior came under the direct scrutiny of the President and became the most publicized phase of the work of Hitchcock as Secretary of the Interior.

By the twentieth century it was evident that the public domain was rapidly diminishing. The American ideal, as embodied by the Homestead Act of 1862, had been the settlement of the West by the farmer. Hitchcock expressed this ideal in his Annual Report of 1901 when he wrote of settlement "by men who will actually build homes and create communities."¹ President Roosevelt in his Annual Message to Congress in 1901 was of the same opinion. He said, "Sound and steady development of the west depends upon the building up of homes therein."² Yet at this time public lands were being acquired, not by the individual settler, but by corporations or individuals who were accumulating vast tracts of valuable forest, grazing or mineral lands by fraudulent methods. There were a number of reasons why this condition existed.

Perhaps the foremost reason is to be found in the character of the land remaining in the public domain. Most

¹Secretary of the Interior, Annual Report 1901, p. 102.

²Richardson, comp., Messages and Papers of the Presidents, X, 543.

of the agricultural land had been settled by the end of the nineteenth century. What remained was semi-arid, arid, forested or mountainous. Much of the semi-arid land could be used for grazing, but grazing required much more land than the one hundred and sixty acres provided by the Homestead Act. The land laws, as enacted by Congress over the years, had been based on the premise that the West would be settled by homesteaders. There were no provisions for the acquisition of land in large units by sheep or cattle raisers, lumbermen or miners. It was through the attempts on the part of these groups to use the land that fraud occurred. The laws which existed at the end of the nineteenth century were inadequate and left the lands open to exploitation.

The Homestead Act of 1862 granted one hundred and sixty acres to a settler who would live on the land for five years. The act had a commutation privilege by which a settler could acquire land by paying for it after fourteen months residence.³ This commutation privilege was a means of circumventing the law. When the act was passed in 1862,

³ Benjamin Horace Hibbard, A History of Public Land Policies (Madison and Milwaukee: The University of Wisconsin Press, 1965), p. 385. The original act required six months residence before commutation. An act passed in 1891 changed the residence requirement to fourteen months. See p. 389.

arable lands of the Mid-West were still available for settlement. By 1900 land suitable for agriculture was scarce. On the semi-arid lands of the plains, one hundred and sixty acres were not sufficient for profitable farming and were too small a unit for grazing. Discouraged farmers were often glad to take advantage of the offer of a land speculator, a cattle or sheep baron, to pay them to commute and then relinquish title. Often it was not a bona fide settler who relinquished the land, but an employee of a company or someone who had been paid to file an unlawful claim and perjure himself.

Other acts were used in the same way by those wishing to acquire land. The Desert Land Act of 1877, as modified in 1890 and 1891, gave a settler in the arid West three hundred and twenty acres of land if he irrigated it within three years. He had to pay twenty-five cents per acre when he filed his claim and one dollar per acre when he made proof at the end of three years. Proof was made by giving notice to the local land office of having complied with the terms of the act and then appearing before a United States commissioner or before a federal judge with two witnesses. The land office register was not required to make an inspection in the field. Irrigation was an expensive and difficult undertaking which could seldom be done

by an individual. Large corporations and companies acquired the land, either holding it for speculation or using it for grazing. Very little was actually cultivated and irrigated.⁴

By the Timber and Stone Act of 1878, Congress intended to provide the settler with timber and stone necessary for construction. A settler could purchase not more than one hundred and sixty acres of land, unsuitable for cultivation, at a minimum price of two dollars and fifty cents per acre. The act originally applied to California, Oregon, Nevada and the Washington Territory, but in 1892 was extended to all public land states. Section 5 of the Act provided that a person unlawfully cutting timber on public land might avoid prosecution by paying two dollars and fifty cents per acre. Using this act the lumber companies acquired vast expanses of land.⁵

Another act which encouraged violation and which was the basis of extensive fraud was the Forest Lieu Land Act of June 4, 1897. An act of 1891 had given the President

⁴ Ibid., pp. 431-434; E. Louise Peffer, The Closing of the Public Domain (Stamford: Stamford University Press, 1951), p. 51; Francis Harding White, "The Administration of the General Land Office, 1812-1911" (unpublished Ph. D. dissertation, Harvard University, 1912), p. 272.

⁵ Hibbard, A History of Public Land Policies, pp. 465-66; Secretary of the Interior, Annual Report, 1901, p. 65. All states except the original thirteen, Kentucky, Tennessee and Texas were public land states.

the power to take land from sale and set it aside for forest reserve. Within the reserves, created by the President under this act, were claims by settlers. The act of 1897 provided that an individual having such a claim within a forest reserve could exchange it for an equal amount of land in the public domain.⁶ Worthless land within the reserves could be exchanged for timber land or agricultural land.

During the years when he was Secretary of the Interior, E.A. Hitchcock tried to have the land laws repealed or modified. His Annual Reports reveal the efforts on his part to persuade Congress to enact legislation which would do away with illegality in acquiring land. In 1901 he warned that the Timber and Stone Act would, "if not repealed, or radically amended, result ultimately in the complete destruction of the timber on the unappropriated and unreserved public lands."⁷ In 1903 the report showed an increase over the previous year of 8,227 entries under this act and revealed that the Secretary had ordered, in November 1902, a suspension of entries under the act in

⁶Robbins, Our Landed Heritage, The Public Domain, 1776-1936 (Lincoln: University of Nebraska Press, 1962), p. 339.

⁷Secretary of the Interior, Annual Report 1901, p. 65.

several land offices until an investigation could be made.⁸ He advised repeal of the commutation clause of the Homestead Act and the Desert Land Act and asked for a modification of the Forest Reserve Lieu Land Act. This act was finally repealed March 3, 1905, after scandalous frauds in California and Oregon had resulted in timber land losses of great magnitude.⁹

On October 22, 1903 President Roosevelt appointed a Commission on Public Lands, composed of W.A. Richards, Commissioner of the General Land Office, Gifford Pinchot of the Forestry Division of the Department of Agriculture, and F.H. Newell of the Reclamation Service. The Commission was to report to the President "on conditions, operations

⁸Secretary of the Interior, Annual Report 1903, p. 16. It was not necessary to repeal the Timber and Stone Act. Its defect was remedied by interpretation. The act specified that the land should be sold at "the minimum price of two dollars and fifty cents per acre." In 1908, James Garfield, Hitchcock's successor, ruled that the word "minimum" should be taken literally. Lands sold under the act from that time were sold at an appraised price. E. Louise Peffer, The Closing of the Public Domain (Stanford: Stanford University Press, 1951), p. 104, expresses surprise that "an administration intent on reform" had not taken advantage of it earlier.

⁹Ibid., p. 17; Secretary of the Interior, Annual Report 1899, p. 23; U.S. Congress, 59th Cong., 1st Sess., House Doc. no. 5, Secretary of the Interior, Annual Report 1905 (Washington: Government Printing Office, 1905), p. 29.

and effect of the present land laws and the use, condition and disposal of public lands."¹⁰ Richards informed Hitchcock that he was eliminating all reference to land laws from his annual report until the Commission had conducted its investigation.¹¹

The Commission submitted two reports, the first on March 7, 1904 and the second on February 13, 1905. It recognized that the land laws were suited to lands in a non-arid region, whereas the remaining public lands were in dry regions. The Commission recommended that the size of a homestead "should be determined by the acreage which may be necessary to support a family upon the land, either by agriculture, or by grazing if agriculture is impracticable."¹² It also advised against new land laws until the necessary acreage for a homestead could be ascertained for each locality.¹³ In his message to Congress, President Roosevelt advocated that the legislature put the

¹⁰U.S. Congress, 58th Cong., 3rd Sess., House Doc. no. 5, Commissioner of the General Land Office, Annual Report 1904 (Washington: Government Printing Office, 1904), p. 381.

¹¹W.A. Richards to E.A.H., n.d., Box 9, E.A.H. Papers.

¹²Commissioner of the General Land Office, Annual Report 1904, p. 382.

¹³Ibid., 1905, p. 330.

recommendations of the Commission into effect.¹⁴ In the meantime, Hitchcock had to administer his department within the framework of existing laws which the Commission had admitted were inadequate.

In spite of the recommendations of the President and the Secretary of the Interior, Congress delayed changing the existing laws. Western Congressmen, who often owed their election to Congress to the men who were profiting from the violation of the land laws, were loath to do anything about strengthening the laws and antagonizing those to whom they were beholden. Some western Congressmen looked upon the violation of land laws with sympathy, maintaining that the policy of the federal government restricted the growth of the states by discouraging economic development.¹⁵

Although Hitchcock pleaded year after year for the repeal or modification of the laws whose weaknesses he recognized, while they remained in effect, he enforced them. His strong sense of righteousness was expressed in a letter to Robert M. Olyphant, with whose firm he had been associated

¹⁴ Richardson, comp., Messages and Papers of the Presidents, XI, 1162.

¹⁵ Peffer, The Closing of the Public Domain, p. 57.

in China as a young man. In 1906, after several years of prosecution of land frauds, he said,

The exposure of land frauds and the prosecution of criminals is certainly not pleasant work, but there is the law and there is my oath, and there's but one thing to do, and that is to see that the law is both obeyed and respected.¹⁶

His straightforward, honest approach to his duty as Secretary of the Interior led him to probe to the heart of the matter regardless of the consequences. The investigation of land frauds led to the exposure of wrongdoing on the part of Department of the Interior employees, of prominent business men and of state and national political figures. Hitchcock persevered in spite of efforts exerted by powerful forces to impede the investigations and prosecutions. Nothing could swerve him from the course which he was determined to follow. Throughout he remained calm, never showing "nervousness or excitement."¹⁷

In administering the General Land Office, Hitchcock was concerned primarily with two types of fraudulent attempts to obtain government land. The first was the effort

¹⁶E.A.H. to R.M. Olyphant, January 5, 1906, Box 22, E.A.H. Papers.

¹⁷A.H.S., "As I Remember Him," Box 31, E.A.H. Papers.

on the part of unscrupulous persons to acquire vast areas of forest lands, as in the California and Oregon land frauds. The other was the unlawful acquisition of public land by grazing interests.

The California frauds were perpetrated by Frederick A. Hyde, who operated a real estate business under his own name, although the business was shared by John A. Benson. The fraudulent scheme was based upon the use of the Forest Lieu Land Act. The firm purchased school lands in California and Oregon at one dollar and fifty cents per acre. They used fictitious names in making the claims or they paid individuals for the use of their names. When the lands were included in the forest reserves, they exchanged them for land lieu scrip, which was selling on the market at four dollars and fifty cents to six dollars.

These clever manipulators left nothing to chance. They had contact with an employee of the General Land Office in Washington, who kept them informed as to the location of the proposed forest reserves.¹⁸ Another scheme gave them even greater assurance. Hyde prepared, in his own office, the reports of B.F. Allen, Superintendent of Forest

¹⁸ Arthur B. Pugh and M.E. Stiece to E.A.H., March 28, 1903, E.A.H. Papers.

Reservations, of the areas to be included in the forest reserves. In preparing the data for Lassen Peak Forest Reserve, Hyde wrote to Allen that he wanted the report "to go to the Commissioner in such shape that he can if he desires it make the reservation without further examination." He assured Allen that, "When the matter is ready, it will be in such shape that your report will be a credit to you."¹⁹

The situation had been brought before the Federal Grand Jury by James R. Finlayson, Assistant U.S. Attorney, sometime in 1901, but evidently the Grand Jury had not considered the evidence sufficient for an indictment. Finlayson sent a copy of his statement to Thomas Ryan, First Assistant Secretary of the Interior.²⁰

On November 12, 1902 S.J. Helsinger, a Special Agent of the General Land Office, sent a report to the Commissioner of the General Land Office. He had been instructed by a letter of June 18, 1902 to investigate

¹⁹F.A. Hyde to B.F. Allen, March 10, 1899, enclosure in letter of A.E. Kendall to W.A. Richards, January 29, 1903, Box 27, E.A.H. Papers. (Twelve letters from F.A. Hyde to B.F. Allen were enclosed.)

²⁰James R. Finlayson to Thomas Ryan, November 11, 1901, Box 27, E.A.H. Papers.

charges made by J.A. Zabriskie, a lawyer of Tucson, Arizona, of fraud involving the forest reserves of California and Oregon. Zabriskie, acting as lawyer for J.H. Schneider, a former employee of Hyde and Benson, advised Schneider, who had had a disagreement with Hyde, to turn informant. The Holsinger report consisted of Schneider's story of the activities of Hyde and Benson. They acquired school lands in California and Oregon, which they were instrumental in having included within the boundaries of newly created forest reserves. They then exchanged the land in the forest reserve for forest lieu script.²¹

Schneider disclosed the methods by which land was acquired. Some lands were located under false names, "dummies". Sometimes advertisements were placed in the San Francisco newspapers for stenographers and bookkeepers and the signatures from the applications were used for filing claims. In other cases, people were hired for ten dollars to make claims. Schneider also implicated Harry Diamond, an employee of the firm, who had gone to Washington and established contact with a clerk in the General Land Office who made reports to Hyde.²²

²¹S.J. Holsinger to Commissioner of the General Land Office, November 12, 1902, Box 27, E.A.H. Papers.

²²Ibid.

The Holsinger report, dated November 12, 1902, was received in the General Land Office on November 17, 1902. A pencil mark notation indicated that it had been answered on the 18th. Binger Hermann, the General Land Office Commissioner, did not bring it to the attention of the Secretary. Its existence was known by the Assistant Commissioner, W.A. Richards, who consulted with Willis Van Devanter, Assistant Attorney General assigned to the Department of the Interior. It was Van Devanter who, after he and Richards had investigated the charges of the report, brought it to the attention of the Secretary. Hitchcock sent for the report. In his testimony in 1907, Hitchcock, recalling as best he could what had occurred, said that he did not think that Hermann had made any excuses. He said, "Mr. Hermann was always very plausible and I had made up my mind that no excuses would be accepted."²³ After he read the report, he conferred with President Roosevelt and was authorized to ask for Hermann's resignation. On January 16, 1903 Hermann sent a letter of resignation to be effective February 1, 1903. Hermann was permitted to remain in office until February first at the request of Senator John Mitchell of Oregon, who asked that Hermann be given

²³Statement of E.A. Hitchcock, Secretary of the Interior, n.d., Box 31, E.A.H. Papers.

time to clear up his desk and get his papers in order.²⁴

Hermann did a thorough job of clearing up. Later when letter press books were needed in the Oregon land fraud trials it was discovered that he had destroyed them.

Although Hermann's concealment of the Holsinger report was Hitchcock's immediate reason for requesting Hermann's retirement, it is probable that the Secretary had been dissatisfied for a long time with the management of the General Land Office. Hermann, it would seem, had used his position to care for his friends and particularly for his relatives.²⁵ In 1900 W. Scott Smith, Hitchcock's private secretary, had asked Special Inspector Zevely, who was investigating fires in the San Gabriel Forest Reserves, to report on the competency of Mr. Borden, the superintendent, a brother-in-law of Hermann. Borden was very aged and used a bicycle to make his rounds of the reserves.²⁶ Malcolm A. Moody, a Congressman from Oregon, had written to Hitchcock about Hermann in August 1902. He said, "I am gathering some interesting matter for your confidential ear which, when I have corroborated as I

²⁴ Ibid.

²⁵ Gifford Pinchot, Breaking Ground, p. 162.

²⁶ W. Scott Smith to Zevely, October 27, 1900, Box 23, E.A.H. Papers.

expect to do, will be as disappointing as it is surprising when you come to recognize that it occurs in the subordinate offices in your branch of government."²⁷

Gifford Pinchot, who had had several serious disagreements with Hermann, described him as "a politician with a long beard, fat, smooth, slick, 'practical' in the worst sense of the word, with an eye single to the main chance and a deep rooted conviction that a public office is a private snap."²⁸

In his home state of Oregon, Hermann received great sympathy, being regarded as a victim of a long standing attempt upon the part of the Secretary to force him out of office.²⁹ Hermann returned to Oregon in 1903 and campaigned successfully for election as Congressman from the First Congressional District. A.E. Reames, a lawyer from Jacksonville, Oregon, who was running against Hermann, wrote to Hitchcock telling him that Hermann was claiming that he had had to retire because "he could not be a party to the fraudulent handling of the lands under

²⁷ Malcolm A. Moody to E.A.H., August 14, 1902, Box 10, E.A.H. Papers.

²⁸ Gifford Pinchot, Breaking Ground, p. 193.

²⁹ The Morning Oregonian, Portland, 20 Dec. 1902, clipping in Box 39, E.A.H. Papers.

you."³⁰

J.N. Williamson, a Representative from Oregon, who was later to be convicted of fraud, had the audacity to write to Hitchcock:

As you will discover, a line from yourself upon the subject of whether or not Mr. Hermann would be "persona non grata" with the administration at Washington, D.C., if favorable, would not only put to rest the "slap-in-the-face" theory, but would certainly be the means of harmonizing matters all around, if there should be any ill feeling in the past.³¹

A pencil notation at the top of the page simply said,

"No Ans."

Early in January 1903 Hitchcock instructed Arthur B. Pugh and M.E. Stiece, Special Agents of the General Land Office, to make an investigation based upon the information that had been received by the Department in the Holsinger report.³² Pugh sent two reports, one dated March 28, 1903 and the second dated November 16, 1903.³³

³⁰A.E. Reames to E.A.H., April 14, 1903, Box 13, E.A.H. Papers.

³¹J.N. Williamson to E.A.H., April 28, 1903, Box 15, E.A.H. Papers.

³²E.A.H. to Arthur B. Pugh, January 9, 1903, Box 24, E.A.H. Papers.

³³Arthur B. Pugh and M.E. Stiece to E.A.H., March 28, 1903; Arthur B. Pugh to E.A.H., November 16, 1903, Box 36, E.A.H. Papers.

These reports were the basis for charges being brought against Frederick A. Hyde, Harry P. Diamond, John A. Benson and Jost R. Schneider of conspiracy to defraud the United States of hundreds of thousands of acres of public lands. The four were to be tried in Washington, D.C., and they were indicted in February 1904 in the Supreme Court of the District of Columbia. Due to efforts on the part of the defendants to escape prosecution, it was not until 1908 that they finally came to trial. Benson was apprehended in New York. He applied for a writ of habeas corpus to prevent his removal to the District of Columbia for trial. Circuit Judge E. Henry LaCombe, July 28, 1904, rendered the decision that Benson should be discharged because the indictment did not show conspiracy to defraud the United States. School lands had been given to the United States in exchange for the forest lieu lands. The judge conceded that there may have been a conspiracy to defraud the states, but that this was not the issue in the case being brought by the federal government. In September 1904 an application was made in California for the removal of Frederick Hyde and Harry Diamond to the District of Columbia. John J. DeHaven, District Judge, granted the application for removal. He disagreed with Judge LaCombe's

decision in regard to Benson. Judge DeHaven argued that if the defendants had acquired the school lands fraudulently they had no legal title to the lands and therefore could not transfer the title to the federal government. The defendants continued to contest the court's decision and in 1905 a decision was rendered by the United States Supreme Court in favor of the government for the removal of the defendants to the District of Columbia. Again there were delays. A postponement was granted when a U.S. attorney assigned to the case was injured in a railroad accident. A further postponement was granted to allow Congress to make an appropriation for the case. Finally in June of 1908 the case was tried in the Supreme Court of the District of Columbia. Hyde and Schneider were found guilty. Benson and Diamond were acquitted.³⁴

At the time that Hyde fraudulently acquired land in

³⁴ San Francisco Chronicle, 29 Mar. 1904, 14 May 1904; The Washington Post, 11 Oct. 1904; The New York Tribune, 18 Apr. 1905; The Evening Post, New York, 29 May 1905; Box 39; The Evening Star, Portland, 23 June 1908, Box 28; Francis J. Heney to E.A.H. (telegram) September 2, 1904, E.A.H. to Francis J. Heney (telegram) September 5, 1904, Box 8; W.J. Burns to W. Scott Smith (telegram) April 17, 1905, Box 23; W. Scott Smith to Francis J. Heney (telegram) May 29, 1905, Box 23; A.B. Pugh to E.A.H., October 22, 1907 (enclosure, memorandum on Hyde-Benson case) Box 27, E.A.H. Papers; The Federal Reporter (St. Paul: West Publishing Company, 1904), CXXXI, 968; The Federal Reporter (St. Paul: West Publishing Company, 1905), CXXXII, 545, 550.

California and Oregon, there were similar attempts being made by others in Oregon. These Oregon land frauds were extensive in the number of people involved in them. Investigation disclosed a network of individuals and groups who were in one way or another implicated in vast schemes to obtain land at the expense of the federal government. These covered the whole span of society, the entryman, who perjured himself to swear to a false claim for pay, the land speculator, the lumber man, the ranchman, the land office registrar and receiver, the Special Agents, the U.S. District Attorney, and national and state legislators. Under Hitchcock's direction and with the cooperation of the Department of Justice, the magnitude of the frauds was disclosed and the law breakers prosecuted. It was, however, a long hard fight before the whole sordid story became known.

In 1903 Horace Greeley McKinley, Stephen A. Douglas Puter and Emma Watson were charged with filing false affidavits in the office of the register of the United States Land Office at Eugene, Oregon.³⁵ The three, with Marie Ware, the former register at Eugene, were

³⁵The Morning Oregonian, 3 June 1903, Box 39, E.A.H. Papers.

indicted by the Grand Jury and brought to trial on November 21, 1904.³⁶ This was the famous 11-7 case, so called because the claims were in the Cascade Mountains, township 11 south range 7 east.

In October 1903, Francis J. Heney, a San Francisco lawyer, had been appointed as special assistant to the Attorney General of the United States to prosecute the land fraud cases. He was aided in preparing the cases for trial by William Burns, a special investigator borrowed from the Treasury Department by the Department of the Interior.³⁷ The two uncovered facts which led to the conviction of McKinley, Puter and Emma Watson on December 6, 1904. Heney had hoped to have the defendants sent to jail to await sentence, but they were released on bond pending appeal.³⁸

Investigations on the part of Heney and Burns for the 11-7 trial and confessions on the part of Puter and

³⁶The New York Times, 28 Oct. 1903; The Weekly Oregonian, 5 Nov. 1903; The Evening Telegram (Portland), 21 Nov. 1903, Box 39, E.A.H. Papers; Secretary of the Interior, Annual Report 1904, p. 22.

³⁷Jerry A. O'Callaghan, "Senator Mitchell and the Oregon Land Frauds, 1905," Pacific Historical Review, XXI (August, 1952), 257; The New York Times, 22 Oct. 1903, p. 7.

³⁸Burns to E.A.H. (telegram) December 6, 1904, Box 23; The Washington Post, 7 Dec. 1904, Box 39; E.A.H. to Francis J. Heney (telegram) December 7, 1904, Box 23, E.A.H. Papers.

McKinley following their conviction led to the disclosure of other land frauds and to the implication of other people. McKinley and Puter had filed claims in what later became the Blue Mountain Reserve. When the proofs for patents were held up in the General Land Office, Puter and Emma Watson, to whom the claims had been deeded, went to Washington, D.C. to attempt to expedite the patents. They had a letter from Pierce Mays, an Oregon attorney, to John H. Mitchell, U.S. Senator from Oregon, asking him to use his influence with the General Land Office. According to Puter, Mitchell, after inquiry at the General Land Office, informed him that the proofs would have to be returned to Oregon for further investigation. Puter wanted to avoid investigation at all costs. He placed two one thousand dollar bills on the table. Mitchell took one saying that it was enough. Puter insisted that he take the two. Within a few days the claims were passed to patent.³⁹

The Commissioner of the General Land Office, Binger Hermann, was implicated by a letter which he had written to Mitchell, acknowledging receipt of Mitchell's letter "enclosing affidavits of Mrs. Emma Watson and S.A.D. Puter

³⁹ Burns to E.A.H. (telegram) December 16, 1904, Box 23, E.A.H. Papers.

of Portland, Oregon, relative to twelve homestead entries in Oregon City, Oregon land district." A postscript, written by Hermann, assured the Senator that, "It will be seen that the case has been made special as you requested."⁴⁰

Burns and Heney, following leads from confessions of Puter and McKinley, were able to get Salmon B. Ormsby, an ex-forest superintendent, to admit that he had accepted money from Puter and McKinley for making a false report pertaining to the creation of the Blue Mountain Reserve. From other sources, Burns learned that Hermann had directed Ormsby to consult Pierce Mays for instruction about the reserve. Mays gave him maps and data and Ormsby drew up his report to favor Mays, who made over sixty thousand dollars on the Blue Mountain Reserve. Ormsby's report included worthless land owned by Mays and his claimants in the reserve. This land was then exchanged for forest lieu scrip. For his cooperation Ormsby received two sections of land.⁴¹ Puter and McKinley also claimed that they had paid one thousand dollars to a Special Agent of the General Land Office, Clark E. Loomis, for making a favorable report after

⁴⁰ E.A.H. to Francis J. Heney (telegram) November 24, 1904, Box 23, E.A.H. Papers.

⁴¹ Burns to E.A.H. (telegram) December 7, 8, 15, 1904, Box 23, E.A.H. Papers.

investigating claims for them.⁴²

During December 1904 the Grand Jury indicted Mays, Ormsby, Loomis and George Sorenson for conspiracy to defraud the United States Government of land in township 11 range 7 east, part of the same conspiracy for which Puter and McKinley had been found guilty.⁴³ Sorenson, a public notary, had notarized a transfer of lands from George Howe to Ira Howe. The lands had been selected in lieu of six of the fraudulent entries in the 11-7 case. George Howe was a fictitious name which had been used by McKinley. Sorenson was charged with knowing that George Howe was non-existent when he certified the deed. U.S. District Attorney Hall was aware of Sorenson's knowledge, but did not subpoena him as a witness for the trial of Puter and McKinley, and permitted him to leave the state. He did not inform Heney of Sorenson's whereabouts, even though he had received a letter from him from LaCrosse, Wisconsin.⁴⁴ This, with other suspicious actions on Hall's part, caused Attorney

⁴² Jerry A. O'Callaghan, "Senator Mitchell and the Oregon Land Frauds, 1905," p. 257.

⁴³ Burns to E.A.H. (telegram) December 21, 23, 1904, Heney to E.A.H., December 27, 1904, Box 23; The Morning Oregonian, 22 Dec. 1904, 28. Dec. 1904, The Evening Telegram, 27 Dec. 1904, Box 39, E.A.H. Papers.

⁴⁴ Heney to E.A.H., December 9, 1904, Box 23, E.A.H. Papers.

General William H. Moody to suspend Hall from his position as U.S. District Attorney for Oregon on December 31, 1904.⁴⁵

Sorenson's trial began January 19, 1905. On the 21st Judge Bellinger, the trial judge, dismissed the jury which could not come to a verdict because two jurors held out. Heney suspected that they had been influenced. The judge advised Heney to take the case before the Grand Jury on charge of perjury.⁴⁶ Sorenson was later tried with Franklin Pierce Mays in what was known as the Blue Mountain Reserve Case. These two and Willard N. Jones were found guilty September 13, 1906.⁴⁷

In January 1905 Heney took a case involving Senator Mitchell before the Grand Jury. Puter and McKinley in their confessions in December had implicated F.A. Kribs, a land and timber dealer, whom they claimed owned the Roseburg Land Office. Heney uncovered evidence to show that Kribs had paid the Register of Roseburg, Bridges, three thousand dollars in bribes. Kribs confessed to Heney that he had paid Senator Mitchell, through Mitchell's

⁴⁵The Evening Telegram, 31 Dec. 1904, Box 39, E.A.H. Papers.

⁴⁶The Evening Telegram, 19 Jan. 1905; The Oregon Daily Journal, 21 Jan. 1905, Box 40, E.A.H. Papers.

⁴⁷Heney to E.A.H. (telegram) September 13, 1906, Neuhausen to E.A.H., September 13, 1906, Box 23, E.A.H. Papers.

law partner Alfred Tanner, to expedite his timber claims and he testified before the Grand Jury that he had paid twenty-five dollars per claim.⁴⁸ Mitchell and Tanner produced an agreement to the effect that Mitchell was not to share in any remuneration for cases involving the government. Before the Grand Jury Heney was able to prove that this agreement had been written after investigation began although it was dated 1901. At the time of the hearing of the Grand Jury, Tanner's son had been his secretary for about three months. He was asked to write part of the agreement as it was dictated to him. His reproduction contained the same misspelled words as the original. The evidence was strong enough to cause the Grand Jury to indict Mitchell for accepting money for expediting cases for Kribs while performing duties of public office, a violation of section 1782 of the Revised Statutes of the United States.⁴⁹

On February 11, 1905 Judge Tanner, who had been indicted for perjury, made a full confession in court and

⁴⁸Heney to E.A.H. (telegram) December 14, 1904, Burns to E.A.H. (telegram) January 7, 1905, January 27, 1905, Box 23, E.A.H. Papers.

⁴⁹Burns to E.A.H. (telegram) January 28, 1905, February 1, 1905, Box 23; The Morning Oregonian, 2 Feb. 1905, Box 40, E.A.H. Papers; Henry Brown, "Punishing the Land-Looters," The Outlook, XXXV (February 23, 1907), 434-35.

and pleaded guilty. He admitted that the partnership agreement had been drawn up during a recent visit of Mitchell to Oregon and that he had perjured himself and instructed his son to do likewise to help Mitchell. The actual agreement between himself and Mitchell was that Mitchell was to receive all fees for practicing before the Departments.⁵⁰

Before his indictment by the Grand Jury, Mitchell made a personal explanation in the Senate. At that time he did not know that the charges would involve Kribs. He thought that he would be accused of expediting claims for McKinley and Puter, and he claimed that he did not know of the fraudulent character of the claims, that he was merely doing a favor for a constituent.⁵¹

At the trial in June, Mitchell's counsel presented the defense that Mitchell was a very busy and a very careless man. He admitted that the partnership agreement was a deception, but he excused it on the grounds that it was used by Mitchell as a defense against his political enemies who were plotting to ruin his career. While the trial was

⁵⁰Burns to E.A.H. (telegram), February 11, 1905, Box 23; The Oregon Daily Journal, 11 Feb. 1905, Box 40, E.A.H. Papers.

⁵¹U.S. Congress, Congressional Record, 58th Cong. 3d Sess. (Washington: Government Printing Office, 1903), pp. 959-63.

in progress, prominent friends of Mitchell's, including Senator Charles W. Fulton, came into court to shake hands with him, showing their confidence in him. On July 3, 1905 the jury returned a verdict of guilty with a recommendation of mercy. Mitchell was sentenced to six months in Multnomah county jail and one thousand dollars fine, on July 25, 1905.⁵² He died the following December, while an appeal was pending. His death was caused by hemorrhages after having teeth extracted.⁵³

A United States Congressman, John Newton Williamson of Oregon, was indicted for subornation of perjury in February 1905. He and his partner Doctor Van Gesner had been using public land for grazing their sheep. As settlers moved in, they had feared to lose the use of the land and took steps to keep control of it. They induced their neighbors to take up claims in the public land with the understanding that the land was to be turned over to Williamson and Van Gesner.⁵⁴ Three trials were conducted

⁵²Burns to E.A.H. (telegram) June 13, 1905, June 21, 1905, June 22, 1905, July 3, 1905, Box 23, July 24, 1905, July 25, 1905, Box 4, W. Scott Smith to E.A.H., July 15, 1905, July 25, 1905, Box 23; The Oregon Daily Journal, 4 July, 1905, 15 July 1905, The New York Herald, 26 July, 1905, Box 40, E.A.H. Papers.

⁵³Neuhausen to E.A.H. (telegram) December 8, 1905, Burns to E.A.H., June 24, 1905, Box 23, E.A.H. Papers.

⁵⁴The Sunday Oregonian, 12 Feb. 1905, Box 40, E.A.H. Papers.

before a jury came to a verdict.⁵⁵ After the second trial, Heney wrote to Secretary Hitchcock about the difficulty of securing jurors who were not "Mitchell and Williamson partisans."⁵⁶ At the end of the third trial, on September 27, 1905, the jury returned a verdict of guilty with a recommendation of mercy because of previous good character. On October 15, 1905 Williamson and Biggs were sentenced to imprisonment for ten months and a fine of five hundred dollars, Gesner to five months and a fine of one thousand dollars.⁵⁷

Following the verdict by the jury in the Williamson case, the Morning Oregonian published what was purported to be an interview with the Secretary of the Interior, in which Hitchcock criticized the jury for their recommendation of mercy. Heney and Burns warned the Secretary that the Oregon newspapers were commenting that his statement showed a vindictive spirit. They advised him to correct the impression because they feared the effect upon public opinion

⁵⁵The Oregon Daily Journal, 20 July, 1905, 4 Aug. 1905, Box 40, E.A.H. Papers.

⁵⁶Francis J. Heney to E.A.H., August 18, 1905, Box 8, E.A.H. Papers.

⁵⁷Burns to E.A.H., September 27, 1905, E.A.H. to the President, September 28, 1905, Box 23; The Sunday Oregonian, 15 Oct. 1905, Box 40, E.A.H. Papers.

and upon the success of other trials.⁵⁸ Hitchcock was quoted by the Oregonian as saying:

The jury which returned the verdict against Representative Williamson, Dr. Gesner and Marion Biggs at Portland last night commended the defendants to the mercy of the court. This is not a case where any mercy should be shown. I am firmly of the opinion that the extreme penalty should be imposed.

.
Whenever some petty criminal hungry and in need, is convicted in court, no mercy is shown. There is all the more reason why no mercy should be shown in this case. The defendants knew the law and violated it knowingly and willfully. One of them, a public official, was sworn to protect and uphold the law, yet he used his influence to induce a lot of poor ignorant fellows to commit a rank crime. Such men don't deserve mercy at the hands of the court. I think no leniency should be shown them.⁵⁹

He was also quoted as making a remark regarding the salaries of Congressmen to the effect that they should

either have the courage to raise their salaries to what they consider a proper figure or else relinquish their positions to those who will be content with the present salary. It is more honorable to increase salaries than to try to make up the deficit by crime.⁶⁰

In a telegram to Burns, Hitchcock said that, "The correspondent of the Oregonian was wholly unwarranted in

⁵⁸ Burns to E.A.H., September 29, 1905, Box 23, E.A.H. Papers.

⁵⁹ The Morning Oregonian, September 29, 1905, Box 40, E.A.H. Papers.

⁶⁰ Ibid.

quoting me in any way reflecting on the jury in the Williamson case." He denied any vindictiveness on his part toward Williamson, Gesner and Biggs.⁶¹ There seems little doubt, however, that the correspondent of the Oregonian had quoted him correctly. The interpretation of the statement by the newspapers as being personally vindictive was erroneous, but the straightforward statement was characteristic of Hitchcock. In his telegram to Burns, Hitchcock stated his position, which was essentially that which the Oregonian had attributed to him:

I am endeavoring to do my duty in compliance with the law under my oath, and believe that, those who know what the law is and deliberately and willfully violate it should be held to a greater responsibility than those who have no such knowledge.⁶²

Secretary Hitchcock followed the events in Oregon closely. Daily telegrams were sent from Heney and Burns and were impatiently awaited by the Secretary. W. Scott Smith, Hitchcock's private secretary, wrote to Burns, "If we do not get a telegram each morning the Secretary wants to know what I suppose is the matter with Burns that we do not hear from him, so, if you can do so, it is well to send some-

⁶¹E.A.H. to Burns, September 30, 1905, Box 23, E.A.H. Papers.

⁶²Ibid.

thing each day, if only a dozen words."⁶³

Hitchcock endured the long period of investigation and prosecution with an almost stoical self-control which was characteristic of him. As the prosecutions continued, a hostile press used every effort to discredit the Secretary of the Interior. Public officials, who feared that the disclosure of either involvement in the frauds or their tacit sympathy with the offenders would jeopardize their careers, gave encouragement to the publication of articles criticizing the policies of the Secretary of the Interior. Powerful land owners, lumber companies, sheep and cattle ranchers, to whom the acquisition of government land seemed an inalienable right, fought against the Department policy and used the press as a weapon. The Roseburg Plaindealer, owned by Mitchell, Hermann, Bridges (the register of Roseburg, involved in fraud) and state Senator Booth, carried articles attacking Hitchcock. Burns claimed that the editorials in the Plaindealer were written by Hermann.⁶⁴ In January 1905, when Heney and Burns were preparing the case against Senator Mitchell, it was rumored that Mitchell

⁶³W. Scott Smith to W.J. Burns, January 12, 1905, Box 23, E.A.H. Papers.

⁶⁴Burns to E.A.H. (telegram) January 15, 1905, Box 23, E.A.H. Papers.

would demand that there be an investigation of Hitchcock's relations with the Santa Fe Railroad, because he had evidence that the Secretary had been involved in fraudulent dealings in connection with that railroad in the past. Nothing came of this because the accusation was unfounded, but it was the type of thing to which the Secretary was subjected.⁶⁵

Attempts were also made to discredit Heney and Burns. An effort was made to involve Heney in a scandal with a prostitute. The woman was promised five hundred dollars to persuade Heney to come to her rooms. Heney and Burns learned of the plot before it could be carried out.⁶⁶

The Secretary gave Heney and Burns every encouragement. He made known his position in regard to the prosecutions and he maintained that position throughout his administration. This position is evident in a letter to Heney in November 1904:

As I have said to you all along, it isn't the poor devils who have received a few hundred dollars for defrauding the Government that the Government is most anxious to punish, but the ringleaders and the instigators, some of them of high official positions,

⁶⁵Burns to E.A.H. (telegram) January 6, 1905, Box 23, E.A.H. Papers.

⁶⁶Burns to E.A.H. (telegram) January 15, 1905, Box 23, E.A.H. Papers.

that deserve all the punishment the law can give them. And I hope such will be the result.⁶⁷

President Roosevelt also took an interest in the progress of the land fraud cases. Hitchcock often read to him the telegrams which he received from Heney and Burns.⁶⁸

On December 21, 1904 the President sent the following telegram to Francis J. Heney:

On December eighteenth the Secretary of the Interior telegraphed, with my approval, to Burns stating that the Secretary and the Attorney General would stand by him, Burns, and by you to the end, assuming, of course, that you have legal evidence to justify any action you might take. My advice to you now can only consist in elaborating this statement. No persons, and especially no persons in high public position must be lightly or without clear proof accused of offences, and great caution must be exercised in acting upon the testimony of convicts unless there is substantial corroboration. But if there is clear and satisfactory proof against any man high or low, the utmost effort is to be made to bring him to justice, and no heed whatever will be paid to his social position or political or financial standing.⁶⁹

Here there is evidence of a difference in outlook between the Secretary of the Interior and the President. It shows in the note of caution which pervades the President's message to Heney. The Secretary, forthright, unbending,

⁶⁷E.A.H. to F.J. Heney, November 26, 1904, Box 23, E.A.H. Papers.

⁶⁸W. Scott Smith to W.J. Burns, January 12, 1905, Box 23, E.A.H. Papers.

⁶⁹Theodore Roosevelt to F.J. Heney, December 21, 1904, Box 35, E.A.H. Papers.

wanting justice, in his own estimation working for "clean and honest administration and the protection of public property"⁷⁰ was unimpeded by political considerations. The high office or the political persuasion of the offender mattered not at all to Hitchcock. Theodore Roosevelt, also wanting justice, but trying to get cooperation in Congress for the legislation proposed by his administration, could not afford to antagonize western Congressmen. This difference in viewpoint will become more apparent later.

Although Puter and McKinley had been found guilty in December 1904, they had never been sentenced. They had given Heney and Burns information which made possible other convictions. Both left Oregon, Puter going to Victoria, British Columbia, and McKinley to China. In February 1906 Heney decided that they should be approached and pay for their crimes, if he were to have any success in prosecuting other crimes.⁷¹ Burns was detailed to track down Puter. He succeeded in locating him in Boston, where he arrested him, only to have Puter pull out a gun

⁷⁰E.A.H. to Charles Nagel, December 28, 1904, Box 22, E.A.H. Papers.

⁷¹William J. Burns to W. Scott Smith, February 20, 1905, Box 27, E.A.H. Papers.

and escape.⁷² Puter was finally apprehended and taken to Portland and sentenced on July 6, 1906, to two years imprisonment and seventy-five hundred dollars fine.⁷³

Hitchcock was anxious that Heney finish the work still pending in Oregon. There was criticism that "sentences and punishments are not following the indictments and convictions which have been published throughout the country."⁷⁴ Ex-Justice Brown of the Supreme Court, at a dinner given him by the Bar Association, spoke of delays in meting out justice. Governor Higgins of New York voiced a similar criticism. So in June 1906 Hitchcock urged Heney to return to Portland and finish the work he had begun. Heney wanted time to look out for his own private practice in San Francisco. There were many law suits and insurance claims to be settled because of the earthquake which had occurred in that city in April. Heney asked for a postponement of the Binger Hermann case which was to be tried in Washington, so that he could

⁷²Burns to E.A.H., March 27, 1906, Box 23, E.A.H. Papers.

⁷³Heney to E.A.H., July 6, 1906, Box 23, E.A.H. Papers.

⁷⁴E.A.H. to F.J. Heney, June 8, 1906, Box 23, E.A.H. Papers.

finish the work in Portland.⁷⁵

Binger Hermann, although implicated in several of the Oregon trials, was not brought to trial until 1907. He was tried for destroying letter press books of the General Land Office. He had been indicted in the Blue Mountain Reserve Case. He was not brought to trial in this case because, when Heney asked for a continuance of the Washington case, Hermann's lawyers would agree to the continuance only if the Portland trial were delayed until after the Washington trial.⁷⁶ Heney did not present the case against Hermann. He resigned from the trial in December 1906 to work as District Attorney on San Francisco, which he felt impelled to do because of "the deplorable condition on account of the corruption of its public officials following so rapidly the great disaster of April 18th"⁷⁷

As the investigations and trials proceeded, it became apparent that the sympathies of Senator Charles W. Fulton of Oregon were not with the Department of the Interior

⁷⁵ Heney to E.A.H. (telegram) May 25, 1906, Box 23, E.A.H. Papers.

⁷⁶ Heney to E.A.H., September 13, 1906; E.A.H. to Theodore Roosevelt, September 14, 1906, Box 23, E.A.H. Papers.

⁷⁷ Francis J. Heney to E.A.H., December 31, 1906, Box 8, E.A.H. Papers.

in its efforts to bring law-breakers to justice. In November of 1903 Fulton, with Senator Mitchell and Representative Williamson, had sent President Roosevelt a copy of a letter to Speaker Joseph C. Cannon requesting that Binger Hermann, who had been elected to the House of Representatives after being forced to resign from the General Land Office, be placed on the Rivers and Harbors Committee. They called the Speaker's attention to the fact that "disquietude and unrest" existed among the Republicans of Oregon due to "the attitude of the government, the Department of the Interior, particularly." They complained that 10,000 entries under land laws had been suspended in Oregon until they could be investigated by special agents and that this had worked a hardship on the honest people of Oregon who were not involved in fraud.⁷⁸

Fulton continued to give his support to those who were suspected of engaging in fraudulent activities. When Mitchell was on trial in June 1905, Fulton made a point of coming into the courtroom to shake his hand.⁷⁹ By January

⁷⁸Senator John M. Mitchell and C.W. Fulton and J. Williamson to Speaker Joseph C. Cannon, enclosed in letter to Theodore Roosevelt, November 30, 1903, Box 1, E.A.H. Papers.

⁷⁹Burns to E.A.H., June 24, 1905, Box 23, E.A.H. Papers.

1905 Hitchcock was investigating carefully any appointments made by Fulton. The positions of register and receiver at Roseburg were waiting to be filled. The tone of a letter from Fulton to Hitchcock, regarding these appointments, portended the animosity which was to develop between the two.

I confess I cannot understand what character of man you want for receiver at Roseburg. As you do not say what your objections are to names submitted. Kindly advise me what your objections are. If desired I will go to Washington to confer about the matter but I cannot leave before fifteenth this month.⁸⁰

It was not until the end of 1905 that the register and receiver of Roseburg were appointed. In the meantime, Fulton's appointees were rejected again and again. Hitchcock had them all investigated by Burns. In March Hitchcock's private secretary, W. Scott Smith, requested Burns to investigate R.W. Fenn, who was being considered for appointment as either register or receiver. He told Burns.

It is not true that the Secretary has promised Senator Fulton that he shall name the new occupants for the two offices at Roseburg, notwithstanding it is so given out in Oregon. What the Secretary said to Senator Fulton was that he would give full consideration to any recommendations he might make, but he gave him no assurance that the person recommended by him would be appointed.⁸¹

⁸⁰C.W. Fulton to E.A.H., June 6, 1905, Box 7, E.A.H. Papers.

⁸¹W. Scott Smith to W.J. Burns, March 25, 1905, Box 23, E.A.H. Papers.

In July Fulton suggested A.B. Hegardt for register at Roseburg. Hitchcock had Burns investigate and also asked for a report from a friend, Colonel Sharpe of the War Department, since Hegardt had been employed as an engineer by the army.⁸² Burns reported that Hegardt, working for the army, had inspected and approved stone in a quarry owned by the Northwestern Construction Company for use in jetties in the Columbia River. The stone was of inferior quality and washed away. Senator Fulton and his brother were both officers in the construction company. Burns and Heney were inclined to think that Hegardt was being rewarded by Fulton for having issued a favorable report in regard to the stone.⁸³

In September Hitchcock wrote to President Roosevelt at Oyster Bay asking him not to fill Oregon vacancies until he could confer with him. He met with the President on October 2nd and they decided that no appointments would be made until the land trials which were in session at that time were over.⁸⁴ Finally, on December 2, 1905, the President

⁸²E.A.H. to W. Scott Smith, July 14, 1905, Box 22, E.A.H. Papers.

⁸³W.J. Burns to W. Scott Smith, July 19, 1905, Box 27, E.A.H. Papers.

⁸⁴E.A.H. to the President, September 23, 1905, Box 22; W. Scott Smith to W.J. Burns, October 3, 1905, Box 23, E.A.H. Papers.

appointed W.C. Bristol as U.S. district attorney, B.L. Leddy as register at Roseburg and James M. Lawrence as receiver at Roseburg; none of these men had been recommended by Fulton.⁸⁵

Senator Fulton fought to prevent the confirmation of the appointments by the Senate. In October the Oregon Daily Journal, which supported Fulton, had predicted that Fulton would seek the support of the Republican Senators to prevent appointments in Oregon which were not of his choice.⁸⁶ He sent affidavits to the President making charges against Lawrence and he instituted an attack upon Bristol, attempting to prove that he had been implicated in dishonest business transactions.⁸⁷ In March the matter was before the Judiciary Committee of the Senate and Bristol was being investigated by the Bar Association. Heney, anxious to have a U.S. district attorney who was not under the influence of the Mitchell-Hermann group, wished to go before

⁸⁵W. Scott Smith to Neuhausen (telegram) December 2, 1905, Box 23; The Evening Telegram, 2 Dec. 1905, Box 40, E.A.H. Papers.

⁸⁶The Oregon Daily Journal, 25 Oct. 1905, Box 27, E.A.H. Papers.

⁸⁷W. Scott Smith to Neuhausen, January 4, 1906, Box 23; E.A.H. to Heney, February 14, 1906, Box 22, E.A.H. Papers; Theodore Roosevelt to W.C. Bristol, February 5, 1906, Theodore Roosevelt Papers, Library of Congress, Washington, D.C.

the Judiciary Committee to testify in behalf of Bristol and also to defend him before the Bar Association. Hitchcock cautioned Heney not to do either, telling him that the President and Senator Knox of the Judiciary Committee concurred with him in this decision. The reason given was that Heney's defense of Bristol would consist of revealing evidence showing Fulton's corruption. Hitchcock told Heney that he was confusing the two issues:

The sole issue at present is whether or not Mr. Bristol is a fit and proper person to represent the government as United States District Attorney; and what Senator Fulton may or may not have done in the past, or may even be doing at present, as many believe, for corrupt purposes, has nothing whatever to do with Mr. Bristol's fitness for the high position for which the President has nominated him.⁸⁸

It would seem that Theodore Roosevelt may have restrained Hitchcock, because a few weeks before Hitchcock had written to Heney that if Fulton continued his attack upon Bristol they should make public some correspondence which would prove Fulton corrupt.⁸⁹

The President was very hesitant about trusting Heney's judgment in regard to appointments. In the summer

⁸⁸E.A.H. to F. Heney, March 6, 1906, Box 22, E.A.H. Papers.

⁸⁹E.A.H. to F. Heney, February 14, 1906, Box 22, E.A.H. Papers.

of 1905 he had advised Hitchcock:

It is very important that we should not get into any improper position by seeming to go to extremes in backing Heney. You doubtless remember the trouble that came in connection with Bristow's letting his zeal run away with his discretion. Heney will do us a like turn as sure as fate if we get to following him. He is not a man to consult about appointments at all, directly or indirectly, for the future. It has of course been inevitable to consult him more or less in the past.⁹⁰

Toward the end of March 1906 the President had a hearing on Bristol. William Howard Taft, Secretary of War, Elihu Root, Secretary of State, Victor H. Metcalf, Secretary of Labor and Commerce and Charles J. Bonaparte, Secretary of the Navy, acted as judges. William H. Moody, Attorney General, presented the case against Bristol. His defenders were Knox and Heney. The result was that the four judges decided in Bristol's favor and the President sent his name to the Senate again.⁹¹

During the Spring of 1906, Fulton had attacked the Secretary of the Interior, in interviews printed in newspapers, insinuating that he was in his dotage. Hitchcock decided that it was time to disclose some correspondence

⁹⁰Theodore Roosevelt to E.A.H., August 14, 1905, Box 1, E.A.H. Papers.

⁹¹W. Scott Smith to Francis J. Heney, June 11, 1906, Box 23, E.A.H. Papers.

which involved Fulton in corruption.⁹² In an article published by Collier's National Weekly, entitled "Fulton of Oregon," the Senator's involvement with United States Senator Mitchell, state Senator Brownell and District Attorney Hall was revealed.⁹³

Brownell was implicated with Surveyor-General Henry Meldrum, whose office had drawn up field notes for surveys for fraudulent entries. The surveys were made by Meldrum's deputies. Brownell had notarized some of these surveys. U.S. Attorney Hall had knowledge of the affair and he attempted to use it to his political advantage. Senator Fulton was backing Brownell for appointment as District Attorney, which position Hall wished to retain. Hall forced Brownell to relinquish Fulton's support by threatening to reveal his connection with Meldrum. In September 1905, Brownell turned over to Heney confidential correspondence between himself and Senator Mitchell, which disclosed that Fulton knew of Brownell's guilt and shielded him.⁹⁴

⁹²W. Scott Smith to Francis J. Heney, June 11, 1906, Box 23, E.A.H. Papers.

⁹³"Fulton of Oregon," Collier's National Weekly, XXXVIII (December 8, 1906), pp. 20-21.

⁹⁴Francis J. Heney to E.A.H. (telegram) December 27, 1904, Box 23; John H. Mitchell to George C. Brownell, January 11, 1903, November 3, 1903, March 9, 1904, Box 35, E.A.H. Papers.

Although the correspondence was damaging to Fulton's reputation, he could not be prosecuted for the misconduct which it revealed. Heney wrote to the Attorney General in October 1905 that there was no common law offence of misconduct in office and that he could find no United States statute which would authorize the indictment of Fulton, Mitchell and Hall.⁹⁵

Although Secretary Hitchcock and Heney were willing to publish an article about Fulton which they hoped would stop his attacks upon the Secretary and the land fraud prosecutions, they were not willing to let him suffer criticism unjustly. The January 1907 issue of Cosmopolitan Magazine carried an article about the lumber man Frederick Weyerhaeuser. It said that a bill sponsored by Senator Fulton had permitted the company to exchange one hundred and eleven thousand acres inside the Klamath Reservation for eighty seven thousand acres in a compact area. The article claimed that the land relinquished was worth very little, while that which the company acquired was covered with valuable timber. Fulton requested a statement from the Department of the Interior exonerating him from improper conduct. A report submitted to Hitchcock by F.E. Leupp,

⁹⁵ Francis J. Heney to Attorney General, October 1, 1905, Box 29, E.A.H. Papers.

Commissioner of Indian Affairs, stated that the legislation had been initiated by the Office of Indian Affairs and that Fulton had introduced the bill "long after the subject had been agreed upon between the Indian Office and the Land Company." Hitchcock sent Fulton a telegram quoting from Leupp's report.⁹⁶

In August 1906 W.H. Moody, the Attorney General, having heard rumors that Senator Fulton was to be indicted, wrote to William C. Bristol, U.S. district attorney in Oregon, advising him to proceed with caution. Because of the disagreement between Bristol and the Senator, Moody warned him against giving the impression "that anything except public reasons have influenced the proceedings."⁹⁷ He asked Bristol to submit an outline of the case against Fulton. Bristol very coldly informed Moody that he was aware that he had an obligation not to draw the administration into "complications before a public always ready, with the assis-

⁹⁶ Charles P. Norcross, "Weyerhaeuser - Richer than John D. Rockefeller," Cosmopolitan Magazine XLII (January 1907), 259; W. Scott Smith to Neuhausen, December 31, 1906, Box 23; F.E. Leupp to E.A.H., December 29, 1906, Box 34; E.A.H. to Neuhausen, January 3, 1907, Box 23, E.A.H. Papers.

⁹⁷ W.H. Moody to W.C. Bristol, August 9, 1906, Box 29, E.A.H. Papers.

tance of the press, to find reasons for complaint."⁹⁸ He also assured him that he had consulted with Heney and that they had both agreed that they would not take the case before the grand jury until they had a "practically invincible case" and that they did not have facts at the present time to present such a case. W. Scott Smith, Hitchcock's private secretary, who was in Portland to testify at a trial taking place, wrote to Hitchcock about the exchange of letters between Bristol and Moody. He informed Hitchcock that Bristol was certain that Fulton had violated federal laws and that he would start an investigation of Fulton soon. Fulton, however, was never indicted for either fraud or perjury.⁹⁹

As has been said, Hitchcock, throughout his administration, recognized the weaknesses in the existing land laws. His solution to the problem was to recommend revision of land legislation by Congress and, in the absence of such revision, to prosecute violations of the laws. In 1906 the President tried another approach to the perplexing question of land frauds. In that year Charles Keep,

⁹⁸W.C. Bristol to W.H. Moody, August 21, 1906, Box 29, E.A.H. Papers.

⁹⁹W. Scott Smith to E.A.H., August 31, 1906, Box 29, E.A.H. Papers.

Assistant Secretary of the Treasury, Lawrence O. Murray, Assistant Secretary of Commerce and Labor, and Gifford Pinchot, Chief Forester in the Department of Agriculture, reported to the President the results of a special study of the General Land Office.¹⁰⁰ The examination was part of an investigation of department methods, which had been ordered by the President in 1905.¹⁰¹ In the report Keep, Murray and Pinchot concluded that land frauds were caused by defective land laws and defective administration of the laws. They gave credit for recent changes in land laws to the Public Lands Commission. (Pinchot had been a member of the Commission.) They conceded that some minor changes in administration had been made since 1903. In regard to land frauds, they came to the conclusion that "An adequate force of special agents could at any time put an end to the stealing of public lands." They claimed that no request had been made for an appropriation from Congress for an adequate force. They said, however, that it was not necessary for the Secretary to make such a request. All he had to do was to give an order that no entry would go to patent until there

¹⁰⁰Entry of October 16, 1905, Diary, Container No. 3314, Gifford Pinchot Papers.

¹⁰¹E. Morison, ed., Letters of Theodore Roosevelt, IV, 1201 (to Charles Hallon Keep, June 2, 1905).

had been an examination on the site by an agent. Then, according to the three committee members, Congress would be forced to grant an appropriation.¹⁰² It was a rather naive assumption, as Hitchcock, after eight years of dealing with Congress, must have realized.

The President, however, took the suggestion seriously and on December 13, 1906 ordered Hitchcock not to allow any entry to go to patent until there had been an examination on the ground by an agent.¹⁰³ He notified Congress of his action in a special message on public lands on December 17, 1906.¹⁰⁴ Congress did not complacently accept the de facto situation. The order brought forth some of the most vehement criticism to which Hitchcock had been subjected in his entire career. Senator Thomas Carter of Montana delivered a speech in the Senate on January 30, 1907 in which he claimed that the order was a reflection on the honesty and integrity of all settlers on the public domain and that it was a culmination of all the accusations of fraud and conspiracy which Hitchcock had made through the

¹⁰²Report of Keep, Murray and Pinchot, "Organization of the Department of the Interior," pp. 36-37.

¹⁰³Theodore Roosevelt to E.A.H., December 13, 1906, Box 38, E.A.H. Papers.

¹⁰⁴U.S. Congress, Congressional Record, 59th Cong. 2d Sess. (Washington: Government Printing Office, 1907), p. 450.

years. Carter said:

If some morbid, moral delinquent, were to pay nightly visits to dens of vice and make morning calls at the police courts in all your splendid eastern cities, and then announce to the world from day to day with loud acclaim that crime and moral leprosy overwhelmed you all, he would at his pitiable best play in your field the part the secretary of the interior has played as regards the people of the public land states.¹⁰⁵

There were some voices raised in defense of Hitchcock. The Record-Herald of Chicago said:

It comes with poor grace from a member of the United States Congress to criticize the strict enforcement of the laws governing land entries by officials of the Department of the Interior. . . . If there are any Congressmen from the West or the East or any other part of the country who are not satisfied with present conditions they can accomplish a great deal more by working hard and steadily to secure a revision of the land laws than by making speeches which have no other effect than to prove their present irrationality and their past neglect.¹⁰⁶

In February 1907 the House of Representatives refused the appropriations necessary for agents for field examinations.¹⁰⁷ On March 12, 1907, after Hitchcock had retired, Theodore Roosevelt found it necessary to inform

¹⁰⁵ New York Commercial Globe, 31 Jan. 1907, Box 28, E.A.H. Papers.

¹⁰⁶ The Record-Herald (Chicago), 1 Feb. 1907, p. 8, in Box 28, E.A.H. Papers.

¹⁰⁷ The St. Louis Republic, 17 Feb. 1907, unidentified newspaper clipping, 23 Feb. 1907, in Box 28, E.A.H. Papers.

the new Secretary of the Interior, James R. Garfield,
that the order was cancelled because Congress did not
appropriate sufficient funds.¹⁰⁸

¹⁰⁸ Morison, ed., Letters of Theodore Roosevelt,
v, 616.

CHAPTER VI

GRAZING LANDS

The semi-arid western states had their own peculiar infractions of the land laws. The chief occupation of the area was stock raising. The cattle or sheep raiser needed large tracts of land, but there was no provision in the land laws for the acquisition of that much land. It was possible to purchase land which was part of railroad grants, but this was costly. The use of the public domain for grazing and the struggle for its control is part of the colorful history of the western states. The practice of fencing the range came into existence as settlers penetrated the cattle country and as barb wire made fencing possible. Fencing insured the rancher of a water supply for his cattle, kept out the homesteader and, most important, prevented overgrazing and destruction of the range. An act of February 25, 1885 provided for the institution of civil proceedings for the removal of fences and the criminal prosecution of trespassers on the public domain. It authorized the President to call out civil and military

authorities to remove unlawful enclosures.¹

Secretary Hitchcock enforced the act of 1885 and insisted upon the removal of unlawful fences. His position was that the Department was acting in strict compliance with the law. To those who pleaded the hardship which the law worked upon cattlemen and who wished him to ignore unlawful enclosures, he pointed out that, "the remedy for an obnoxious law is its repeal, if it is found to be unjust" He said he realized "the magnitude of the capital invested in the cattle business, as well as the necessity for rendering every possible legal and equitable assistance in the protection and development of such an indispensable food product industry," but he could not ignore the law.²

The cattlemen, who wished to find some means by which they could maintain their use of the public domain, became advocates of the leasing of public land for grazing. In 1902 the American Cattle Growers gave approval to bill S. 3311, being considered by Congress, which provided for

¹Benjamin Horace Hibbard, A History of the Public Land Policies, p. 478; 23 Stat. L 321.

²E.A.H. to E.D. Crumpaker, July 10, 1902, Box 6, E.A.H. Papers.

the leasing of public land for grazing.³

Hitchcock, who opposed the bill, gave his reason in his Annual Report of 1902:

Should the bill become a law, the public domain in 16 States and Territories mentioned therein, aggregating an area of 525,000,000 acres, practically all the vast public domain west of the Mississippi, would be subject to lease at 2 cents per acre for ten years, with the privilege of renewal for ten years more It is needless to say that such a bill . . . would place the last acre of desirable public land out of the reach of the homeseeker and defeat the purpose of the government to preserve the public domain for actual settlers.⁴

He opposed the bill principally because it opened to leasing all the land of the public domain without any regard to whether the land might be useful for agriculture. He was willing to secure legislation to benefit the cattlemen, but it should not be legislation which was against the interests of the majority of the people of the country.⁵

The Public Lands Commission appointed by President Roosevelt in 1903 conducted a study of the condition of the western range. The report of the Commission suggested the

³Peffer, The Closing of the Public Domain, p. 75.

⁴Secretary of the Interior, Annual Report 1902, p. 11.

⁵E.A.H. to E.D. Crumpaker, July 10, 1902, Box 6, E.A.H. Papers.

classification of grazing lands and the establishment of grazing districts to be leased under a permit system controlled by the Department of Agriculture.⁶ Although President Roosevelt gave his support to those who favored the leasing of grazing lands, no bill providing for this was passed by Congress during his administration.⁷ There were influential forces in western states which did not favor the leasing of public lands. The sheep raisers were opposed to the government keeping a large portion of the public domain under its control by a leasing system. They had been alienated from the administration conservation effort by the government policy in the forest reserves, which discriminated against sheep because they were destructive. Other western elements were opposed to the continuance of federal control over vast areas of public land. These wanted the public domain to be turned over to states or to pass into private control.⁸

⁶U.S. Congress, 59th Cong. 1st Sess., House Doc. no. 5, Commissioner of the General Land Office, Annual Report 1905 (Washington: Government Printing Office, 1905), p. 336.

⁷In 1934 Congress passed the Taylor Grazing Act which created districts where for a fee a livestock owner could graze his animals. Marion Clawson, Uncle Sam's Acres (New York: Dodd, Mead & Company, 1951), p. 117.

⁸E. Louise Peffer, The Closing of the Public Domain, pp. 85, 88-89, 220.

The Department of the Interior met with much opposition in the enforcement of the act of 1885. Stock raisers, hopeful that they might get legislation for the leasing of grazing land, were loath to remove fences. The grazing interests controlled the politics of many western states or at least sections of those states. Therefore, local government employees, who were political appointees, were often in sympathy with the needs of the cattlemen. The partitioning of the range among several stock companies and the use of fences to maintain a separation of herds was a peaceful solution to a problem which had plagued the western plains. Local men employed by the government were willing to overlook infractions of the law in order to maintain a status quo. Registers and receivers of the Land Office ignored fraudulent entries which increased the size of ranches. Land Office agents did not see fences enclosing government land. District attorneys did not prosecute if violations were brought to their notice. If a case did get to court, a jury of a cattleman's peers would not find him guilty for doing what they, themselves, were doing. If conviction were obtained, the judge often imposed a sentence so light as to make the whole proceeding seem ridiculous.

The Department of the Interior was further hampered

by the fact that it lacked sufficient field personnel to investigate thoroughly the holdings of the cattlemen. The land agents usually investigated complaints rather than initiating the investigation. When the agents did undertake investigations, they were faced with very real difficulties. They had to travel miles in barren country. One agent reported that the pasture which he was investigating was seventy miles from the railroad.⁹

The composition of the holdings of the cattlemen also made detection of unlawful fencing difficult. The ranch might be an amalgamation of land acquired in various ways. Land may have been gotten from the federal government under the several land laws, the Homestead Act, the Timber and Stone Act and the Desert Land Act. Added to that might be land purchased from railroads or from the state. All of these, if lawfully acquired, could be fenced. It was possible for a stockraiser to have all his fences located on his own land and still enclose public land, particularly if he had purchased railroad land. The railroad grants had been given in alternate sections, checkerboard fashion. The land agent had to check all the titles

⁹W.C. Hintze to Commissioner of the General Land Office, September 6, 1905, Box 29, E.A.H. Papers.

to the land, some of which may have changed hands several times. Then he had to have a survey made to determine whether or not government land was enclosed.

Those who enclosed public land had schemes for perpetuating their control. They considered lack of notice for the removal of fences as tacit permission to maintain them. A circular issued on January 29, 1904 by the Commissioner of the General Land Office, in accordance with Hitchcock's orders, instructed land agents that a sixty day notice should be given for the removal of illegal fences before action should be taken.¹⁰ Those guilty of illegal enclosure would, during the sixty day period, remove a section of the fence. The government agents were usually willing to be reasonable and accept this show of compliance on the part of the violator as evidence of good will and forego prosecution. There was the chance that the agent might not have the persistence to check to see that the remainder of the fence had been removed. Even if he did, it would be months before he could prepare a new case and bring it to the attention of the district attorney. The cattleman could again resort to the same subterfuge and in

¹⁰Circular giving "Instructions to Special Agents under the Act of February 25, 1885 (23 Stats. 321), entitled 'An Act to prevent unlawful occupancy of the Public Land'," issued on January 29, 1904, Box 23, E.A.H. Papers.

this way keep using government land for years.

In November 1906 Hitchcock consulted the President about changing the order providing for the sixty day notice. He explained that it was used by violators as, "immunity from prosecution of this class of offences until complaint is made and for sixty days thereafter."¹¹

Roosevelt agreed with Hitchcock that the sixty day notice should be repealed.¹² He suggested that the new circular not go into effect until March first, because he did not think "that it would be wise during this bitter weather to take any drastic action for very serious losses might be caused."¹³ He later changed the date to April first. The President expressed the hope that Congress would realize that it was necessary to provide legislation for temporary enclosure by leasing, but he assured Hitchcock that, "in default of this provision the present faulty law must be enforced."¹⁴ On January 3, 1907 Hitchcock issued the order

¹¹E.A.H. to Theodore Roosevelt, November 30, 1906, Box 23, E.A.H. Papers.

¹²Theodore Roosevelt to E.A.H., December 4, 1906, Box 38, E.A.H. Papers.

¹³Theodore Roosevelt to E.A.H., December 26, 1906, Box 1, E.A.H. Papers.

¹⁴Theodore Roosevelt to E.A.H., January 2, 1907, Box 1, E.A.H. Papers.

to the Commissioner of the General Land Office which provided for the prosecution of unlawful enclosures without the sixty day notice.¹⁵

The problem of illegal fencing and attempts to obtain public land by fraudulent means was particularly acute in Nebraska. The case of Bartlett Richards, a cattleman in Sheridan County, Nebraska, furnishes an example of what the Department of the Interior faced in the enforcement of the land laws. In 1902 an unsuccessful attempt was made to prosecute Richards. Special agent, John Mosby, suspected that Richards was using "widows" to gain title to land which he had illegally enclosed. An act of 1872 had waived the residence requirements of the Homestead Act for soldiers' widows. A large number of widows filed for claims in Sheridan County within the area enclosed by Richards. Forty-five of these widows, who had not filed their applications in person, gave their residence as the town of Gordon. The postmaster of Gordon claimed that he had never heard of the widows.¹⁶ Mosby notified Richards

¹⁵ E.A.H. to the Commissioner of the General Land Office, January 3, 1907, Box 1, E.A.H. Papers.

¹⁶ Jno. S. Mosby to Commissioner of the General Land Office, September 11, 1902, September 13, 1902, Box 35, E.A.H. Papers.

to take down his illegal fences within sixty days, "otherwise the civil and military authority of the government will be employed to do it."¹⁷ He warned Richards that the homestead filings of "so-called soldiers' widows" within the fences would not afford protection. Although the case was presented to the grand jury in December 1903, Richards was not brought to trial.¹⁸

Three years later Richards was still violating the federal law by illegal fencing. This time he was using the Kinkaid Act to extend his holdings. This act, passed in April 1904, applied to land, not susceptible of irrigation, in northwestern Nebraska. Under the act a settler could acquire six hundred and forty acres of land. In November 1905 Bartlett Richards and his partner, William G. Comstock, were tried for illegal fencing. This time the verdict was guilty, but the sentence was a farce. Each was fined three hundred dollars and sentenced to spend six hours in the custody of the marshal. The six hours were spent at the theater and at supper.¹⁹

¹⁷ Jno. S. Mosby to Bartlett Richards, October 2, 1902, Box 35, E.A.H. Papers.

¹⁸ The New York Times, 2 Dec. 1903, p. 1.

¹⁹ Secretary of the Interior, Annual Report 1904, p. 11; H.W. Morrow to A.L. Craig, November 17, 1905, Box 10; W.R. Lighton to E.A.H., November 19, 1905, Box 9, E.A.H. Papers.

William Lighton, who was interested in the situation in Nebraska because he was doing a series of articles on land frauds for the Boston Transcript, claimed that U.S. District Attorney Irving Baxter, was responsible for the light sentence because he was under the control of Richards.²⁰ The editor of the Omaha Bee, E. Rosewater, wrote to the Attorney General that the federal officials in the district attorney's office and the marshal's office were in sympathy with the lawbreakers and made it difficult to get convictions.²¹

The Secretary of the Interior was responsible for having the U.S. marshal and the U.S. district attorney for Nebraska dismissed. Then in June 1906 it was possible to have Richards and Comstock, with several others, indicted on a new series of charges. They were brought to trial and found guilty in December 1906.²²

L.C. Wheeler of the Treasury Department Secret Service Division, who had been investigating the case,

²⁰W.R. Lighton to E.A.H., November 18, 1905, Box 9, E.A.H. Papers.

²¹E. Rosewater to William Moody, November 17, 1905, Box 37, E.A.H. Papers.

²²L.C. Wheeler to E.A.H., December 22, 1906, Box 31; E.B. Linnen to W. Scott Smith, June 6, 1906, Box 32, E.A.H. Papers.

wrote to Hitchcock, "The stand you have taken in this investigation from its inception to the conviction of these defendants has been of utmost value in the collection of evidence" ²³

The situation in Wyoming with regard to illegal fencing was similar to that of western Nebraska. Throughout the state there was resentment of government control. ²⁴ The principal interest of the state was cattle raising with its consequent need for land. The vast distances, the few land agents and the powerful cattlemen with political influence, all made the enforcement of land laws difficult. Just when Hitchcock first became aware of the widespread disregard for land laws in Wyoming is not evident. However, in September 1905 W.R. Lighton, a writer doing a series of articles on land frauds for the Boston Transcript, mentioned in a letter having discussed the situation with Hitchcock at the Secretary's summer home in Monadnock, New Hampshire. Lighton cast suspicion upon W.A. Richards, the Commissioner of the General Land Office, a Wyoming man, and

²³ L.C. Wheeler to E.A.H., December 22, 1906, Box 31, E.A.H. Papers.

²⁴ Entry of January 23, 1904, Gifford Pinchot Diaries, Box 3314, Library of Congress, Washington, D.C.

also accused Senator Francis E. Warren of Wyoming of illegal fencing.²⁵

Sometime after this Hitchcock spoke to Richards about the reports which had reached him about Wyoming and in particular about the enclosure of land by the Warren Stock Company. Although Richards assured the Secretary that the Warren Company had no illegal enclosures, Hitchcock later told the President that the impression made upon him as a result of the interview was "not favorable."²⁶

At about this time, in the Fall of 1905, a special agent of the General Land Office, unable to arouse, what he considered sufficient interest in what his investigations in Wyoming disclosed, solicited the aid of Senator John Coit Spooner of Wisconsin in bringing the matter to the attention of the Secretary of the Interior. Spooner contacted Hitchcock, who instructed his secretary to write to the agent, W.C. Hintze, at Buffalo, Wyoming, on December 28, 1905, requesting him to forward copies of his reports directly to the Secretary.²⁷

²⁵W.R. Lighton to E.A.H., September 9, 1905, Box 23, E.A.H. Papers.

²⁶E.A.H. to Theodore Roosevelt, November 30, 1906, Box 23, E.A.H. Papers.

²⁷W.C. Hintze to E.A.H., November 15, 1906, Box 29; W.Scott Smith to W.C. Hintze, December 28, 1905, Box 23, E.A.H. Papers.

Hintze wrote to Hitchcock on January 7, 1906, giving his estimation of affairs in Wyoming:

. . . Large stockmen here simply laugh at Special Agents and do not hesitate to term them "harmless." Perjury is so common in land matters that it is almost universal. The north part of the state is covered with large and valuable coal deposits, the title to which are being acquired under the Commutation Homestead, Timber and Stone, Desert and other land laws. The unlawful inclosure land laws are wholly disregarded, and some sections, as for example Cook County, is one huge net of illegal fences, the cattlemen apportioning the territory between them.²⁸

The contents of the letter written by Hintze convinced Hitchcock that an investigation of the situation in Wyoming was necessary. Hintze accused the U.S. District Attorney, Timothy F. Burke, of being remiss in carrying out his duties. He told of rumors that W.A. Richards had fraudulently acquired land under the Desert Land Act. He also claimed that the Warren Live Stock Company, of which Senator Warren was part owner, had government land illegally enclosed.²⁹

In regard to District Attorney Burke, Hintze told of his unsuccessful efforts to have Burke prosecute cases of unlawful enclosure. He recounted the case of David W.

²⁸ W.C. Hintze to E.A.H., January 7, 1906, Box 29, E.A.H. Papers.

²⁹ Ibid.

Clawson, who during the trial of Perry A. Yeast in May 1905, had testified that he owned a section of fence being charged to Yeast. Special Agent P.R. Wadsworth notified Clawson to remove the fence within sixty days. In August Hintze found Clawson's fence still standing. He tried to prevail upon Burke to bring both civil and criminal suits against Clawson. Burke refused to consider criminal action, saying that it was impossible to secure a conviction for illegal fencing in Wyoming. Clawson came to Burke's office and declared that he had begun to remove the fence. Burke told him to notify Hintze when the fence was down. Burke then wrote to Hintze telling him that if he, Hintze, reported that the fence was not removed, Burke would file suit. Hintze complained to the Commissioner of the General Land Office of the dilatory actions of Burke. In a covering letter P.R. Wadsworth, Special Agent, requested the Commissioner to ask the Attorney General to direct Burke to bring criminal proceedings against Clawson. The Land Office asked for a report from Burke, and instructed Hintze to again inspect Clawson's pasture. He attempted to do so on January 2, 1906, but was prevented by a snowstorm. When Hintze wrote to Secretary Hitchcock on January 7, no action had been taken

against Clawson.³⁰

At the same time that Hintze was trying to have Burke bring action against Clawson, he was also endeavoring to have him prosecute Henry J. Weare for fencing 150,000 acres of public lands. At first he met with opposition from Burke, but after a letter from the Land Office advised that suits be prosecuted without delay, Burke agreed to take action. An indictment was secured by the Grand Jury on November 15, 1905. Hintze, however, was annoyed when, in January 1906, Burke asked him to make another inspection of the Weare pasture and report to the court during the May term, if the fence had been removed. In May the fence had not been removed and Weare was sentenced to one day in jail and a fine of three hundred dollars.³¹

In the same month a case of timber trespass against H.W. Smith, prepared by Hintze, came before the Grand Jury. When Smith pleaded guilty, Burke dismissed the witnesses whom Hintze had secured. Smith was fined fourteen dollars and ninety cents, "one fourth of what it costs to take one

³⁰W.C. Hintze to E.A.H., January 7, 1906; W.C. Hintze to Commissioner of the General Land Office, September 6, 1905; Timothy F. Burke to W.C. Hintze, August 26, 1905; P.R. Wadsworth to Commissioner of the General Land Office, n.d.; W.A. Richards to W.C. Hintze, November 18, 1905, Box 29, E.A.H. Papers.

³¹W.C. Hintze to E.A.H., January 7, 1906, June 5, 1906, Box 29, E.A.H. Papers.

of the witnesses to Cheyenne." Hintze alleged that the light sentences for infractions of the law were imposed by recommendation of District Attorney Burke.³²

Hitchcock was concerned about the situation in Wyoming as reported by Hintze. In March 1906 he assigned E.B. Linnen, Special Land Inspector, to Wyoming to investigate the charges made in Hintze's letter of January 7. In June he detailed Hintze to assist Linnen. In the meantime, Hitchcock had gotten a report on the status of illegal fencing in Wyoming from G.F. Pollack, Chief of Division "P" of the General Land Office. This report was submitted to the President and by him to the Attorney General, Charles J. Bonaparte, who called upon Burke for an explanation.³³

In September 1906, Hitchcock, after reviewing correspondence from the Department of Justice regarding Burke, wrote to the President:

Mr. Burke's criticism of the special agents of the land office is unwarranted, their duty being simply to present the facts in specific cases of violations of the law; and if his activity had been as earnest and zealous as theirs, the State of Wyoming would not now be gridironed and honeycombed as it is with illegal fences in violation of the law of twenty

³²W.C. Hintze to E.A.H., June 5, 1906, Box 29, E.A.H. Papers.

³³W. Scott Smith to E.B. Linnen, March 16, 1906, Box 23; W.C. Hintze to E.A.H., November 15, 1906, Box 29, E.A.H. Papers.

years standing.³⁴

The President informed Hitchcock that the correspondence submitted to him concerning Burke seemed to show that Hintze's conduct was "entirely improper." He told the Secretary that he would submit all the papers to the Attorney General for a report. He assured Hitchcock that he appreciated "the difficulties of enforcing the law in Wyoming where we do not have strong popular backing as in some other States, yet we cannot accept this as in any way an excuse for Burke or any other official who has been lax in his duties." He also told Hitchcock that he was considering the possibility of investigating the employees of the Department of Justice in Wyoming.³⁵

The Attorney General did not consider the accusations against Burke as being of a serious nature. He reported to the President that in his estimation Burke had not been remiss in his duties, but that the subordinates in the Department of the Interior had "failed to do their work well."³⁶ The lack of gravity with which Bonaparte

³⁴E.A.H. to Theodore Roosevelt, September 4, 1906, Box 23, E.A.H. Papers.

³⁵Theodore Roosevelt to E.A.H., September 6, 1906, Box 1, E.A.H. Papers.

³⁶Quoted in Theodore Roosevelt to E.A.H., September 15, 1906, Box 1, E.A.H. Papers.

regarded the charges against Burke was evidenced in a letter to Hitchcock in which he asked the Secretary's advice as to the advisability of reappointing Burke as district attorney for Wyoming.³⁷ Burke, having heard that a special prosecutor was to be appointed for Wyoming, had asked that he might remain in charge because he had a "fair knowledge" of the situation in Wyoming.³⁸

Hitchcock's reply to Bonaparte stated unequivocally that Burke should not be reappointed. He said:

. . . it is because of his neglect, in view of such knowledge, to promptly, energetically and faithfully discharge his duty in the premises, as I think it is clearly shown in my report to the President, that I recommend that the matters referred to in said report be taken out of his hands and place in those of a special prosecutor who will see that the law which has been on the statute books for twenty odd years will be both respected and obeyed.³⁹

From information given him in a letter of November 30, the President decided to order that the Department of Justice investigate the conduct of Burke. The investigation was conducted by two Assistant Attorneys General, Milton D. Purdy and Alfred W. Cooley, who reported that Burke should

³⁷ Charles J. Bonaparte to E.A.H., December 22, 1906, Box 29, E.A.H. Papers.

³⁸ Timothy Burke to the Attorney General, December 22, 1906, Box 29, E.A.H. Papers.

³⁹ E.A.H. to the Attorney General, December, 1906, Box 29, E.A.H. Papers.

not be reappointed.⁴⁰ In January the President wrote to Hitchcock that he had notified the Wyoming Senators that Burke "could not be reappointed by reason, not of any delinquency, but because he evidently had not been in hearty, zealous sympathy with the enforcement of the laws against parties guilty of illegal enclosure of public lands."⁴¹

Hitchcock was disturbed about the possible implication of William A. Richards, Commissioner of the General Land Office, and Francis E. Warren, United States Senator from Wyoming, in fraudulent land practices in Wyoming. Both Lighton, the newspaper man, and Hintze, the Land Office inspector, had made accusations against them.

Richards was a key figure in Hitchcock's own department. Richards had been appointed Assistant Commissioner by President McKinley on March 4, 1899, and so had come to the Department shortly after Hitchcock had assumed the duties of Secretary. He had been Wyoming's fourth governor, holding that office from 1895 to 1899. After the resignation of Binger Hermann from the General Land Office, Richards

⁴⁰Theodore Roosevelt to E.A.H., January 24, 1907, January 26, 1907, Box 38, E.A.H. Papers.

⁴¹Theodore Roosevelt to E.A.H., January 26, 1907, Box 38, E.A.H. Papers.

had been appointed Commissioner. The association between Hitchcock and Richards had been an amiable one. Richards cooperated with the prosecutions of the land frauds and, to all appearances, was in agreement with the policies of the Secretary. He had first hand knowledge of the western states and this had been a valuable asset in his capacity as a member of the Public Lands Commission appointed by the President in 1903.⁴²

Hitchcock maintained his confidence in Richards until 1906, although W.R. Lighton had warned him in September 1905 that "a mistaken sense of political and personal obligation had interfered and would continue to interfere with an important discharge of his official duty in certain cases, particularly in the Wyoming frauds."⁴³ It was probably after this that Hitchcock had the interview with Richards about Wyoming affairs at which he was so unfavorably impressed by Richards' reaction.⁴⁴

The accusations against Richards, which had come to

⁴²Tacetta Walker and Alice McCreery, "Wyoming's Fourth Governor William A. Richards," Annals of Wyoming XX (July 1948), p. 125.

⁴³W.R. Lighton to E.A.H., September 9, 1905, Box 32, E.A.H. Papers.

⁴⁴E.A.H. to Theodore Roosevelt, November 30, 1906, Box 23, E.A.H. Papers.

Hitchcock's attention, had three aspects. Richards was accused of being a member of an organization which had fraudulently acquired land under the Desert Land Act, of illegally fencing public land and of wilfully neglecting to enforce land laws in Wyoming because of political considerations. The Hintze letter of January 1906 had claimed a "very deplorable enforcement of the land laws" in Wyoming. Only one special agent had been assigned to that state during the past four years, while five or six were working in South Dakota during the same time.⁴⁵ In another letter in April, Hintze protested that there were "two different administrations of public land laws in the United States--one for Wyoming and the other for the balance of the country."⁴⁶

Hitchcock instructed E.B. Linnen to investigate the charges against Richards. Linnen and Hintze traveled to the Big Horn Basin and investigated the land which Richards was supposed to have fraudulently acquired under the Desert Land Act. Letters of August 13 and September 4, 1906 from Linnen to the Secretary of the Interior claimed that 15,000 acres had been entered and proof made under the Desert Land Act.

⁴⁵W.C. Hintze to E.A.H., January 7, 1906, Box 29, E.A.H. Papers.

⁴⁶W.C. Hintze to E.A.H., April 11, 1906, Box 29, E.A.H. Papers.

Richards had organized the Colorado Flats Irrigation Project. He had collected \$25,000 to \$30,000 for an irrigation project to take water from the Big Horn to irrigate the land. Linnen claimed that the ditch had been so constructed that it would have been impossible for it to conduct water and that no part of the land was ever irrigated and he concluded that title to the land had been obtained fraudulently.⁴⁷ Hitchcock, on September 20, 1906, requested that Linnen rewrite his report eliminating the section about the Colorado Flats Irrigation Project, because the statute of limitations barred any further action.⁴⁸ Unfortunately this was not eliminated from the report which was submitted to the President on October 15, 1906. Richards wrote to the President on February 20, 1907, concerning the charge of illegal desert land entry. He explained that in July 1888 water from the Big Horn River had flowed into the ditch which had been constructed to irrigate the land, but that a few days later a drought occurred, after which the ditch remained dry. He told the President that in 1895 the General Land Office had investigated the matter and decided

⁴⁷ E.B. Linnen to E.A.H., August 13, 1906, Box 29; September 4, 1906, Box 34, E.A.H. Papers.

⁴⁸ E.A.H. to Edward B. Linnen, September 26, 1906, Box 31, E.A.H. Papers.

that there was not sufficient evidence to warrant action. Roosevelt told Hitchcock that it seemed to him that the matter had been covered by the Land Office decision of 1895.⁴⁹ It is understandable that the President did not wish to reopen a matter which had been decided twelve years before. However, it must have been obvious to him and to the Land Office in 1895, if it investigated, that Richards' title to the land was questionable. The Desert Land Act of 1876 specified that proof of irrigation had to be given before acquiring title.⁵⁰ Richards' own statement admitted that water had gone through the ditch for a few days and never again.

The second accusation against Richards was that the Red Bank Cattle Company of which Richards was part owner had two hundred and eighty six acres of government land enclosed. Linnen and Hintze examined the holdings of the company accompanied by Frank Gatchell, who surveyed the land.⁵¹ In December 1906 the President sent Linnen's report, charging

⁴⁹ W.A. Richards to Theodore Roosevelt, February 20, 1907; Theodore Roosevelt to E.A.H., March 1, 1907, Box 36, E.A.H. Papers.

⁵⁰ B.H. Hibbard, A History of Public Land Policies, p. 426.

⁵¹ E.B. Linnen to E.A.H., August 13, 1906, Box 29, September 4, 1906, Box 34, E.A.H. Papers.

that the Red Bank Cattle Company had enclosed land, to Richards. On January 14, 1907 Richards returned a map which Linnen had submitted as evidence. Richards claimed that the map was incorrect. He claimed that the company had always been careful not to fence government land and that if it had done so it would correct the matter at once. After some delay Linnen was able to obtain the surveyor's field notes and Hitchcock sent the President a copy of the field notes and the corrected map. Linnen and Hitchcock maintained that the field notes supported Linnen's report. Richards claimed that the surveyor's notes did not prove the correct location of certain boundary lines on the map. Roosevelt, writing to Hitchcock on March 1, 1907, enclosed Richards' letter of February 28, which he said seemed to him "to show that Mr. Linnen has entirely failed to make out any case against Commissioner Richards."⁵²

Linnen had also been instructed to investigate charges of unlawful fencing by the Warren Live Stock Company, owned by Francis E. Warren, a United States Senator. On September 7, 1906 Linnen reported that according to surveys

⁵²W.A. Richards to the President, January 14, 1907; Wm. Loeb to E.A.H., January 16, 1907, Box 36; E.A.H. to Theodore Roosevelt, February 27, 1907, Box 23; W.A. Richards to the President, February 28, 1907, Box 36, E.A.H. Papers.

made under his direction the company had 43,330 acres of government land unlawfully fenced in Laramie County, Wyoming.⁵³

Unfortunately before Hitchcock submitted the reports to the President, a statement was given to the Associated Press concerning unlawful fencing in Wyoming. Warren wrote to the President protesting the publication of the newspaper statements. He further complained that two men were in the northwestern part of Wyoming, gathering affidavits against Commissioner Richards and stating that they would next attend to the case of Senator Warren. The Senator suggested that no more statements be given to the Associated Press until he had a chance to "review and to reply to" the allegations against him. He assured the President that, "To the best of my knowledge and belief I do not personally own a foot of illegal fence."⁵⁴ He further explained the manner in which the livestock company had acquired land. It had purchased two large tracts of land from the Union Pacific Railroad Company. Over the years the company "by selling and buying, by renting school and other lands of the state,

⁵³ E.B. Linnen to E.A.H., September 7, 1906, Box 34, E.A.H. Papers.

⁵⁴ F.E. Warren to Theodore Roosevelt, October 5, 1906, Box 38, E.A.H. Papers.

and by changing, trading and consolidating," endeavored to get its land into compact units that could be fenced.⁵⁵

President Roosevelt wrote to Hitchcock, enclosing Warren's letter. He told the Secretary that:

My one object is to have any investigation into any alleged misconduct fair and impartial and I care not a rap whether the man hit be Democrat or Republican, Senator or private citizen. It is necessary on every account, however, that no publication of these facts should be made until they are submitted to me, and if they are serious, not until they have been submitted by me to the Attorney General; and in view of the publications that have appeared in the past from the Interior Department I desire you to take particular pains to see that not an allusion of any kind is allowed to get out as to this case until it has been laid before me and until I authorize whatever action is taken.⁵⁶

On October 15 Hitchcock submitted Linnen's report of September 7 to the President. Because Warren had asked to review the charges against him, Hitchcock told the President that it was not the policy of the Department of the Interior nor the Department of Justice "to furnish those against whom charges are made with evidence supporting the same." He explained that the evidence was given to the investigators with the stipulation that it be kept confidential, because of the local influence of those against

⁵⁵ Ibid.

⁵⁶ Theodore Roosevelt to E.A.H., October 6, 1906, Box 38, E.A.H. Papers.

whom the charges were being made.⁵⁷

Hitchcock sent President Roosevelt a long letter on November 30, 1906 discussing the situation in Wyoming. On the strength of this letter the President called for reports from the Department of Justice. He sent a copy of Hitchcock's letter to W.A. Richards for a report and also sent a copy to Senator Warren requesting that he comment upon it.⁵⁸

During December 1906 and January 1907 the President took an active interest in the Wyoming matter. He had several conferences with James R. Garfield, Commissioner of Corporations, whom he had selected to replace Hitchcock as Secretary of the Interior in March 1907. Senator Warren was present at some of these conferences as well as the two Assistant Attorneys General, Purdy and Cooley, who were investigating the Wyoming matter. Garfield's comment in his diary was that "the Interior has made a bad mess of it."⁵⁹

Toward the end of January 1907 the President wrote

⁵⁷ E.A.H. to Theodore Roosevelt, October 15, 1906, Box 38, E.A.H. Papers.

⁵⁸ E.A.H. to Theodore Roosevelt, November 30, 1906, Box 23; Theodore Roosevelt to E.A.H., December 4, 1906, Box 38, E.A.H. Papers.

⁵⁹ December 5, 1906, Diaries, Vol. 24, January 16, 1907, January 21, 1907; Diaries, Vol. 25, James R. Garfield Papers, Library of Congress.

two letters to Hitchcock, both of which severely criticized the work of Linnen and Hintze and were especially severe in regard to the exhibits which Linnen had submitted against Warren.⁶⁰ A letter of January 26 informed Hitchcock that the President had gone over the matter with Attorney General Bonaparte and that they felt that "there had been a complete breakdown on the part of the agents of the Interior Department in this matter, so far as making any case against Senator Warren is concerned."⁶¹ The President stated further that it appeared from Purdy's report that Linnen's case had been "prepared in the loosest and most inaccurate manner," and he maintained that the whole report was "so discredited that no action can be taken upon it."⁶² He ordered a new examination to be undertaken "by some men of a very different type from Mr. Linnen and his associates."⁶³

In July 1907, after Hitchcock had retired from the Department of the Interior, two special agents examined the unlawful enclosures of the Warren Live Stock Company and submitted reports through M.W.B. Pugh, Chief of the Field

⁶⁰Theodore Roosevelt to E.A.H., January 24, 1907, Box 38, E.A.H. Papers.

⁶¹Theodore Roosevelt to E.A.H., January 26, 1907, Box 38, E.A.H. Papers.

⁶²Ibid.

⁶³Ibid.

Division, Cheyenne, Wyoming. As a result of these reports, Fred Dennett, Assistant Commissioner, ordered the case closed because the examination showed that the Warren Live Stock Company had no illegal enclosures.⁶⁴

In January 1913 the House of Representatives Committee on Expenditures in the Interior Department investigated the charges of unlawful fencing that had been made in 1906-07, especially those against the Warren Live Stock Company. The Committee reviewed all the papers pertaining to the case and the majority found that "at the time of the Linnen Report, September 7, 1906, the Warren Live Stock Company was maintaining unlawful inclosures."⁶⁵

It would seem in both the Richards and the Warren cases that there may actually have been unlawful enclosures. In the Richards case the amount of government land in question was fairly small and there was a possibility that the Commissioner was sincere in claiming that he had had no

⁶⁴ Fred Dennett to M.W.B. Pugh, September 25, 1907, printed in U.S. Congress, 62d Cong., 3d Sess., House Report no. 1335, Committee on Expenditures in the Interior Department, Report on the matter of the investigation of charges that the Interior Department permitted the unlawful fencing and inclosure of certain lands of the Public Domain in the States of Colorado and Wyoming (Washington: Government Printing Office, 1913), pp. 63-64.

⁶⁵ Ibid., pp. 2-3, 60.

intention of enclosing public land. In the Warren case the charge involved a large amount of land. The President berated Hitchcock for the caliber of the exhibits presented by the agents. He side stepped the real issue, which was whether or not the Warren Live Stock Company actually had government land enclosed in September 1906.

Hitchcock believed that there were powerful forces at work to impede the efforts of the Department of the Interior in its guardianship of the public land. His letter of November 30, 1906 to the President said:

Mr. President, I entered this service deeply imbued with the importance to the people of our great public domain. It is the nation's priceless heritage, and I feel that every available rod of it should be regarded as sacredly dedicated to the purpose of homes for the homeless. I believe that this would best promote the welfare of our citizens and afford the best security for the stability of our Government. I was impressed that every law enacted for its protection should be rigidly enforced - and this has been a cardinal policy in my administration, but I regret to say all my efforts to release it from the grip of its despoilers have been met by every embarrassment that human ingenuity could devise; powerful influences have been concerned and they have not hesitated to aggressively exert every agency they could command to weaken the hand of the law; even local officials have been subservient to their purposes; their machinations seemingly have, at times, not been without paralyzing effect upon the machinery of justice; too frequently the officers of the law appear to have been under the bewitching spell of their power; the punishment imposed by the courts has in many cases been so conspicuously inadequate as to encourage rather than deter violations of

the law.⁶⁶

He continued:

In such efforts as I have made to protect the service in my charge from the ravages of inordinate greed, it has not been my custom to consider the station or power of the guilty; they all look alike to me except that, in my view, the higher the offender the greater the crime against society and the law, because of the force and influence of the higher example.⁶⁷

Believing as he did in the rigid enforcement of the law for both the humble and the powerful, Hitchcock must have been disappointed that the President did not support him in the fight in Wyoming. There is no word of reproach or criticism of the President's actions in Hitchcock's correspondence with the President or with anyone else. On two important issues, the Warren Live Stock enclosure and the Red Bank Cattle Company enclosure, the President had given credence to the accused and had ignored Hitchcock's judgment. He had discredited the work of the agents in whom Hitchcock had placed confidence.

There may have been a number of reasons for President Roosevelt's stand on the Wyoming issue. Some of

⁶⁶E.A.H. to Theodore Roosevelt, November 30, 1906, Box 23, E.A.H. Papers.

⁶⁷Ibid.

the blame for Hitchcock's failure to gain Presidential support can probably be traced to the manner in which the investigations were conducted. Because Hitchcock mistrusted the General Land Office, the investigations had been made through his own office. The investigators had reported either directly to the Secretary or to him through his private secretary W. Scott Smith. No restraint seems to have been put upon the agents; in fact, Smith, a former newspaper man, seems to have encouraged them toward the sensational. The agents often included material of a derogatory nature without being able to produce sufficient proof of its veracity. Much of the evidence was in the form of affidavits sworn to by those who were willing to give damaging testimony about the person being investigated. The possibility always existed that the affidavit might be used by the unscrupulous as a political weapon against a prominent man. No one in the Secretary's office seems to have weighed judiciously the value of the evidence presented by the agents. Everything was sent to the President. In the Richards case Hitchcock had asked Linnen to omit the section about the Colorado Flats Irrigation Project. For some reason it had not been removed, but was included in Linnen's report of September 7, 1906 which had been sent to

the President. It brought criticism from Roosevelt, who claimed that the matter had already been decided by a General Land Office decision in 1895.⁶⁸ Similarly, Linnen's exhibits in the Warren case contained accusations, made by J.S. Bartlett, editor of the Cheyenne Leader, of misconduct on the part of Warren dating back as far as 1883. Here again the President was annoyed because the date made action on the part of the Department of Justice impossible. His annoyance was probably augmented by an embarrassing situation which he, himself, created. In spite of the fact that Hitchcock had told him that the Department of the Interior did not give evidence to those against whom charges were made, Roosevelt gave a copy of Linnen's report and the accompanying exhibits to Warren. The President had not read the exhibits before having a conference with Warren. He became aware of the nature of the exhibits when Warren drew his attention to them.⁶⁹

Political expediency may have influenced Roosevelt in the Warren case. This was claimed by William R. Lighton

⁶⁸Theodore Roosevelt to E.A.H., March 1, 1907, Box 36, E.A.H. Papers.

⁶⁹Theodore Roosevelt to E.A.H., January 24, 1907, Box 38, E.A.H. Papers.

in 1909 in the Boston Transcript.⁷⁰ In December 1906, Lighton pointed out, Warren was Chairman of the Senate Committee on Military Affairs. Roosevelt needed Warren's support in the fight which Senator Joseph B. Foraker of Ohio was waging against the President because of Roosevelt's stand in the Brownsville affair. In August 1906 a Negro regiment had been stationed at Fort Brown near Brownsville, Texas. On the night of August 13 a group of men discharged rifles in Brownsville, killing one person and wounding others. The irate townspeople blamed the soldiers at the fort. Although the evidence was not conclusive, Major August P. Blocksom of the Inspector General's Department, who investigated the incident, decided that the soldiers had been the raiders. In November the President ordered the men of the three companies involved dishonorably discharged. His action raised a furor throughout the country. When Congress convened in December, Senator Foraker proposed a resolution calling for an investigation of the Brownsville matter. Therefore Roosevelt, needing a vote of confidence in the Senate, could not afford to antagonize Warren in

⁷⁰William R. Lighton, "Five Years of Land Fraud Prosecution," Boston Transcript, 11 Sept. 1909, Box 50, E.A.H. Papers.

December 1906.⁷¹

Another aspect to be considered was the President's attitude toward Hitchcock at the end of 1906. Roosevelt had definitely decided by October 1906 that Hitchcock could not remain in the Cabinet. The Wyoming incident was the culmination of many unpleasant incidents and differences of opinion between Roosevelt and Hitchcock. By this time Roosevelt had little confidence in Hitchcock's judgment.⁷²

A further consideration was the fact that at this time Roosevelt desired legislation which would permit leasing of grazing land. A whole new view of the use of public land was being urged by Gifford Pinchot. Many of his ideas had been tried out in the forest reserves. Here he had leased land for grazing. To get legislation for leasing grazing lands and for other plans for land management, Roosevelt knew that he would need the support of western Congressmen, men such as Senator Warren. It is interesting to note that, when anti-administration forces were outspoken at the public lands convention in Denver in June 1907, Warren spoke in favor of Roosevelt's public land

⁷¹Henry F. Pringle, Theodore Roosevelt, pp. 322-327.

⁷²See Chap. X for breakdown in relationship between Hitchcock and Theodore Roosevelt.

policy.⁷³

Perhaps Lincoln Steffens best summed up the situation when he wrote, "To the President a crooked senator is a senator; Mr. Roosevelt plays the game. To his ex-Secretary of the Interior, a crooked senator is a crook. He cannot play the game."⁷⁴

⁷³ Samuel P. Hays, Conservation and the Gospel of Efficiency (Cambridge: Harvard University Press, 1959), pp. 63-64.

⁷⁴ Lincoln Steffens, "The Taming of the West," The American Magazine, LXIV (September 1907), p. 489.

CHAPTER VII

INDIAN AFFAIRS

In Indian Affairs Hitchcock had inherited a complex and emotional problem. It was an area with which he had little familiarity. He looked upon his responsibility as being "to meet the requirements of the treaties, agreements and such Congressional legislation as has been, or may be enacted, the object of which is not only to protect the Indians, but to do justice to the white citizens."¹ At the time that the Indians became Hitchcock's charge, the policy of the Government was to encourage the Indian to give up tribal life. The United States Government had, after 1871, ceased to deal with the Indians through treaties and legislated for them by acts of Congress. In 1887 Congress had, in the General Allotment Act, authorized the President to distribute land to the individual members of the tribes. The title to the land was to be held in trust for twenty-five years, after which time the Indian was to

¹E.A.H. to A.R. Querry, August 17, 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

receive a fee patent and to become a citizen of the United States. The Indian, who had never been an agriculturalist, was, by virtue of receiving his allotment, supposed to become a farmer. The act further provided that the surplus land, which was not allotted to the Indians, could be sold by the Secretary of the Interior. As a result of this feature of the Act, great pressure was exerted upon the government for the speedy allotment of Indian lands. The Burke Act of 1906 modified the General Allotment Act. The Indian did not receive title to his land until the trust period expired. The Secretary of the Interior was permitted to give the fee patent at an earlier time, if he deemed the recipient competent.²

Although the Act of 1887 had given the President the right to authorize the allotment of Indian land, frequently Congress legislated for allotment for individual tribes. The question arose as to whether or not Congress had the right to abrogate earlier treaties or agreements made with tribes. Lone Wolf, a member of the Kiowa tribe,

²American Friends Service Committee, "The Spirit They Live In," Walter M. Daniels (comp.), American Indians (New York: The H.W. Wilson Company, 1957), p. 43; Commission on the Rights, Liberties and Responsibilities of the American Indian, The Indian, America's Unfinished Business (Norman: University of Oklahoma Press, 1966), p. 18; William T. Hagan, American Indians, (Chicago: The University of Chicago, 1960), p. 145.

under the prompting of the Indian Rights Association, brought a case against Hitchcock, who, as Secretary of the Interior, enforced the acts of Congress. Lone Wolf claimed that acts of Congress of June 6, 1900, January 4, 1901 and March 3, 1901, which provided for the allotment of Kiowa tribal land in severalty, violated former agreements made by the United States government with the tribe. A Supreme Court decision, January 5, 1903, was that Congress was not bound by the provisions of a treaty or an agreement with a tribe. It stated further that the Indians did not have title to the land in their reservations, they merely had a right of occupancy.³

Hitchcock acquiesced in the belief, prevalent at the time, that it was to the Indian's benefit to become an agriculturalist.⁴ He endeavored, however, to protect the Indian's land and natural resources from those who wished to appropriate them. He claimed that the principal difficulty in administering the Bureau of Indian Affairs was that the white citizens did not seem to understand what the Government's

³Lawrence F. Schmeckebier, Office of Indian Affairs, p. 85; Francis E. Leupp, The Indian and His Problem (New York: Charles Scribner's Sons, 1910), pp. 82-83.

⁴E.A.H. to C.M. Woodward, April 8, 1904, Vol. X, Secretary Hitchcock's Private Correspondence.

obligations were toward the Indians.⁵ The Department of the Interior had to try to treat both races fairly. An added difficulty was that the Indian did not always know what he wanted from the Government. Francis E. Leupp, Commissioner of Indian Affairs, claimed, "In one place they censure us because we treat them too much like children; in another under precisely similar conditions, they complain because we do not protect them enough."⁶ Hitchcock tried to defer allotment and the opening of Indian land to public sale if he believed that the terms were unfair to the Indians, but he usually could do little against the forces that were brought to bear upon Congress and the President. Tribes whose reservations were on worthless land were able to continue their tribal ownership without allotment. Whenever the Indian's land had value, the white citizens demanded the opening of the Indian land.

The case of the Ute tribe of the Uintah Reservation in Utah is an example of Hitchcock's futile efforts to prevent allotment. In 1902 the Senate added an amendment to the appropriation bill for the Indian Bureau providing for allot-

⁵ E.A.H. to A.R. Querry, August 17, 1903, Vox. IX, Secretary Hitchcock's Private Correspondence.

⁶ Francis E. Leupp to E.A.H., September 15, 1905, Box 27, E.A.H. Papers.

ment of the land of the Uintah Reservation. The Department of the Interior had not been consulted about the amendment. Hitchcock had submitted the Department's objections to Representative Charles Curtis of Kansas who was on the Conference Committee.⁷ He had also written his objections to President Roosevelt when the bill was awaiting the President's signature. He explained to the President that the Uintah Reservation consisted of 2,000,000 acres of land of which 205,500 acres were agricultural land. According to the terms of the bill, 63,000 acres of this arable land would be ceded by the Indians. He also maintained that some of the land to be ceded, other than arable land, had valuable minerals or could be used for grazing. The only compensation which the Indians would receive for this land was what could be realized under the land laws of the United States. He wanted mineral lands leased so that the Indians could receive royalties.⁸

The President signed the bill on May 26, 1902.⁹

The Act had a provision that the allotments were to be made

⁷ E.A.H. to Theodore Roosevelt, May 15, 1902, Vol. VII, Secretary Hitchcock's Private Correspondence.

⁸ Ibid.

⁹ United States Statutes at Large, 57th Cong. 1st Sess., p. 245.

before October 1, 1903. Hitchcock seems to have deferred making allotments as long as possible. His excuse was that he had asked Congress for appropriations for survey and allotment and Congress had not supplied the money.¹⁰ The President, in the meantime, was being importuned for a speedy opening. An effort was made to force the Utes to negotiate. The Act of May 26, 1902 had provided that money owed to the Utes would be paid after they negotiated for the opening of their lands. This money was payment for part of the Utes' land used for allotment to the Uncompaghre Indians and for a small piece of land which Congress had detached from their reservation. In June 1902 a Congressional resolution provided that payment could be made before the negotiations took place. In September 1902 Senator Kearns of Missouri requested that the President send an agent to Utah to negotiate before the payment would be made. Hitchcock advised the President that the payment should precede the negotiation to free the Indians from "unjust and coercive influence."¹¹ In October 1902 Roosevelt forwarded to Hitchcock a letter from the Secretary of the Republican Congressional Committee which claimed that the

¹⁰ E.A.H. to Theodore Roosevelt, September 16, 1902, Box 2, E.A.H. Papers.

¹¹ Ibid.

failure to open the reservation was endangering the Republican ticket in that state.¹² Congressional legislation in 1903 postponed the opening until September 1905 and provided that public grazing land should be set aside for the Indians.¹³

In March 1905 the Utes sent a delegation to the President to protest the opening. Roosevelt told the delegation that the opening would take place before September and he admonished them that they would have to live peaceably with the white settlers. One of the members of the delegation, Appa, requested that he be permitted to live on a forest reserve far away from white men. The President told him that this was not possible.¹⁴ After the Presidential proclamation declared that the reservation would be open August 28, 1905,¹⁵ Appa led a band of Utes north to the Big Horn country of Wyoming to find a place where they could live as they had before the allotment. They were intercepted by the United States Cavalry and taken to Fort

¹² Jesse Overstreet to Theodore Roosevelt, October 4, 1902, Box 5, E.A.H. Papers.

¹³ United States Statutes at Large, 58th Cong., 3rd Sess., p. 1089.

¹⁴ The New York Times, 19 Mar. 1905, p. 4.

¹⁵ Ibid., 16 July 1905, p. 4.

Meade to be cared for.¹⁶

The Government hoped that the Indian, settled on his own piece of land, would learn the white man's way of life. Other efforts were also made to discourage the traditional Indian practices. The Indian Office followed a policy of not permitting the exhibition of Indians in shows or fairs. Experience had shown that these had often had a demoralizing effect upon those who took part. Indians who had joined Wild West Shows had frequently squandered their pay and were sometimes left abandoned far from their reservations. In 1899 some applications for exhibitions of Indians in shows had been refused by the Commissioner of Indian Affairs.¹⁷ The following year the Company of Cody and Salisbury (Buffalo Bill) had been refused permission to exhibit Indians.¹⁸ Patrick J. Ryan, Archbishop of Philadelphia, commended Hitchcock on the stand he had taken in not permitting Indians to leave their reservations for exhibitions.¹⁹

¹⁶ Ibid., 5 Nov. 1906, p. 2.

¹⁷ Commissioner of Indian Affairs, Annual Report, 1899, Part I (Washington: Government Printing Office, 1899), pp. 38-43.

¹⁸ Commissioner of Indian Affairs, Annual Report, 1900 (Washington: Government Printing Office, 1900), p. 49.

¹⁹ P.J. Ryan, Archbishop of Philadelphia to E.A.H., December 26, 1899, Box 13, E.A.H. Papers; E.A.H. to Rt. Rev. P.J. Ryan, January 8, 1900, Vol. II, Secretary Hitchcock's Private Correspondence.

In 1901 Chief White Eyes and fifteen companions were stranded in Cleveland after joining Buckskin Bill's Show against the advice of the Department. When the Chief telegraphed the Commissioner of Indian Affairs for money to get home, he was told that he had taken the risk and that the Indian Office had no funds to aid him. Hitchcock confirmed the decision of the Commissioner.²⁰

At times policies inaugurated by the Indian Office to encourage the Indians to accept the white man's ways caused unfavorable reaction. One such attempt was the haircutting order which had been issued in December 1898 and January 1899, before Hitchcock became Secretary. The order, issued by William A. Jones, the Commissioner of Indian Affairs, as part of his routine duty, was sent to all Indian Agents, instructing them to "induce your male Indians to cut their hair, and both sexes to stop painting." Jones conceded that it would require "considerable tact and perseverance" to carry out the order. He suggested that withholding rations might be a means of forcing compliance. He recommended that returning students "be dealt with summarily," that employment and supplies be withheld from them and that "if they become obstreperous about the

²⁰E.A.H. to John L. Sullivan (telegram) July 3, 1901, Vol. V, Secretary Hitchcock's Private Correspondence.

matter a short confinement in the guard-house at hard labor, with shorn locks, should furnish a cure."²¹

Although the haircutting order had been issued in 1899, it does not seem to have attracted widespread attention for at least a year. In his annual report for 1902 the Commissioner of Indian Affairs mentioned the fact that there had been "unfavorable comment" and "good natured badinage" about the order during the year.²²

In 1903, the Sequoia League, an association to protect the Indian, brought charges against Charles E. Burton, an Indian agent at the Moqui reservation in Arizona. One of the charges was that Burton had used force in carrying out the haircutting order. Roosevelt ordered that Burton be "explicitly told that no threats and no force of any kind be employed in reference to haircutting."²³ In August 1903 Hitchcock told the President that haircutting had been practically abandoned.²⁴

Another order issued by Jones which caused a reaction

²¹ Commissioner of Indian Affairs, Annual Report, 1902 (Washington: Government Printing Office, 1903), p. 13.

²² Ibid.

²³ Theodore Roosevelt to E.A.H., August 20, 1903, Box 1, E.A.H. Papers.

²⁴ E.A.H. to Theodore Roosevelt, August 7, 1903, Vol. VIII, Secretary Hitchcock's Private Correspondence.

was that one issued in September 1901, instructing agents to stop rations. This was given in the hope that if the Indian did not receive rations from the government he would have to work to support himself and would, therefore, be encouraged to farm his land.²⁵ In June 1902 Roosevelt told Hitchcock that he had received criticism of the order stopping rations. There was fear on the part of those living near the reservations that the Indians might resort to plundering, if rations were not restored. Roosevelt advised Hitchcock to bring the matter to the attention of the Indian office. The President said that this order and the haircutting order were ones which were certain "to be misconstrued."²⁶

Organizations for the protection of the Indian were a continual source of annoyance to Hitchcock. These organizations, whose members were well-meaning people, often brought to public attention government injustice to the Indians. In doing so they criticized the work of the Indian Office. Hitchcock recognized that the aims of the

²⁵ Commissioner of Indian Affairs, Annual Report, 1902, pp. 1-13.

²⁶ Theodore Roosevelt to E.A.H., June 23, 1902, Box 1, E.A.H. Papers.

organizations were worthy, but he objected to the fact that they employed irresponsible people to furnish them with information and then published their charges without ascertaining the veracity of the facts from the Department of the Interior.²⁷

It was characteristic of Hitchcock that he was sensitive to criticism of any branch of the Department of the Interior. He resented any outside interference no matter how well-meaning the group offering the advice or criticism might be. Therefore, his relationship with these benevolent associations was characterized by unpleasant episodes throughout his administration.

The charges made by the Sequoya League against Burton at the Moqui Agency and School in Arizona exemplify the type of action which piqued Hitchcock. Mrs. Gates, a wealthy woman, visited the reservation for a period of time to learn Indian customs. She made an adverse report of the management of the reservation to the Sequoya League. An investigation was made by an Indian inspector, Charles F. Nesler, who reported that Burton was a good school superintendent but a poor agent. Because of the persistence of Charles Lummis of the Sequoya League, the President ordered that a further

²⁷E.A.H. to Theodore Roosevelt, August 27, 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

investigation be conducted by James E. Jenkins, an inspector in the Indian Service. Jenkins, who had been suggested by Lummis, was accompanied by Charles A. Moody, assistant editor of Out West, the magazine which was edited by Lummis. Jenkins wrote a report which exonerated Burton, and Moody endorsed the report. When Moody returned to Los Angeles, however, he retracted his endorsement. In the meantime, Lummis published the charges against Burton in Out West and then printed, not Jenkins' report, but Moody's retraction. Hitchcock wrote an angry letter telling Lummis that he should make known the entire correspondence. He also informed Lummis that Burton would not be dismissed.²⁸

Hitchcock gave vent to his annoyance in a letter to Roosevelt:

. . . the time has come when some positive and definite stand should be taken with reference to the interference of outsiders in the administration of Indian Affairs, as it has reached a point of demoralization all along

²⁸ Theodore Roosevelt to E.A.H., June 22, 1903, Box 1; James E. Jenkins to E.A.H., August 15, 22, 1903, C.A. Moody to James E. Jenkins, August 12, 1903, Box 34; Charles F. Lummis to E.A.H., September 17, 1903, Box 9, E.A.H. Papers; Sidney B. Wood to William Jones, July 28, 1903; E.A.H. to Theodore Roosevelt, August 27, 1903, E.A.H. to Charles Lummis, September 10, 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

the line which has become almost intolerable. . . .²⁹

This outburst was occasioned by Hitchcock's annoyance with the Indian Rights Association, as well as with the Sequoia League. The Indian Rights Association had published charges against the Commission to the Five Civilized Tribes.³⁰ This association had aroused Hitchcock's ire shortly after he had become Secretary of the Interior and its members were never able to dispel the disapproval with which he regarded the group. The Association, founded in 1882, was composed of well-to-do gentlemen who took a benevolent interest in the Indians. Representatives of the Association paid yearly visits to Indian reservations, made recommendations for improvements in the Indian service and often suggested the removal of Indian Agents. Soon after Hitchcock arrived in Washington in 1899, he had received a letter from Herbert Welsh, Secretary of the Association, suggesting that in order for the affairs of the Indians to be conducted with success, they should be "divorced from political considerations." He advocated including Indian Agents in the classified service.³¹ The Indian Commissioner,

²⁹E.A.H. to Theodore Roosevelt, August 27, 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

³⁰See Chapter VIII.

³¹Herbert Welsh to E.A.H., February 24, 1899, Box 15, E.A.H. Papers.

William A. Jones, agreed that this would be a wise move because, at this time, the special agents were in the classified civil service, but the agents were not.³² This meant that a man who had experience as an agent could not be promoted to special agent. In April of 1899 Welsh and George McAneny, Secretary for the National Civil Service Reform League, had an appointment with Hitchcock which resulted in a very brusque dismissal of the two by the Secretary.³³ There is no account of what actually took place, but it would seem that Hitchcock probably felt that they were pressuring him on a subject with which he had not yet had time to become familiar. Welsh later referred to this incident as the beginning of the deterioration in their relationship.³⁴

Welsh, about this time, asked for a letter of introduction for S.M. Brosius, an agent of the Indian Rights Association, who wished to investigate the Indian reservations. There was some misunderstanding as to which

³²William A. Jones to E.A.H., March 8, 1899, Box 15, E.A.H. Papers.

³³Herbert Welsh to E.A.H., April 3, 1899, October 14, 1901, Box 15, E.A.H. Papers.

³⁴Herbert Welsh to E.A.H., October 14, 1901, Box 15, E.A.H. Papers.

reservations Brosius would visit. The Department was investigating conditions at the Crow Agency and did not wish him to go there. Hitchcock's private secretary understood him to say that he was going to the Crow Agency. Several letters passed between Hitchcock and Welsh before the matter was straightened out. Welsh was indignant that Hitchcock had doubted Brosius' word.³⁵ From this time Hitchcock seems to have had an antipathy for Brosius.

When Welsh requested a general letter of introduction to the Indian Agents in South Dakota for himself, Hitchcock refused. Welsh had sent Hitchcock an excerpt from an address of Francis E. Leupp, delivered at the Lake Mohonk Conference in 1897. Hitchcock commented that it was "the publication of just such gratuitous advice that has widened the breach between the various Departments of the Government and the benevolent associations."³⁶

Welsh replied, regretting that he had been denied the letter of introduction which Hitchcock's predecessor had always given. He also pointed out to Hitchcock that he

³⁵ Herbert Welsh to E.A.H., April 3, 1899, April 24, 1899, May 5, 1899, Box 15, E.A.H. Papers; E.A.H. to Herbert Welsh, May 14, 1899, Vol. I, Secretary Hitchcock's Private Correspondence.

³⁶ Herbert Welsh to E.A.H., May 3, 1899, Box 15, E.A.H. Papers; E.A.H. to Herbert Welsh, May 4, 1899, Vol. I, Secretary Hitchcock's Private Correspondence.

was administering not a business corporation but a government enterprise in which the public was supposed to have an interest and was entitled to give gratuitous advice. He cited a number of times when the benevolent associations had given assistance in caring for the Indians.³⁷

While this exchange was taking place, Welsh made another gratuitous suggestion. He proposed that the Indian Division of the Secretary's Office be done away with, claiming that it "pigeon-holed" everything that went to the Department.³⁸

In the next few months relations between Welsh and Hitchcock seemed to improve. The investigation of the Crow Agency, which Hitchcock had initiated shortly after taking office, resulted in the dismissal of the agent. He had also ordered an investigation of the Kiowa Agency with similar results. He assured Welsh that several other investigations were being undertaken and that it was his intention "to enforce a strict and honest performance of duty."³⁹ Welsh could say that he was looking forward to the

³⁷ Herbert Welsh to E.A.H., April 24, 1899, Box 15, E.A.H. Papers.

³⁸ Ibid.

³⁹ E.A.H. to Herbert Welsh, August 3, 1899, Vol. I, Secretary Hitchcock's Private Correspondence.

favorable results of Hitchcock's administration.⁴⁰

In 1901 Hitchcock again had reason to be annoyed with Welsh. The Indian Rights Association had called to the attention of the Indian Office misconduct on the part of the Indian Agent at the Yankton Reservation, South Dakota. The matter was investigated and the agent dismissed, but not before Welsh, impatient at the delay, had submitted letters of complaint against the agent to the President. Hitchcock considered this a discourtesy to himself and intimated that Welsh should have ascertained information as to what the Department was doing before going to the President. To this Welsh replied that his relations with the Secretary in the past had not been such as to encourage him to make inquiries from the Secretary.⁴¹

One important aspect of the work of the Office of Indian Affairs was education of Indian children. Schools on reservations were financed by appropriations by Congress. In some cases the terms by which Indian tribes ceded part of their land specified that the United States Government would provide for the education of the children of the tribe.

⁴⁰ Herbert Welsh to E.A.H., August 1, 1899, Box 15, E.A.H. Papers.

⁴¹ Herbert Welsh to E.A.H., October 14, 1901, Box 15, E.A.H. Papers.

Perhaps the most famous Indian school was the Indian Industrial School at Carlisle, Pennsylvania, founded and conducted by Richard Pratt. The school taught English to young Indians, instructed the boys in a trade and trained the girls in homemaking skills. Pratt's interest in the Indians began when he was assigned as an officer in the United States Army to the Indian Territory in 1867. After the Red River War in which the southern plains Indians were finally subdued, he was delegated to accompany seventy-two Indian prisoners to Fort Marion, St. Augustine, Florida and to be their jailor for three years. Here his successful work with the Indians convinced him that they could be "civilized." In 1878 he began the boarding school for Indian children at Carlisle. Pratt, an officer in the army, was assigned to duty in the Department of the Interior as superintendent of the school.⁴²

Pratt's ambition was to immerse the Indian in the white man's civilization so that he would be able to fit into American society. Not all who worked with the Indians regarded Pratt's system as best. An Indian Inspector wrote to Hitchcock in 1899 that the students who returned from

⁴²Richard Henry Pratt, Battlefield and Classroom, (ed.) Robert M. Utley (New Haven and London: Yale University Press, 1964), pp. x-xiii.

non-reservation schools, such as Carlisle, had great difficulty in adjusting to tribal life. Throughout his years as superintendent of the school Pratt was critical of the work of the Office of Indian Affairs. He accused it of being a bureaucracy, seeking only to perpetuate itself. He complained that the reservation schools did not educate the Indian to compete in the white man's world. In 1904 Pratt decided to force a situation which would either bring about a change in Indian Office policies or sever his connection with the Office. He delivered an address at the Baptist Ministers Conference with that intention. In it he said that, "nothing better could happen to the Indians than the complete destruction of the Bureau which keeps them so carefully laid away in the dark of its numerous drawers. . . ." The newspapers carried quotations from the speech. Hitchcock, on May 11, 1904, wrote to Pratt enclosing a clipping from the New York Daily Tribune and asking Pratt to advise him as to the correctness of the statement. Pratt, in answer, sent the Secretary a copy of his address. On June 11, 1904, Pratt was notified by the Department of War that he was relieved of his assignment to the Department of the Interior.⁴³

The following month newspapers carried the story

⁴³Ibid., pp. 335-37.

that the Commissioner of Indian Affairs, William A. Jones, was resigning because of a disagreement with the Secretary over the removal of Pratt. Jones wrote to W. Scott Smith, Hitchcock's secretary, that there had been no disagreement. He said, "I do not think that I have ever worked under a man whose confidence I value more than Secretary Hitchcock's. I have never been treated better in my life than by him, and I should be very sorry if anything of this character should disturb our very pleasant relations."⁴⁴ Jones retired in January 1905, at which time he told Hitchcock, "If I have succeeded to any extent in bettering the service I owe it in a large measure to your kindly and sound advice and unfailing support in every particular."⁴⁵ Jones was replaced by Francis E. Leupp, a journalist for the New York Evening Post, who from 1896 to 1897 had served on the Board of Indian Commissioners. Leupp, as Jones had before him, favored the education of the Indian children in reservation schools.⁴⁶

⁴⁴ W.A. Jones to W. Scott Smith, July 21, 1904, Box 32, E.A.H. Papers.

⁴⁵ W.A. Jones to E.A.H., January 4, 1905, Box 9, E.A.H. Papers.

⁴⁶ Leupp, The Indian and His Problem, pp. 121-22.

Many Indian children were not taught at government schools, but were educated at mission schools conducted by the various religious denominations. When Hitchcock came to the Department of the Interior, the Indian Office followed what was known as the "Browning ruling" in regard to the attendance of children at mission schools. In 1896 D.M. Browning, the Commissioner of Indian Affairs, had stated the policy of the Department in regard to Indian mission schools. In a letter to an Indian Agent he had said that Indian parents did not have the right to decide which school their children should attend, that this right belonged to the Commissioner and through him to the agent. Browning had told the agent that it was his duty "to build up and maintain the Government Day Schools."⁴⁷

In January 1901 the Catholic Archbishops petitioned that the Browning ruling be revoked and that money be made available for the education of Indian children in mission schools.⁴⁸ In May 1901, while Hitchcock was accompanying President McKinley on his western tour, he telegraphed to Acting Secretary Thomas Ryan to give assurance to Archbishop

⁴⁷ D.M. Browning to William H. Clapp, September 30, 1896, Box 34, E.A.H. Papers.

⁴⁸ Rt. Rev. P.J. Ryan to E.A.H., January 30, 1901, Box 13, E.A.H. Papers.

John Ireland that the Browning order would be revoked.⁴⁹

Archbishop Ireland was to meet with the Catholic bishops in Baltimore and he wished to be able to inform them of the action taken by the Department.⁵⁰ Hitchcock's telegram said that he could not make "any order regarding the application of individual or tribal funds under control of the Department to the education of children in schools of parental selection."⁵¹

Although the assurance of revocation had been given in May, a letter from Charles S. Lusk of the Bureau of Catholic Indian Missions reminded Hitchcock in July that no order had been issued concerning the ruling.⁵² In October Hitchcock ordered that "the so-called ruling may be temporarily suspended for a reasonable period, with the distinct understanding that if such suspension be to the disadvantage of Indian children or detrimental to their best interests, that this authority shall then be revoked and the

⁴⁹ E.A.H. to Thomas Ryan (telegram) May 6, 1901, Box 34, E.A.H. Papers.

⁵⁰ Thomas Ryan to E.A.H. (telegram) May 6, 1901, Box 6, E.A.H. Papers.

⁵¹ E.A.H. to Thomas Ryan (telegram) May 6, 1901, Box 34, E.A.H. Papers.

⁵² William A. Jones to E.A.H., August 29, 1901, Box 34, E.A.H. Papers.

said so-called ruling re-established."⁵³

On November 4, 1901 Jones wrote to Hitchcock that he had prepared a circular letter to all Indian Agents putting the order into effect. Jones' letter showed reluctance to abrogate the Browning ruling which he considered a correct statement of policy. He maintained that the Indian Commissioner had "an unquestionable right under the law and under good policy to designate which school an Indian child shall attend upon a reservation."⁵⁴

Hitchcock commented upon the situation in a letter to Rev. Lyman Abbott, editor of The Outlook. He told Abbott that he had an understanding with Archbishops Ireland and Riordan that if the suspension of the ruling was not satisfactory, the ruling would be restored. He thought that the right of parents to select schools for their children should be respected, although he realized that there was the danger of ignorant parents not knowing what was best for their children. He went on to tell Abbott, confidentially, that this revocation of the Browning ruling was only the first step in the demands that Catholics would make. They were

⁵³E.A.H. to William A. Jones, October 12, 1901, Box 34, E.A.H. Papers.

⁵⁴William A. Jones to E.A.H., November 4, 1901, Box 34, E.A.H. Papers.

already suggesting that annuities be given to children cared for in the mission schools. Hitchcock stated emphatically that this was "expressly forbidden by law, as it is nothing less than an indirect way of financial assistance."⁵⁵

The Catholic missionaries were not the only ones looking for assistance. William H. Hare, an Episcopal missionary bishop, requested that rations be given to Indian children attending mission boarding schools. Hitchcock claimed that this could not be done for it would be "an indirect way of contributing to sectarian schools, which Congress has by law directly prohibited."⁵⁶

Some mission schools had been operated under contract with the Government and the support of the pupils financed by appropriations from Congress. The Catholic Indian Mission Bureau had used this system since 1877. In 1895, Congress had curtailed appropriations and in 1901, had made what it designated as a final appropriation for sectarian schools.⁵⁷ It was this curtailment of funds which

⁵⁵ E.A.H. to Rev. Lyman Abbott, November 22, 1901, Vol. VI, Secretary Hitchcock's Private Correspondence.

⁵⁶ E.A.H. to Rt. Rev. William H. Hare, December 7, 1901, Vol. VI, Secretary Hitchcock's Private Correspondence.

⁵⁷ William H. Ketchem, "Indian Missions," The Catholic Encyclopedia (15 vols. New York: Robert Appleton Company, 1910), VII, 745-747.

had led the Catholic Archbishops in 1901 to petition for money for the mission schools.⁵⁸ President McKinley had been in favor of granting money to mission schools, but Hitchcock had not considered it feasible.⁵⁹

Eventually a way was found to get money for the Indian schools. In 1903 and 1904 petitions were received from the Indians, requesting that money held in trust for them be used for the support of denominational schools. The request was submitted to the Department of Justice. Attorney General William A. Moody's decision was that the prohibition of the use of public money for denominational schools did not apply because the money in the trust funds belonged to the Indians themselves and was not public money. In 1904 nine contracts were made with Indian schools, eight Catholic, one Lutheran.⁶⁰

In February 1905, William H. Hare, the Episcopal missionary bishop of South Dakota, protested against the contracts made with the nine schools. He made known his

⁵⁸ Rt. Rev. P.J. Ryan to E.A.H., January 30, 1901, Box 13, E.A.H. Papers.

⁵⁹ Marcus A. Hanna to E.A.H., February 25, 1901, Box 8, E.A.H. Papers; E.A.H. to Thomas Ryan (telegram) May 6, 1901, Box 34, E.A.H. Papers.

⁶⁰ Theodore Roosevelt to Francis Leupp, December 23, 1905, Vol. 60, Letter Book Series 2, Theodore Roosevelt Papers, Library of Congress.

intention of instituting an injunction suit restraining the Government from fulfilling the contracts.⁶¹ Hitchcock told Alexander Mackey-Smith, Episcopal Bishop Coadjutor of the Diocese of Pennsylvania, that the President would welcome a suit such as that proposed by Bishop Hare, "because it is most important for all parties concerned that the status of Indian rights in such matters be judicially defined."⁶²

Newspapers printed accounts of the controversial issue. It was claimed that President Roosevelt had been influenced in his decision to approve the contracts by Charles J. Bonaparte, a lawyer for the Bureau of Catholic Indian Missions. Senator Thomas R. Bard of California made known that Professor E.L. Scharf of the Catholic University of America in Washington, D.C., had offered to gain Catholic support for Republicans in doubtful districts if Congress would grant appropriations to sectarian schools. It was claimed that when Congress failed to make the appropriations the end was achieved by the Administration agreement to use the trust funds. The New York Evening Post maintained that the Catholics "sneaked through the petition" and "obtained an

⁶¹The New York Evening Post, 2 Feb. 1905, in Box 28, E.A.H. Papers.

⁶²E.A.H. to Rt. Rev. Alexander Mackey-Smith, January 9, 1905, Vol. X, Secretary Hitchcock's Private Correspondence.

unfair advantage over their sectarian rivals." It claimed that the responsibility lay with Commissioner Jones, Secretary Hitchcock or President Roosevelt.⁶³ The Providence, Rhode Island Bulletin, however, said that nothing in the charges of the other denominations reflected upon the Administration. It stated that, "To the unprejudiced person it seems clear that the Romanists, through superior shrewdness or knowledge, have stolen a march on the Protestants, except for a few Lutherans as sharp as themselves, and found a way to get money in a perfectly legal way which the statutes have withheld from others."⁶⁴

While the press was giving the matter publicity, President Roosevelt wrote to Hitchcock that the Department of the Interior should continue to support denominational schools with money from Indian trust funds. He warned that the Department should take care that the petitions of the Indians were genuine and that the money designated for any school represent "the pro rata proportion to which the Indians making the petition" were entitled.⁶⁵

⁶³The New York Evening Post, 2 Feb. 1905, in Box 28, E.A.H. Papers.

⁶⁴The Bulletin (Providence, R.I.), 9 Feb. 1905, Box 28, E.A.H. Papers.

⁶⁵The New York Times, 5 Feb. 1905, p. 5.

In December 1905, President Roosevelt wrote to Francis E. Leupp, Commissioner of Indian Affairs, about a difficulty which had arisen in the matter of using funds for mission schools. There were two kinds of funds. The trust fund was being used on the assumption that the Indian had the right to say how this money, which belonged to him, was to be used. The other fund consisted of money appropriated by Congress as a result of treaty stipulation. Here Roosevelt said there was a doubt as to whether or not the money could be used for mission schools. Some of the contracts had been made on the assumption that the latter funds could be used. If they were terminated now, it would cause hardship. He advised Leupp to continue contracts until the end of the fiscal year, but not to make new contracts using funds appropriated by Congress.⁶⁶

In 1906 some Sioux Indians of the Rosebud Reservation in South Dakota brought suit against the Secretary of the Interior and the Commissioner of Indian Affairs, restraining them from entering into contract with St. Francis Mission. The President ordered in May that all the other contracts which had been held up should be approved and the

⁶⁶Theodore Roosevelt to Francis E. Leupp, December 23, 1905, Vol. 60, Letter Book Series 2, Theodore Roosevelt Papers.

money paid without delay.⁶⁷ In 1908 the Supreme Court decided that contracts with mission schools using trust funds were legal.⁶⁸

When Hitchcock took office, most Indian agents were still political appointees. An act of Congress of 1892 had provided that army officers could be assigned as agents. In 1893 Congress had given the Commissioner of Indian Affairs, with the approval of the Secretary, permission to put school superintendents in charge of agencies. Since superintendents were appointed from the classified list, it was possible for the Indian Commissioners to fill agencies from the classified service gradually. This was done in many instances, by Jones and then by Leupp, during Hitchcock's administration. Congressional desire for patronage was still strong enough to keep many of these positions as political appointments throughout Hitchcock's time.⁶⁹

In 1901 Hitchcock expressed his views in regard to Indian Agents in a letter to a Senator. He stated that he

⁶⁷ C.J. Larrabee to E.A.H., May 26, 1906, Box 33; Theodore Roosevelt to E.A.H., May 28, 1906, Box 1, E.A.H. Papers.

⁶⁸ William H. Ketchem, "Indian Missions," The Catholic Encyclopedia, VII, 746; Allen Sinclair Will, Life of Cardinal Gibbons (2 vols. New York: E.P. Dutton & Company, 1922), V, 495.

⁶⁹ Schmeckebier, Office of Indian Affairs, p. 84.

believed in political organization, but he thought that good administration was the "best politics." In appointing Indian Agents, he explained, he had a duty to appoint only those qualified to perform the work of an agent. He realized that there must be competent men in the states where the agencies were located. He was willing to accept aid from Congressmen in selecting agents, provided that the Congressmen would "heartily concur in, and appreciate my views with respect to the qualifications of Indian Agents."⁷⁰

Although Hitchcock had not been pleased with Welsh's suggestion in 1899 that Indian Agents be included in the classified service, by 1905 his opinion had changed and he, himself, made such a suggestion to Theodore Roosevelt. The President pointed out to Hitchcock that Leupp, by careful gathering of information about men to be appointed, had gotten "a pretty good type of men as Indian Agent; better men than we could obtain by any kind of competitive examination which has yet been developed."⁷¹

⁷⁰E.A.H. to P.J. McCumber, July 10, 1901, Vol. V, Secretary Hitchcock's Private Correspondence.

⁷¹Morison, ed., Letters of Theodore Roosevelt, V, 52 (October 10, 1905).

After eight years of dealing with the Indian problem, Hitchcock realized that it was not one which could be settled immediately. He maintained that the granting of citizenship to the Indians did not relieve the Government of its responsibility to protect them.⁷² In a speech delivered in St. Louis, after his retirement, he said, that the Indian problem was one which must "for some time to come, engage the serious and protective guardianship of the Government if ordinary justice is to be meted out to these, on the whole, helpless wards of the Nation."⁷³

⁷²E.A.H. to Theodore Roosevelt, January 29, 1907, Box 23, E.A.H. Papers.

⁷³An Address delivered before the Commercial Club of St. Louis by Ethan Allen Hitchcock, March 23, 1907, Box 53, E.A.H. Papers.

CHAPTER VIII

THE INDIAN TERRITORY

The problems posed by the Indians living in the Indian Territory were such as to necessitate a separate discussion of the relations of the Department of the Interior with these Indians. A number of tribes resided in the Territory. The Five Civilized Tribes, Cherokee, Creek, Seminole, Choctaw and Chickasaw, had been forced to migrate from their lands in the East and had been settled on land west of the Mississippi, which became known as the Indian Territory. Plains tribes were already residing in the Territory when the Five Civilized Tribes arrived and from time to time the Government settled other tribes there. The Indians had valuable land in the Territory. Some of it was potentially good farming land; much of it had proven to be excellent for grazing and it was known to contain minerals. As public land became scarce, pressure was exerted upon Congress to open the Indian Territory to settlement. An Act of 1885 had provided for the purchase of part of the land of the Indian Territory, which was opened to settlement

April 22, 1889. The following year the Organic Act established the Oklahoma Territory from this land. This, however, did not satisfy those who wished to open the entire Indian Territory to settlement. The General Allotment Act of 1887 had not applied to the Five Civilized Tribes and to some other tribes in the Indian Territory. Therefore, in 1893 Congress created the Commission to the Five Civilized Tribes (Dawes Commission) to negotiate with the tribes for the allotment of land in severalty and for the dissolution of tribal government. Each of these tribes had a constitutional government, a council and an executive, designated as either the Principal Chief or the Governor. They had no wish to give up their tribal government or tribal ownership of land. They were helpless as Congress inexorably legislated their tribal dissolution. The Burke Act of 1896 empowered the Commission to prepare rolls of citizenship for the tribes. The Curtis Act of 1898 put pressure upon the tribes to negotiate with the Commission by providing for dissolution without tribal consent. Eventually all five tribes signed the agreements.¹

¹Staff of the Oklahoma State Library, "Oklahoma," Encyclopedia Americana (30 vols., New York: Americana Corporation, 1968), pp. 697-699; Angie Debo, And Still the Waters Run (Princeton: Princeton University Press, 1940), pp. 7-9.

There were ways in which a delegation could be prodded into agreement if it seemed to be attempting to delay the inevitable. Since a tribe needed permission from the Department of the Interior to finance the trip of a delegation to Washington, it was possible for the Department to use pressure on the delegation by controlling the duration of the visit. When T.M. Buffington, Principal Chief of the Cherokee, went to Washington with a delegation in 1900 to negotiate, Hitchcock warned him that the Department had authorized an appropriation by the National Council of the Cherokee Nation for expenses from ten to fourteen days. He reminded Buffington that he had been in Washington almost a month and that it was necessary to report an agreement to Congress whose session was almost at an end.²

During Hitchcock's administration the Dawes Commission was putting into effect the Congressional legislation which provided for the dissolution of the Five Civilized Tribes. It drew up citizenship rolls, allotted lands and surveyed townsites. It was a tremendous undertaking, involving vast amounts of valuable land. It would have been most extraordinary if it could have been accomplished without accusations of fraud and dishonesty. As it was, there were a series of

²E.A.H. to T.M. Buffington, April 7, 1900, Vol. III, Secretary Hitchcock's Private Correspondence.

investigations into the activities of the Commission and those employed by it.

In the Spring of 1903 Hitchcock made a trip through the Indian Territory. Certain irregularities were brought to his attention which later resulted in the dismissal of several officials.³

In May 1903, a George H. Pettigrew sent an affidavit to the Department, accusing P.L. Soper, U.S. District Attorney, of receiving money from Al Simco, who was selling Simco's Mead in the Territory where the law forbade the sale of intoxicating liquors. Hitchcock took the matter up with Assistant Attorney General Russell, who decided that the information obtained from Pettigrew was not sufficient to bring the matter before a grand jury.⁴

In June of 1903, Thomas Ryan, the Assistant Secretary, suggested to Hitchcock that from information he had received an investigation seemed to be necessary. He believed that the culprits were high officials with influence in the Territory.⁵ In the same month A.P. Murphy, attorney

³ E.A.H. to Philip C. Garrett, August 29, 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

⁴ Affidavit of George H. Pettigrew, May 28, 1903, Box 33, E.A.H. to Charles Nagel, June 17, 1903, Box 11, Thomas Ryan to E.A.H., July 17, 1903, Box 9, E.A.H. Papers.

⁵ Thomas Ryan to E.A.H., June 17, 1903, Box 9, E.A.H. Papers.

for the Creek Nation, complained of the administration of the Union Agency at Muskogee, Indian Territory. When Hitchcock had visited the Territory in the Spring of 1903, Murphy had called his attention to the fact that individuals were grazing cattle on Indian allotments in the Creek Nation, under illegal contracts. Murphy had claimed that his complaints on behalf of the Indian to the Union Agency were ignored. Murphy wrote that although Hitchcock had given orders to the Indian Agent during his visit that all allottees were to be placed in possession of their land, this had not been done. He further charged that the agent, J. Blair Shoenfelt, left to his subordinates important duties which he should have carried out. Murphy claimed that the land companies received special consideration being permitted to hold land under illegal contracts, and that the Indian Agent ignored cases brought against the companies.⁶ As a result of these complaints, William Jones, the Commissioner of Indian Affairs, ordered the dismissal of Clarence B. Douglas, a clerk at the Agency. Shoenfelt protested the dismissal stating he had found him "honest and efficient."⁷

⁶A.P. Murphy to E.A.H., June 27, 1903, Box 33, E.A.H. Papers.

⁷J. Blair Shoenfelt to William Jones, June 28, 1903, Box 13, E.A.H. Papers.

Shoenfelt attempted to justify his administration of the Union Agency by explaining that the complaints were mostly against persons who had leased land for agricultural purposes and then subleased it for grazing. He claimed that the agency police force which consisted of twenty-six members, was too small to adequately control the situation.⁸ When criticism of his work appeared in the press, Shoenfelt wrote to the Commissioner of Indian Affairs in an attempt to refute it. He maintained that no clerk in his office approved or disapproved of deeds, that of the one thousand cases on file in his office seven hundred had been acted upon, and that the Creek Attorney, Murphy, had abused privileges given him in the office of the Union Agency, by reading letters in clerks' baskets and going through letter books without permission.⁹

On July 29, 1903 Shoenfelt disclaimed any responsibility for articles published in the Phoenix, which was owned by Clarence Douglas. He offered to resign but did not. The report of Charles Bonaparte, who conducted an investigation in the Fall of 1903, exonerated Shoenfelt of

⁸J. Blair Shoenfelt to E.A.H., June 28, 1903, Box 33, E.A.H. Papers.

⁹J. Blair Shoenfelt to William Jones, July 12, 1903, Box 33, E.A.H. Papers.

any accusations that had been made against him. In April 1905 Shoenfelt's management of the agency was again investigated. At that time Charles W. Raymond, Judge for the United States Court, Western District, Indian Territory, advised Hitchcock that Shoenfelt was not the type of man to have in charge of the agency. In May Shoenfelt resigned and asked for a contract to do business with the Seminole Indians.¹⁰

Clarence Douglas, the clerk who had been dismissed, wrote a resentful letter to Hitchcock after his dismissal. He said that he had been a friend to Hitchcock and that people would reason that he must be all bad "if the man for whom he battled will take no action."¹¹ Charles Bonaparte, after his investigation of the Indian Territory, wrote to Hitchcock in January 1904 that, "The controversy between Col. Douglas and Mr. Murphy did not seem to me a matter of any grave importance." He thought that they should give Douglas a statement that the investigation had disclosed nothing questionable as to his integrity or his efficiency. He assured Hitchcock that as a matter of

¹⁰ J. Blair Shoenfelt to E.A.H., July 29, 1903, Box 33, May 12, 1905, Box 13; Charles W. Raymond to E.A.H., April 11, 1905, Box 37, E.A.H. Papers; The New York Times, 8 March 1904, p. 3.

¹¹ Clarence B. Douglas to E.A.H., July 6, 1903, Box 33, E.A.H. Papers.

expediency it had been wise to dismiss Douglas.¹²

In August 1903 Brosius, agent for the Indian Rights Association, brought charges against the members of the Dawes Commission. They were accused of having interests in land companies in the Indian Territory and of using their positions on the Commission to further their business interests.¹³

The circumstances surrounding the report renewed the bad feeling between the Secretary and the Association. Since his first encounter with him, the Secretary had never approved of Brosius. Now, Brosius' report was given to the newspapers for publication before Hitchcock, who was on vacation, had a chance to read it. Hitchcock, infuriated, inquired of the President of the Indian Rights Association, Philip C. Garrett, as to where the responsibility for the publication lay. Garrett replied that he "did not recall exactly how the copies of Mr. Brosius letter were sent out."¹⁴

In his answering letter to Garrett, Hitchcock said, "There are, however, proper and improper methods of procedure, and I think that it was not justifiable, but discourteous to

¹² Charles J. Bonaparte to E.A.H., January 9, 1904, Box 33, E.A.H. Papers.

¹³ The New York Times, 18 Aug. 1903, p. 6.

¹⁴ E.A.H. to Theodore Roosevelt, August 28, 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

me, and unfair to them, the members of the Commission to publish broadcast to the world the material published by Mr. Brosius, without further verification, and without his having afforded to the officials, whose reputation he attacked, any opportunity to explain what seemed to him objectionable."¹⁵ He also told Garrett, as his secretary W. Scott Smith had told the newspapers, that the matter in the Brosius report had had his attention for several months.¹⁶ Garrett replied to Hitchcock on September 4. He disclaimed any intentional discourtesy. He expressed his pleasure that Hitchcock had known of the matter in the Brosius report and had begun investigation. He was content, he said, "that the Department should have the entire credit of it."¹⁷ Still seething at what he felt to be an insult, Hitchcock gave the correspondence between himself and Garrett to the press. It appeared on the first page of the New York Times on September 7, 1903.¹⁸

The President and the Secretary agreed that an

¹⁵ E.A.H. to Philip C. Garrett, August 29, 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

¹⁶ Ibid., The New York Times, 18 Aug. 1903, p. 6.

¹⁷ Philip C. Garrett to E.A.H., September 4, 1903, Box 7, E.A.H. Papers.

¹⁸ The New York Times, 7 Sept. 1903, p. 1.

investigation should be conducted and Hitchcock suggested that the Assistant Secretary, Thomas Ryan, be put in charge. Ryan, however, thought that someone outside the Department should head the investigation. Hitchcock decided to ask Charles Bonaparte to undertake the task. Bonaparte was persuaded to accept after having been assured that he could choose his own assistant and that he could complete the work in as short a time as possible. He chose Clinton Rodgers Woodruff of Philadelphia who, at Bonaparte's suggestion, was given equal authority.¹⁹

Charles Bonaparte was a member of the Indian Rights Association and also a member of the Board of Indian Commissioners. This Board was composed of men appointed by the President and serving without compensation, who visited and inspected Indian Reservations. Through both of these organizations Bonaparte had come in contact and knew the Secretary's sensitiveness to criticism.²⁰

The two, Bonaparte and Woodruff, went to the Indian Territory where they conducted an intensive investigation.

¹⁹ Theodore Roosevelt to E.A.H., August 29, 1903, Box 1; E.A.H. to Theodore Roosevelt, September 3, 11, 12, 1903, Box 33, E.A.H. Papers.

²⁰ Eric Goldman, "Charles J. Bonaparte: Patrician Reformer, His Earlier Career," The Johns Hopkins University Studies in Historical and Political Science (Baltimore: The Johns Hopkins Press, 1943), LXI, 37-40.

The work of the investigation was finished by January, but the report was not submitted until March 1, 1904. The forty-eight page report was sent to the President with a covering letter.²¹

In regard to Brosius' accusations the report stated that, although some of what he claimed was not justified by facts, the complaints against Federal officials were "substantially true." It recommended that the Commission to the Five Civilized Tribes be abolished without permitting it to continue until its legal termination in July 1905. It also suggested that more authority be given to local officials in the Territory rather than concentrating the authority in Washington. The report also had some practical recommendations about procedures to be used in making allotments. For example, it was suggested that the Indian be permitted to actually see the land chosen, rather than selecting it from a plat.²²

Although Hitchcock "concurred in the findings" of the inspectors and thought that they merited "judicious consideration," he showed little enthusiasm for putting

²¹ E.A.H. to Theodore Roosevelt, March 1, 1904, Box 23, E.A.H. Papers.

²² Report of Charles J. Bonaparte and Clinton R. Woodruff regarding the public service in the Indian Territory, Box 33, E.A.H. Papers.

their suggestions into effect. He told the President that he doubted that authority should be vested in local officers. He argued that the Indians were "dependent upon and entitled to the special protection of the Government" and that their rights should not be subjected to "the final arbitrament of a local official."²³

A letter written to Henry King, editor of the St. Louis Globe-Democrat, in March 1904, shows that he did not regard the report with favor. He said that the Bonaparte Commission had made its report without adequate knowledge of the situation. The investigation had been conducted in the Territory and no inquiry had been made in the office in Washington. He also said that the few weeks spent in the Territory were not sufficient time for a thorough investigation. He claimed that a more lengthy investigation might have caused them to modify some of their "impractical and undesirable suggestions." He conceded that some of the suggestions were "worthy of attention." He told King that he did not approve ending the Commission to the Five Civilized Tribes before July 1905.²⁴

²³ E.A.H. to Theodore Roosevelt, March 1, 1904, Box 23, E.A.H. Papers.

²⁴ E.A.H. to Henry King, March 10, 1904, Box 23, E.A.H. Papers.

The Report disclosed that members of the Dawes Commission were connected with land companies doing business in the Territory. Tams Bixby, the Chief Commissioner, was involved with the Canadian Trust Company. Clifton L. Breckenridge had investments in several corporations which were involved in land speculation. The Report advised termination of the connections if they wished to maintain their positions. Tams Bixby agreed to sever his connection with the Canadian Trust Company and remained as Chief Commissioner. Breckenridge tendered his resignation to the President, who refused to accept it.²⁵

Hitchcock disagreed with Bonaparte and Woodruff that the work of allotment could be completed without the Commission to the Five Civilized Tribes. He was optimistic that the Commission would finish its work by July 1905. In May 1905 Congress, in an appropriation bill, provided for the continuance of the Commission until July 1, 1905, when it would be disbanded and the work continued under one man. Hitchcock appointed Bixby to that position.²⁶

²⁵ Report of Charles J. Bonaparte and Clinton R. Woodruff, p. 22; E. Goldman, "Charles Bonaparte," pp. 75-76; C.R. Breckenridge to E.A.H., March 9, 1904, to Theodore Roosevelt, March 9, 1904; Theodore Roosevelt to E.A.H., March 28, 1904, Box 4, E.A.H. Papers; E.A.H. to Clifton R. Breckenridge, March 16, 1904, Vol. X, Secretary Hitchcock's Private Correspondence.

²⁶ Eric Goldman, "Charles J. Bonaparte," pp. 75-78; E.A.H. to Tams Bixby, May 24, 1905, Box 34, E.A.H. Papers.

On the basis of the report of Bonaparte and Woodruff, Pleasant Porter, Principal Chief of the Creek Nation, terminated his contract with A.P. Murphy, the attorney for the Nation. The report stated that Murphy was lacking in judgment and that his opinions were not reliable. Murphy tried to contest his dismissal. The Attorney General's office advised Frank Campbell, the attorney for the Department of the Interior, that although a contract of an attorney with an Indian nation had to be approved by the Secretary, it could be terminated by either party "for good cause." Therefore, Porter had the right to cancel Murphy's contract because of the findings of Bonaparte and Woodruff, and the Secretary of the Interior was not involved.²⁷ A difficulty arose over the appointment of a new attorney for the Creek Nation. Chief Porter told the Secretary that he, himself, would be capable of handling the few remaining legal matters in connection with Creek allotments and he would not appoint another attorney. Soon after cancelling Murphy's contract, Chief Porter was introduced to L. Mott, a lawyer, by ex-Senator Marion Butler. Porter agreed to employ Mott as Attorney for the Creek Nation. Hitchcock questioned the

²⁷ Report of Bonaparte and Woodruff, p. 48; S.V. Proudfit to F. Campbell, March 29, 1904, Box 13, E.A.H. Papers; A.P. Murphy to E.A.H., April 28, 1905, Box 37, E.A.H. Papers. A.P. Murphy was elected to the House of Representatives from Missouri in 1904.

need for employing Mott, since Porter had said that he would not need an attorney. He withheld his approval of the appointment. Mott's friends appealed to President Roosevelt and on March 18, 1904, Roosevelt sent Hitchcock a pencil written note, saying that he was anxious that Mott should be employed. A notation by Hitchcock on the reverse side indicated that Hitchcock had spoken to Roosevelt at a Cabinet meeting and explained to him that Chief Porter, himself, would take care of the legal affairs of his tribe. On April 4th Porter wrote to Marion Butler explaining that the delay in Mott's appointment was due to Hitchcock, but that he expected to get consent. This letter was sent to Hitchcock with a notation in Roosevelt's handwriting, "Can't Mr. Mott be given a temporary appointment? I should be glad." Hitchcock finally relented and approved Mott's appointment in May 1904.²⁸

The allotment of tribal land of the Osage Indians in the Indian Territory led to accusations of fraud in the Spring of 1904. Horace Speed, the United States District Attorney, and S.F. O'Fallon, Special Inspector, investigated

²⁸ Theodore Roosevelt to E.A.H., March 15, 1904, Box 1; E.A.H. to Pleasant Porter, April 13, 1904, P. Porter to W. Scott Smith, March 22, 1904, April 6, 1904, April 12, 1904, P. Porter to Marion Butler, March 22, 1904, P. Porter to E.A.H., April 22, 1904, May 9, 1904 (telegram), Box 33; P. Porter to Marion Butler, April 4, 1904, Box 2, E.A.H. Papers.

the Osage Agency. The Agent, O.A. Mitscher, had placed public funds in a private bank and had drawn the interest on the funds for his own use. Mitscher had charge of making allotments to the Indians. He permitted three mixed-bloods to select lands for the Indians under contract. The Indians then leased the lands to the three who re-leased them to cattlemen at a price below which such land ordinarily rented and, yet, at a much higher price than they had given the Indians.²⁹

Mitscher was dismissed and Frank Frantz, one of Roosevelt's Rough Riders, was appointed agent. Hitchcock had conferred with Frantz in St. Louis in May about the possibility of accepting the position. After Frantz's appointment Hitchcock wrote to him warning him that the agency was "rife with scandal" and that he should be on guard against any pressure that might be exerted upon him.³⁰

Mitscher returned the money which he had acquired as interest on public funds. Horace Speed told the Attorney General that he and O'Fallon did not feel that they had a strong enough case against Mitscher to bring a case to trial, although they were both convinced that he had favored his

²⁹ Horace Speed and S.F. O'Fallon to E.A.H., May 4, 1904, Box 23, E.A.H. Papers.

³⁰ E.A.H. to Frank Frantz, May 24, 1904, June 3, 1904 (telegram), June 6, 1904, Vol. X, Secretary Hitchcock's Private Correspondence.

friends at the expense of the Indians."³¹

In November 1905, Hitchcock asked William J. Burns, the Special Inspector, who had worked with Francis Heney on the Oregon funds, to conduct an investigation of the Indian Territory. There were many facets of administration which Hitchcock wanted investigated before the dissolution of the Five Civilized Tribes in 1906. He ordered Burns to investigate the expenditure of tribal funds "whether under contract, legislative or other authority or pretended authority, and if you shall find any of the transactions connected therewith to have been improper, unlawful or in any respect fraudulent, you will make full report to the Department. . . ." ³²

Hitchcock was concerned about the firm of Mansfield, McMurray and Cornish which represented the interests of the Chickasaw and Choctaw Indians before the citizenship court. These two nations had made a contract with the law firm in January 1901 to represent them in preventing the allocation of tribal funds to court claimants. Hitchcock refused to give approval to the contract. He wanted the firm to agree

³¹ Horace Speed to William Moody, October 17, 1904, October 28, 1904, February 24, 1905, Box 30, E.A.H. Papers.

³² E.A.H. to William Burns, November 4, 1905, Box 22, E.A.H. Papers.

to certain modifications to which the firm would not consent. An agreement between the two tribes and the United States in July 1902 created a citizenship court to determine cases involving citizenship in the nations. An act of Congress, March 3, 1903, provided that the court might fix reasonable compensation for attorneys employed by the tribes if the contract between the tribe and the attorney had not received approval of the Secretary of the Interior. Hitchcock believed that the fee established by the court for Mansfield, McMurray and Cornish was excessive. He inquired from Attorney General Moody whether or not he could prevent the payment. Moody's opinion was that the warrants for the payment would have to be issued by the Department.³³

Hitchcock was trying to protect the tribes from what he considered an exorbitant fee. The tribes believed that the service which the firm was performing for them was worth the price being asked. When these tribes had been moved west of the Mississippi some of the members had stayed behind. The descendants of these Indians in eastern states often had very little Indian blood. Promotion schemes were causing these people to claim allotments as members of the tribe. It was to the advantage of the tribe to have as many

³³ E.A.H. to William Moody, December 30, 1904, William Moody to E.A.H., January 5, 1905, Box 22, E.A.H. Papers.

doubtful cases as possible kept from the citizenship rolls.³⁴

This conflict with Mansfield, McMurray and Cornish would have been sufficient to have made Hitchcock distrustful of them. Other events, however, seemed to confirm his suspicions of them. W.B. Johnson, the District Attorney for the Southern District of the Indian Territory in 1905 indicted Governor Johnston, ex-Governor Mosely of the Chickasaw Nation and the firm of Mansfield, McMurray and Cornish on conspiracy to acquire funds of the tribe by means of fraudulent expense accounts. Requests to the President by friends of the defendants resulted in examination of the matter by Assistant Attorney General Russell and then by Attorney General Moody. Both reported that they were convinced of the innocence of the defendants. The indictment was dismissed.³⁵

Hitchcock, however, was not convinced of the innocence of the firm. His order to Burns, although not explicitly directed to an investigation of the firm, implied such an investigation. Burn's report seemed to confirm his suspicions. It told of the law firm being paid \$7,641.95

³⁴ Angie Debo, And Still the Waters Run, p. 39.

³⁵ Copy of Memorandum given out by the Attorney General's Office, December 5, 1905, Box 33, E.A.H. Papers; The New York Times, 14 Dec. 1905, p. 6, 19 Feb. 1906, p. 1.

for expenses from a "contingent fund" of the Chickasaw Nation. It also disclosed that Mansfield, McMurray and Cornish received a fee of \$750,000 from which they made payments to Governor Johnston.³⁶

Hitchcock submitted Burns' report to President Roosevelt, who went over it with the Attorney General. The President then requested that Burns be required to make a supplementary report giving specific information about the wrong done by the people mentioned in his report. On March 12, 1906 Burns sent a letter to the President in which he claimed that he could prove that Mansfield, McMurray and Cornish had drawn money from the Chickasaw Nation and had not filed expense accounts, that for other sums they filed fictitious accounts. He further claimed that Governor O.H. Johnston drew money for his personal use, pretending that it was for the law firm.³⁷

There seems to have been no definite action taken by the Department in following through the Burns report. In October 1906 Roosevelt complained to Hitchcock that there had

³⁶ W.J. Burns to E.A.H., January 22, 1906, Box 22, E.A.H. Paper.

³⁷ W. Scott Smith to W.J. Burns, February 24, 1906, Box 23; W.J. Burns to Theodore Roosevelt, March 12, 1906, Box 22, E.A.H. Papers; Theodore Roosevelt to E.A.H., February 26, 1906, Vol. 61, Theodore Roosevelt Papers; Angie Debo, And Still the Waters Run, p. 39.

never been a satisfactory answer to his letters of February 23rd and 26th, which pertained to the report. He said:

The Burns report to which reference is therein made contained charges so vehement and yet so loose as to leave a very unsatisfactory impression upon me. They read more like a magazine article than like an official report upon which government action could be based, and I have never received any subsequent information from the Department to show exactly what was done in the effort to have the charges substantiated and what final action was taken upon them.³⁸

There were probably a number of factors involved in the failure to pursue the matters disclosed in the Burns report. Hitchcock and Burns seem to have believed that the report was sufficient to call for action on the part of the Attorney General's Department. Roosevelt, on the other hand, wanted more specific charges. He may have been influenced by the fact that the Attorney General had already declared the firm of Mansfield, McMurray and Cornish innocent and, therefore, have been reluctant to reopen the issue. Another factor which kept the Department from further investigation was that Burns was still needed by Heney on the West Coast. Later, when he was available, Hitchcock needed him for an investigation in Oklahoma.

In November 1906 another investigation was conducted in the Indian Territory by William D. Foulke, who had been

³⁸Theodore Roosevelt to E.A.H., February 23, 1906, February 26, 1906, Box 1, E.A.H. Papers.

a member of the Civil Service Commission 1901-1903. He investigated charges of fraud contained in the Memorial of the Creek Nation, October 17, 1906 and reported on December 19, 1906. The Curtis Act of June 28, 1898 had provided that the Commission to the Five Civilized Tribes might lay out townsites and sell lots. The memorial claimed that there was underevaluation in the sale of lots, favoritism in the surveying, platting and scheduling of lots, permitting individuals to obtain large tracts of land by unlawful means. Foulke recommended that suits in equity be brought in all Creek towns where fraudulent practices had taken place. Roosevelt asked Charles Nagel, a St. Louis Attorney and a personal friend of Hitchcock's, to act for the Government in the townsite cases. Two years later a number of prominent men, including the Governor of Oklahoma, Charles N. Haskell, were indicted at Muskogee, Oklahoma, for unlawfully acquiring town lots in that townsite.³⁹

In regard to the Indian Territory, and Oklahoma as well, Hitchcock was deeply concerned with oil and gas rights on lands belonging to the Indians. Oil and gas rights on Indian lands were leased to the operators with the approval

³⁹William D. Foulke to E.A.H., December 19, 1906, Theodore Roosevelt to Charles Nagel, December 21, 1906, Box 33; E.B. Linnen, S.R. Rusk to E.A.H., February 26, 1909, Box 34, E.A.H. Papers.

of the Secretary of the Interior according to stipulations made by act of Congress. In 1896, during the administration of Secretary of the Interior Hoke Smith, a lease amounting to a million and a half acres in the Osage Reservation had been given to Edwin B. Foster for a ten year period. Foster sub-leased to the Indian Territory Illuminating Oil Company, which in turn, sub-leased to other companies. Cornelius Bliss, Hitchcock's predecessor, had tried to cancel the Foster lease, but found that he could not legally do so.⁴⁰ Hitchcock wished to prevent the oil and gas from being monopolized by any one company, as well as to preserve the rights of the Indians. In 1905 the Illuminating Oil Company had a bill introduced into Congress to extend the Foster lease for another ten years. Due to Hitchcock's influence, although the lease was extended for ten years by Congress, the acreage was reduced to 680,000 acres.⁴¹ Sub-leases were to be approved by the Secretary of the Interior. A ruling in regard to sub-leases, which had been in practice since 1890, specified that no company or individual could hold more than 4,800 acres in sub-leases.⁴²

⁴⁰ Memorandum, Box 12, E.A.H. Papers.

⁴¹ E.A.H. to Theodore Roosevelt, May 12, 1906, Box 23, E.A.H. Papers.

⁴² Department of the Interior, Oil Lands in the Indian Territory and Territory of Oklahoma, Hearings before the Secretary (Washington: Government Printing Office, 1906), p. 5.

In May 1906 Frank W. Higgins, Governor of New York, wrote to the President on behalf of his friend, Theodore N. Barnsdall, of Pittsburgh, Pennsylvania, who wanted to acquire control of 150,000 to 200,000 acres of gas land to supply St. Louis with natural gas. Higgins also claimed that the ruling of the Secretary of the Interior that the Indians receive 2½ percent of the receipts of each well and that a meter be put on every well was unreasonable. Although he, Governor Higgins, had "no desire to have the Indians deprived of any rights which belong to them," he feared that Hitchcock's rulings were "governed more by prejudice against individuals than by practical knowledge of the subject in hand." He further advised the President that Barnsdall had acquired 5,500 acres of Cherokee leases from J.M. Guffy, having been advised by his lawyer that the transaction was proper. Neither Barnsdall nor Guffy had gotten authorization for the transaction from the Secretary, who, Higgins said, was "very much put out about it."⁴³

The President sent Higgins' letter to Hitchcock, who, in a letter of May 12, 1906, was able to defend his position in regard to Barnsdall. He maintained that both

⁴³ Frank W. Higgins to Theodore Roosevelt, May 10, 1906, Box 35, E.A.H. Papers.

Barnsdall and Guffy had acquired large acreage by means which could not be approved. The transfer of the 5,500 acres of the Cherokee lease was accompanied by other leases in the Osage Nation for which Barnsdall had paid one and one quarter million dollars. The transfer was made without the approval of the Secretary of the Interior, which approval had been a condition in the original lease.⁴⁴

Hitchcock also claimed that Barnsdall had been informed that he would be given the privilege of acquiring the number of gas wells needed to furnish natural gas to St. Louis and Muskogee, Indian Territory, if he would comply with terms that would be fair to the Indians. Hitchcock wanted the operators to pay a percentage of the receipts on each well, 2½ percent. Barnsdall offered one hundred and fifty dollars per well, which Hitchcock considered would give him an "extraordinary margin of profit." Hitchcock also wanted a meter which cost \$1,500 on each well. Hitchcock made clear that his first concern was that the Indians be given a fair return. If the operator felt that he could give a fair share to the Indian owner, and still be able to operate at a profit for himself, the Department was willing

⁴⁴ E.A.H. to Theodore Roosevelt, May 12, 1906, Box 23, E.A.H. Papers.

to give him approval. Hitchcock maintained, however, that he had not approved Barnsdall's proposition because it did not give the Indians a fair share of the profits.⁴⁵

In August T.N. Barnsdall and his attorney, James K. Jones, visited President Roosevelt and discussed oil leases in the Indian and Oklahoma Territories. Hitchcock, having read of the visit in the New York Sun, inquired of William Loeb about the purpose of the visit. Loeb told him that Jones was to submit a written report to the President.⁴⁶

When Jones' report, dated August 15, 1906, had been received by Roosevelt, he forwarded it to Hitchcock with a letter commenting upon it. Jones made four requests for Barnsdall. First, that Barnsdall be allowed to select 4,800 acres for oil and gas purposes from the leases he had in his own right and those which he had acquired from Guffy and Galy. Second, that contracts for drilling 7,000 acres of other people's land be ratified. Third, that Barnsdall's rights be recognized in 160,000 acres in the Osage Reservation. Fourth, that Barnsdall pay a fixed sum per year on natural gas wells, rather than pay on a percentage basis. Roosevelt said that he would like to hear from Hitchcock

⁴⁵ Ibid.

⁴⁶ E.A.H. to William Loeb, August 10, 1906, Box 23, William Loeb to E.A.H., August 13, 1906, Box 26, E.A.H. Papers.

about the proposals and that he would also like to bring the matter before the Cabinet. He suggested that Hitchcock consult James Garfield, head of the Bureau of Corporations, who had investigated the activity of the Standard Oil in Kansas and in the Oklahoma and Indian Territories. Hitchcock was pleased to ask Garfield to comment upon Jones' letter because Garfield had helped to prepare some of the rulings on gas and oil lands in the Indian Territory.⁴⁷

Garfield, writing to Hitchcock and to Roosevelt, showed no sympathy for Barnsdall. Garfield claimed that Barnsdall "flagrantly violated perfectly plain provisions of the leases." The drilling contracts, which Barnsdall wanted recognized, were actually sub-leases and therefore, Garfield maintained, should have been approved by the Secretary. Garfield also supported Hitchcock on the return for each well being on a percentage basis, rather than on a fixed sum per well.⁴⁸

By September 6 the President was almost convinced that Hitchcock's position was correct, especially since Garfield agreed with Hitchcock. Hitchcock, at that time,

⁴⁷ Theodore Roosevelt to E.A.H., August 18, 1906, Box 1; E.A.H. to Theodore Roosevelt, August 24, 1906, Box 23, E.A.H. to James Garfield, August 27, 1906, Box 31, E.A.H. Papers.

⁴⁸ James Garfield to E.A.H., September 1, 1906, Box 30, E.A.H. Papers.

was having Assistant Attorney General, Frank Campbell, go over the matter and the President cautioned him that there was no need to hurry as it was important that the government position should be clearly shown to be right.⁴⁹ On September 26 Hitchcock sent Roosevelt a sixteen page letter which was a strong plea that the President deny Jones' appeal for Barnsdall.⁵⁰

After a further exchange of letters between Jones and the President and among the President, Hitchcock and Garfield, Roosevelt wrote to Hitchcock on November 3, "It does not seem to me worthwhile to have any further correspondence on the subject, and I accordingly close the matter with the statement that I accept your views."⁵¹

The independent operators in the Territory backed Hitchcock's position. They felt that the enforcement of the rulings of the Department gave the small operator protection against the monopolizer, particularly against the Standard Oil Company. They regarded Barnsdall as being in

⁴⁹ Theodore Roosevelt to E.A.H., September 6, 1906, Box 1, E.A.H. Papers.

⁵⁰ E.A.H. to Theodore Roosevelt, September 26, 1906, Box 23, E.A.H. Papers.

⁵¹ Theodore Roosevelt to E.A.H., November 3, 1906, Box 26, E.A.H. Papers.

league with the Standard Oil Company.⁵²

The President's acceptance of the position which Hitchcock had taken was a victory for the Secretary. Before he could enjoy the satisfaction of having won Presidential agreement, however, he provoked Roosevelt's wrath by the publication of the Higgins correspondence. Hitchcock had held hearings in May and June on the oil and gas lands in Oklahoma and the Indian Territory. He had interviewed independent operators. He published the hearings and included in the pamphlet Governor Higgins' letter to Roosevelt in behalf of Barnsdall. Also included was Hitchcock's letter to the President commenting upon the Higgins letter.⁵³

On August 16, 1906 William Loeb, the President's secretary, sent Hitchcock a newspaper clipping and inquired for the President as to when the correspondence mentioned in the article had been made public.⁵⁴ The clipping, from the New York Sun, August 16, 1906, referred to the Higgins

⁵² Thomas A. Latta to E.A.H., August 16, 1906, A.B. Butler to Theodore Roosevelt, August 17, 1906, Box 26, E.A.H. Papers.

⁵³ Department of the Interior, Oil Lands in the Indian Territory and Territory of Oklahoma, Hearings before the Secretary, p. 5.

⁵⁴ William Loeb to E.A.H., August 16, 1906, in Box 26, E.A.H. Papers.

correspondence. The article was laudatory of the Secretary of the Interior. It claimed that his "epistolary style" revealed "some of the attractive and commendable characteristics of a zealous, intelligent, honest and honorable servant."⁵⁵

Hitchcock wrote to the President that he was not responsible for the article, except to the extent that the correspondence referred to had been included in a pamphlet issued by his authority. He explained that the reason that he had included the correspondence in the pamphlet was that the hearings had been held because of the dissatisfaction of the independent operators with Guffy and Barnsdall and that therefore the correspondence had a bearing upon the hearings.⁵⁶

When Hitchcock's letter had not reached Oyster Bay by August 28, Roosevelt, becoming impatient, had Loeb write again.⁵⁷ Three days later the President, himself, wrote to Hitchcock about the publication of the correspondence. He claimed that the publication of the correspondence gave the

⁵⁵ The New York Sun, 16 Aug. 1906, in Box 26, E.A.H. Papers.

⁵⁶ E.A.H. to Theodore Roosevelt, August 22, 1906, Box 23, E.A.H. Papers.

⁵⁷ William Loeb to E.A.H., August 24, 1906, Box 2, E.A.H. Papers.

"Democratic opponents of the administration in New York a weapon wherewith to attack the Republican party." He stated that the letter had been published without his authorization. He pointed out that he received many letters which he gave to his Cabinet officers and that it was necessary that the confidence of the writers be maintained. He said:

If the Cabinet officer, without consultation or authorization by me, publishes the correspondent's letter and his . . . letter to me in response, it renders it impossible for me to continue to treat him in such matters in the confidential manner which it is so eminently desirable should obtain between the President and members of his Cabinet.⁵⁸

The language of the letter was strong enough to have provoked Hitchcock's resignation, but he seems to have ignored its implications. He thanked the President for the "frank and honest spirit" in which Roosevelt had written to him. He assured the President that in the future he would conform to his wishes.⁵⁹

Although Roosevelt claimed that the publication of the correspondence had been without his authority, there is evidence that he was, at least, aware of Hitchcock's intention to include the correspondence in the pamphlet. Hitchcock's Secretary, Smith, wrote to Hitchcock from California his

⁵⁸Morison, Letters of Theodore Roosevelt, V, 387.

⁵⁹E.A.H. to Theodore Roosevelt, September 1, 1906, Box 1, E.A.H. Papers.

recollection of the events surrounding the publication. He recalled that Hitchcock had told him that he, Hitchcock, had discussed with the President his intention to include the correspondence in the pamphlet. Smith also said that the Higgins letter had already been made public in the newspapers before the publication in the pamphlet. Barnsdall had given the contents of the letter to a Pittsburgh paper.⁶⁰

The episode shows the growing annoyance of the President with his Secretary of the Interior. In his effort to achieve ends, which he considered vital, Hitchcock often disregarded the political aspects of his actions. Roosevelt, in his position as President, had to be concerned with the political implications. He fully realized his need of a cooperative Congress. He could not afford to condone anything which might alienate members of his own party or which might give the Democratic Party victory in the November elections.

Coal lands in the Indian Territory also caused concern in 1906. In the Spring, Congress was considering a bill for the settlement of the affairs of the Five Civilized Tribes. This bill, as it came from the House, provided for the leasing of coal lands. In the Indian Affairs Committee

⁶⁰ W. Scott Smith to E.A.H. (telegram) August 22, 1906, August 30, 1906, Box 26, E.A.H. Papers.

of the Senate an amendment to permit the sale of the coal lands was proposed. Robert M. La Follette of Wisconsin opposed the amendment, and the bill passed without the provision for the sale of the coal lands. While the bill was in the Senate, La Follette suggested to the President that the Government should withdraw all coal land, both in the Indian Territory and in the public domain, from sale and entry. On June 20 La Follette offered a joint resolution which would have permitted the President to withdraw coal lands.⁶¹

After the resolution failed to pass, the President withdrew the coal lands without Congressional approval. Hitchcock, acting under the President's order of June 29, 1906, withdrew, during the remainder of the year, 66,000,000 acres of public land containing coal. The land was temporarily withdrawn to permit classification by the Geological Survey.⁶²

In the President's estimation, the laws providing

⁶¹Belle Case La Follette and Fola La Follette, Robert M. La Follette (2 vols. New York: Macmillan Company, 1953), I, 210-11, 220-22; Robert M. La Follette, Autobiography (Madison: The University of Wisconsin Press, 1960), pp. 164-65; Dorothy Ganfield Fowler, John Coit Spooner (New York: University Publishers, 1961), pp. 363-65.

⁶²Peffer, The Closing of the Public Domain, p. 69.

for the entry of coal lands "put a premium upon fraud because they forbid individuals and corporations from securing a sufficient quantity of land to warrant their going into the coal and mining business and yet render it easy for them to secure the extra quantity by evasion of the law."⁶³ In a special message to Congress on December 17, 1906, Roosevelt asked for legislation which would provide for the leasing of coal lands.⁶⁴

La Follette drew up a bill to be presented at the next session of Congress. Although Roosevelt had given La Follette the impression that he would support La Follette's bill, he backed a bill prepared by Charles Walcott, Director of the Geological Survey, and introduced by Senator Knute Nelson of Minnesota. The President felt that there was a better chance of getting Nelson's bill through Congress, since most particulars were not fixed by law, leaving much to the discretion of the Secretary of the Interior.⁶⁵

In commenting upon a letter of La Follette to the President, Hitchcock, on February 2, 1907, strongly urged that a bill for the withdrawal of coal lands should "not be loaded down with extensive details." He wanted the details

⁶³ Theodore Roosevelt to E.A.H., December 13, 1906, Box 38, E.A.H. Papers.

⁶⁴ Congressional Record, 59th Cong 2d Sess., p. 450.

⁶⁵ Hay, Conservation and the Gospel of Efficiency, p. 86.

left to the head of the department. La Follette had stated that "the really vital thing to be secured by any law should be expressed in the statute and not handed over to the discretion of any man." Neither bill was passed by Congress that session.⁶⁶

Attention was brought to bear upon the disposition of segregated coal lands in the Indian Territory by a Select Committee of the Senate. This committee, which carried on an investigation of the Indian Territory in the autumn of 1906, reported on January 16, 1907. It suggested two plans for the disposal of coal lands. The first was outright sale under the direction of the Secretary of the Interior to the highest bidder. The second was the sale of surface rights, reserving the mineral rights for sale, under terms approved by the Secretary. Hitchcock had submitted a plan for leasing so that the income could be used for the education of the Indian children. Commissioner Leupp had a plan for forming a corporation in which the Indians would be stockholders. Both plans were ignored by the Committee.⁶⁷

The President favored Leupp's plan and hoped that it

⁶⁶ E.A.H. to Theodore Roosevelt, February 2, 1907, Box 23, E.A.H. Papers.

⁶⁷ E.A.H. to Theodore Roosevelt, January 29, 1907, Box 23, E.A.H. Papers.

would be adopted. In any case he did not want to see an outright sale of the lands. He told Hitchcock that he had no objection to the sale of the surface rights, but that he wanted the mineral rights retained by the Indians.⁶⁸

The Select Committee of the Senate, whose Chairman was Senator C.D.Clark of Wyoming, was critical of the policies followed by the Department of the Interior in regard to many aspects of the administration of the Indian Territory. The Committee claimed that Hitchcock had withdrawn land from allotment and in doing so had violated the Congressional legislation for the Five Civilized Tribes of June 21, 1902. Hitchcock, on the advice of James Wilson, Secretary of Agriculture, had withdrawn from allotment about 4,000,000 acres of land belonging to the Five Civilized Tribes in the Indian Territory. The Department of Agriculture planned to create a forest reserve from about 1,500,000 acres of the withdrawn land. Hitchcock, Wilson and Gifford Pinchot were called to testify before the Committee on December 19, 1906.⁶⁹

⁶⁸Theodore Roosevelt to E.A.H., February 1, 1907, Box 35, E.A.H. Papers.

⁶⁹The New York Times, 20 Dec. 1906, p. 6; E.A.H. to Theodore Roosevelt, January 29, 1907, Box 23, E.A.H. Papers; United States Congress, 59th Cong., 2d Sess., Doc. no. 286, Select Committee of the Senate on Affairs in the Indian Territory (Washington: Government Printing Office, 1907), pp. 63-67, in Box 53, E.A.H. Papers.

Hitchcock acquainted prominent members of the Senate with his position. On January 9, 1907 he wrote to John C. Spooner of Wisconsin that he was "more than pleased that you found the opinion I sent you, so far as you had time to examine it, an adequate defense of the charge that I have arbitrarily and without justification suspended an act of Congress."⁷⁰

The New York Sun spoke out in defense of Hitchcock, demanding that the President publicly support his Secretary of the Interior.⁷¹ This brought a letter from Roosevelt to Hitchcock on January 17, 1907, in which the President said:

Would it not be well for me to write a letter either to the Congress, or to the Chairman of the Senate Committee which is dealing with these Indian lands, in which I should state the position that the administration has taken on Indian lands, as well as the coal lands and the like, and put the issue definitely before them? Some of the actions you have taken in this matter were taken by my direction; some not by my direction, but with my hearty approval. If you think well, will you give me some memoranda for such a message?⁷²

⁷⁰ E.A.H. to John C. Spooner, January 9, 1907, Box 22, E.A.H. Papers.

⁷¹ The New York Sun, 13 Jan. 1907, Box 1, E.A.H. Papers.

⁷² Theodore Roosevelt to E.A.H., January 17, 1907, Box 1, E.A.H. Papers.

Hitchcock hesitated,⁷³ but finally on January 29, 1907 wrote the President explaining his position on all policies criticized by the Committee. He commented first on the committee's remarks as to the status of the Five Civilized Tribes. The Committee claimed that although an act of Congress had made the members of the Tribes citizens, yet, Congress and the Department of the Interior, acting on legislation passed by Congress, still treated the Indians as wards of the Government. Hitchcock pointed out to the President that most of the members of the Select Committee had served on the Senate Committee of Indian Affairs since 1903 "without apparently having made the discovery which is now proclaimed." Hitchcock informed the President that he had consulted with the law division of the Department of the Interior and he had been advised that Congress still had power to exercise guardianship of Indian property.⁷⁴

The Select Committee recommended that all restrictions be removed from the surplus lands of all citizens of the Five Civilized Tribes except minors. An amendment had been added to the Indian appropriation bill providing for

⁷³ E.A.H. to Charles Nagel, January 19, 1907, Box 22, E.A.H. Papers.

⁷⁴ E.A.H. to Theodore Roosevelt, January 29, 1907, Box 23, E.A.H. Papers.

this. Hitchcock was not in favor of such a move because he believed that it would lead to the pauperization of the tribes.⁷⁵

The Select Committee called attention to the dissatisfaction with the Government policy in regard to oil and gas leasing in the Territory. It claimed that Government restrictions were too drastic. Hitchcock maintained that to do away with government supervision would eventually lead to monopoly control and to the loss of royalties for the Indians.⁷⁶

Hitchcock explained his withdrawal of land from allotment, which had been criticized by the Select Committee as a violation of an Act of Congress of July 1, 1902. He claimed that he acted under an Act of April 26, 1906 which permitted the Secretary of the Interior to use his judgment in selling unallotted land of the Choctaw and Chickasaw Nations, which were not valuable for mining, agriculture or timber. He therefore felt justified in withdrawing forested land so that the Department of Agriculture could determine whether the preservation of this land would be in the best

⁷⁵Ibid.; The St. Louis Republic, 11 Feb. 1907, Box 28, E.A.H. Papers.

⁷⁶E.A.H. to Theodore Roosevelt, January 29, 1907, Box 23, E.A.H. Papers.

interests of the Indians.⁷⁷

On February 1, 1907, the President replied to Hitchcock's letter giving him permission to use it as he chose. He endorsed Hitchcock's stand on most points. He agreed that the Indians remained wards of the government even after the Act of March 3, 1901 had made them citizens. As for removing the restrictions from the surplus lands of the Indians, his views differed slightly from Hitchcock's. He was willing that the Indian should sell all the land that he himself could not use, provided that homesteads should be kept inalienable and that minors and incompetents be protected. He agreed with Hitchcock that the Government should keep control of oil and gas lands and not permit their loss to the Indians under conditions which would lead to monopoly. He advocated that the system of leasing under restrictions imposed by the Department of the Interior be continued. He gave his unreserved approval to the withdrawal of timber lands from allotment by the Secretary.⁷⁸

On February 7, 1907 the Senate voted to strike amendments added to the Indian Appropriation bill by the Select Committee. Senator Curtis of Kansas spoke in favor of main-

⁷⁷
Ibid.

⁷⁸
Theodore Roosevelt to E.A.H., February 1, 1907,
Box 35, E.A.H. Papers.

taining restrictions on lands of the Indians in the Territory. He cited examples of cases in which Indians had sold valuable land at great loss. Curtis, who was new in the Senate, was aided in the fight by John Spooner of Wisconsin, Nelson Aldrich of Rhode Island and Eugene Hale of Maine.⁷⁹ Newspapers hailed the defeat of the amendments to the Appropriation Bill as a vindication of Secretary Hitchcock's policies in the Indian Territory.⁸⁰

⁷⁹ Congressional Record, 59th Cong., 2d Sess., p. 2414.

⁸⁰ The New York Sun, 6 Feb. 1907, The St. Louis Republic, 11 Feb. 1907, in Box 28, E.A.H. Papers.

CHAPTER IX

PENSIONS, PATENTS, MISCELLANEOUS

Besides the General Land Office and the Indian Office, the Secretary of the Interior had under his supervision two other large bureaus, the Pension Office and the Patent Office, and other government agencies including the U.S. Geological Survey, the Bureau of Education, the territories, the national parks and the eleemosynary institutions. Many of these agencies functioned routinely and it will be necessary to note only those occasions when Hitchcock took a particular interest in the activities of any one of the agencies.

Hitchcock's principal interest in the Pension Office seems to have been an unsuccessful effort to get legislation which would make for greater efficiency in the operation of the Office. The Pension Bureau had a central office in Washington and a field staff. The Washington office was headed by the Commissioner of Pensions and under him were a number of chiefs each heading a division dealing with a special type of claimant. The field staff consisted of

eighteen pension agents and hundreds of medical examiners.¹

Since pensions were granted under acts of Congress which provided that the claimant had to prove military service and a disability incurred due to that service, the medical examiner played an important role. Each medical board had three physicians who were political appointments. Often they were not competent, because the man who had a successful medical practice of his own did not have time for service on a pension board nor did he have time for the political activity necessary to get the appointment. These men, frequently, had little knowledge of pension laws. Their decisions lacked consistency, one examiner granting a pension for a disability, another refusing a pension for a similar case.² In 1901 the Commissioner of Pensions suggested, and Hitchcock in his annual report supported the suggestion, that a traveling medical examining board be established consisting of two medical examiners, one attorney, one stenographer and one typist. It was hoped that the board might give more consistent reports.³ The Secretary also tried,

¹ Leonard D. White, The Republican Era: 1869-1901 (New York: Macmillan Company, 1958), pp. 210-11.

² Ibid., pp. 208-209, 212.

³ Secretary of the Interior, Annual Report, 1901, p. 83.

without success, to have legislation passed which would provide for a number of cases of pension claims involving questions of law being brought to the Court of Claims and the Supreme Court. This would establish judicial precedent for the guidance of the Pension Commissioner and so speed up the work of the office.⁴

E.F. Ware, who became Pension Commissioner in 1902, made a conscientious effort to improve the work of the Pension Bureau. He was able to increase the efficiency of the office by careful selection of applicants for positions, especially by eliminating the elderly. Superannuation was a particular problem in the Pension Office. In two years Ware was able to lower the average age from fifty-six years to fifty years and two months. He reported to the Secretary that there had been a "corresponding increase in ability and push."⁵

In 1906 the work of the Pension Bureau was up to date. This had been achieved by a "careful adjustment of the force of employees warranting a large decrease in their

⁴U.S. Congress, 56th Cong., 2d Sess., House Doc. no. 5, Secretary of the Interior, Annual Report, 1900 (Washington: Government Printing Office, 1900), pp. 62-63; Annual Report, 1901, p. 85.

⁵E.F. Ware to E.A.H., August 1, 1904, Box 12, E.A.H. Papers.

number and with a saving of over \$200,000 in salaries and other current expenses."⁶

The work of the Patent Office was done in Washington. There was no field staff. The work of this office was routine and Hitchcock does not seem to have needed to give it much attention. The Patent Office had two persistent problems. First it had an ever increasing work load with a need for highly trained employees to meet the demand for service. Because of the technical nature of the work of a patent examiner, the office required men who had scientific training. It was difficult to hold qualified men in the examining corps at the low salaries which the Government paid. The second problem was lack of space for storage. Hitchcock never succeeded in solving these problems and they appear in each annual report.⁷

The Geological Survey took on added importance in 1902 with the organization of the Reclamation Service in the Hydrography Division. Both Roosevelt and Hitchcock foresaw that the selection of sites for the reclamation

⁶U. S. Congress, 59th Cong., 2d Sess., House Doc. no. 5, Secretary of the Interior, Annual Report, 1906 (Washington: Government Printing Office, 1906), p. 68.

⁷Secretary of the Interior, Annual Report, 1901, p. 91.

projects would have to be handled with great discretion to prevent dissatisfaction in the western states. The President suggested that the work be "divided up among the different States as fairly as possible."⁸ He was pleased when Hitchcock informed him on July 9 that he had had a conference with Charles Walcott, Director of the Geological Survey, and F.H. Newell, Chief Hydrographer, and that the field work would begin at once.⁹

In the first two years the Reclamation Service made rapid progress. By June 1904 the Government had withdrawn 39,956,040 acres for irrigation and had restored 4,045,130. In the Minidoha project in Idaho reclaimed land sold at twenty-six dollars per acre for farms that were from forty to one hundred sixty acres in size. Two other projects were in operation, the Salt River project in Arizona and the Uncompahgre Valley project in Colorado. In his annual report of 1906 Hitchcock noted that twenty-three projects were in the process of construction.¹⁰

⁸ Theodore Roosevelt to E.A.H., July 2, 1902, Box 36, E.A.H. Papers.

⁹ E.A.H. to Theodore Roosevelt, July 9, 1902, Vol. VIII, Secretary Hitchcock's Private Correspondence; Theodore Roosevelt to E.A.H., July 14, 1902, Box 1, E.A.H. Papers.

¹⁰ Secretary of the Interior, Annual Report, 1904, p. 11; Annual Report, 1906, p. 5.

The reclamation effort naturally invited criticism of the Department of the Interior. At times the Secretary found it necessary to refuse the petitions for the construction of projects. In 1905 several sites in Oregon had been proposed for reclamation projects. Senator Fulton tried to use his influence to have the projects undertaken. At the time there was strong feeling against the Department of the Interior on the part of various groups in Oregon because of the land fraud prosecutions. It was reported in an Oregon newspaper that Hitchcock intended to reject any irrigation projects in Oregon on the grounds that there were insufficient funds.¹¹

In November 1905 the editor of the Oregonian sent word to Hitchcock that he would no longer support Hitchcock if the Secretary abandoned all projects in Oregon. Hitchcock consulted with the Superintendent of Irrigation for Oregon and on December 4, 1905 the Secretary issued a statement that the Umatilla project and the Klamath project would be undertaken, but that there would not be sufficient funds to begin the Malheur project. Fulton gave his endorsement to the plan. He continued his interest in

¹¹ Neuhausen to E.A.H., November 13, 1905 (telegram); W. Scott Smith to Neuhausen, December 4, 1905 (telegram), Box 23; W. Scott Smith to E.A.H., July 13, 1906, Box 33, E.A.H. Papers.

irrigation projects in Oregon and in July 1906 Walcott complained to W. Scott Smith that Fulton's frequent visits were a nuisance.¹²

The Secretary of the Interior was frequently a target for criticism from those whose plans he opposed. In July 1906 the Los Angeles Times printed a derogatory article about Hitchcock. It claimed that he had opposed the Owens River project and that only the persistence of the delegation from Los Angeles and the interference of the President had saved the project. The article referred to Hitchcock as "a narrow-minded, peevish, old fellow having no mental grasp of the intricate problems involved in the construction of policies affecting land and irrigation." It further called him "arrogant," "obstinate," and claimed that he had "the small man's exaggerated idea of his own official powers and authority."¹³ Hitchcock believed that the attack upon him had been inspired by Lippincott, the supervising engineer in California, who had been brought to Washington on charges of receiving compensation from the Los Angeles Water Commission while in the employ of the United States Government. Through

¹² W. Scott Smith to E.A.H., July 13, 1906, Box 33, E.A.H. Papers.

¹³ The Los Angeles Times, 29 July 1906, in Box 37, E.A.H. Papers.

the intervention of Walcott, Director of the Geological Survey, Lippincott had been permitted to remain in the service if he would sever his connection with the company.¹⁴

In August 1906 Hitchcock asked W. Scott Smith, who was on vacation in California, to investigate Lippincott's responsibility for the newspaper article and also to find out whether or not Lippincott was still accepting money from the Los Angeles Water Commission.¹⁵ There is nothing to indicate whether or not Smith was successful in finding evidence against Lippincott.

Hitchcock seems to have been in agreement with the President on the placing of the Reclamation Service under the supervision of Newell and Walcott. In 1904 when a Senate bill would have permitted the President to appoint a supervising engineer in charge of all construction work under the Reclamation Service, Hitchcock told Roosevelt that he believed that the matter was in competent hands and that no change was necessary.¹⁶

Less than a year later, however, Hitchcock had

¹⁴ E.A.H. to W. Scott Smith, August 23, 1906 (telegram), Box 30; E.A.H. to Thomas Ryan, August 15, 1906, Box 37, E.A.H. Papers.

¹⁵ W. Scott Smith to E.A.H., September 3, 1906, September 4, 1906 (telegrams), Box 30, E.A.H. Papers.

¹⁶ E.A.H. to Theodore Roosevelt, March 5, 1904, Box 23, E.A.H. Papers.

occasion to rebuke Walcott and Newell. Two Senate bills pertaining to irrigation had been given to Walcott to review and to submit his recommendations. Walcott gave the report to the Senate Committee on Irrigation before submitting it to Hitchcock. Newell discussed the bills before the Committee without consulting Hitchcock. Hitchcock told Walcott that his actions were "highly discourteous to the head of this Department."¹⁷

In July 1906 Hitchcock again had occasion to show his dissatisfaction with Walcott and Newell. Newell wished to change the system of paying reclamation accounts by eliminating the check imposed by the disbursing officer designated by Hitchcock. The Secretary very emphatically told Walcott that the chief disbursing officer was to continue to maintain a careful scrutiny of the accounts of the Reclamation Service.¹⁸

As early as September 1905 Hitchcock had written to Assistant Secretary Thomas Ryan that he was very dissatisfied with Newell's administration of the Reclamation Service. He claimed that Newell was delegating too much responsibility to

¹⁷ E.A.H. to Charles Walcott, January 14, 1905, Box 22, E.A.H. Papers.

¹⁸ E.A.H. to Charles Walcott, July 17, 1906, Box 31, E.A.H. Papers.

others.¹⁹ Although Hitchcock may not have approved of Newell's work as Chief Engineer, it is probable that he could not have had him removed. Newell was closely associated with Gifford Pinchot and James Garfield in advising the President about affairs in the Department of the Interior.²⁰

The Bureau of Education collected statistics on education in the United States and published works pertaining to education. In 1900 the Education Bureau circulated material which caused Hitchcock to receive complaints. The Director of the Bureau received, from an Englishman, a tract of an historical nature which he was asked to circulate to educational institutions. Evidently the Director did not read the tract, which was a defense of the English in South Africa and a condemnation of the Boers. Hitchcock had the embarrassing task of trying to explain why such a publication came from the Department of the Interior.²¹

¹⁹ E.A.H. to Thomas Ryan, September 3, 1905, Box 22, E.A.H. Papers.

²⁰ After Garfield became Secretary of the Interior in 1907, the Reclamation Service was made an independent bureau and Newell was named Commissioner. U.S. Congress, 60th Cong., 1st Sess., House Doc. no. 5, Secretary of the Interior, Annual Report, 1907 (Washington: Government Printing Office, 1907), p. 35.

²¹ E.A.H. to John Brown, August 20, 1900, Vol. III, Secretary Hitchcock's Private Correspondence.

The eleemosynary institutions of the District of Columbia were under the supervision of the Secretary of the Interior. These included St. Elizabeth Hospital for the Insane, Freedman's Hospital, Howard University, Washington Hospital for Foundlings, Columbia Institute for Deaf and Dumb and the Maryland School for the Blind. The last named was operated by the State of Maryland, but the Government financed the training of the children of army and navy personnel and the children from the District of Columbia in the institution. By an Act of June 6, 1900 Congress created a Board of Charities for the District of Columbia which would visit, inspect, and supervise the eleemosynary institutions of the District. Hitchcock recommended in his report of 1901 that the supervision of the institutions be put either under the Board or under the Secretary of the Interior. He claimed that the dual supervision was detrimental to the efficient operation of the institutions. The recommendation was not acted upon, and he continued to make it in each annual report.²²

An exchange of letters between Hitchcock and Elihu Root, Secretary of State, shows that air pollution was a problem even in 1905. Mrs. Hitchcock, in a conversation

²² Secretary of the Interior, Annual Report, 1901, p. 176.

with Elihu Root, told him that Washington was getting to be almost as bad as St. Louis in regard to the smoke nuisance. Root, writing to Hitchcock, told him of his wife's statement and informed him that one of the worst offenders was St. Elizabeth's Hospital for the Insane.²³ Hitchcock's answer gives evidence of a levity which he so seldom displayed in his official position:

It is too bad of Mrs. Hitchcock to be telling tales out of school, and I shall have to discipline her. All the same I shall endeavor to remedy the offense to which you call my attention, but it's pretty difficult to accomplish much where the atmosphere is charged with so much insanity.²⁴

The Government Hospital for the Insane at the time when Hitchcock was Secretary of the Interior housed 2,500 patients and employed 500 workers. It was overcrowded and a fire hazard. Hitchcock persuaded the Speaker of the House, Joseph Cannon, to visit the hospital, and he convinced Cannon of the need for remodeling. Congress granted a million dollar appropriation. Two-story cottages were constructed with 200 to 400 patients assigned to a cottage. The lower, smaller structures made evacuation in case of fire easier. In 1908 when the city of St. Louis was

²³ Elihu Root to E.A.H., October 30, 1905, Box 14, E.A.H. Papers.

²⁴ E.A.H. to Elihu Root, October 31, 1905, Box 22, E.A.H. Papers.

considering remodeling its hospital for the insane, Hitchcock addressed the Board of Public Improvements and suggested that they investigate what had been done in Washington.²⁵

The territories of Alaska, Arizona, Hawaii, New Mexico and Oklahoma were under the supervision of the Secretary of the Interior. The governors reported directly to him. The governors of the territories were usually local men who were involved in the political and economic affairs of the territory. Hitchcock often found it necessary to remind them to use discretion when acting in an official capacity. Early in Hitchcock's administration John Hay, the Secretary of State, appealed to Hitchcock to restrain the outbursts of John G. Brady, Governor of Alaska, in regard to territory claimed by both the United States and Canada. Hay feared that the Governor's outspoken remarks would incite the people of Alaska to violence. He requested that Hitchcock give Brady "some hint of the impropriety of the language he is indulging in."²⁶ Hitchcock wrote to Brady that he trusted that the report that Brady had given

²⁵ Secretary of the Interior, Annual Report, 1902, p. 152; E.A.H. to the President and Members of the Board of Public Improvements, St. Louis, Missouri, May 7, 1908, Box 32, E.A.H. Papers.

²⁶ John Hay to E.A.H., March 23, 1899, Box 14, E.A.H. Papers. See Chapter II for cause of boundary dispute.

interviews in regard to the disputed territory was incorrect. He said that he was sure that Brady would see "the impropriety of any Government's officials giving expression to sentiments likely to create either incendiary talk or action upon a question of the utmost delicacy and difficulty now pending before the two governments. . . ." ²⁷

Brady's reply admitted that he had given interviews in regard to the boundary dispute. He told the Secretary that he did not want a contest with the Canadians, but that he wanted facts known. He claimed that the Canadians in the disputed area were being aggressive. ²⁸

Hitchcock with his strong sense of duty considered that the governors should be in their territories attending to business. He frequently either had to refuse Brady leave of absence or to remind him to return to Alaska. In May 1900 Vespasian Warner, Chairman for the Committee on Revision of the Laws, wanted Brady retained in Washington for consultation in regard to a Senate bill containing provisions for the civil government of Alaska. Hitchcock pointed out that Brady had been absent from Alaska for the entire Winter and

²⁷ E.A.H. to John G. Brady, March 25, 1899, Vol. I, Secretary Hitchcock's Private Correspondence.

²⁸ John Brady to E.A.H., April 6, 1899, Vol. I, Secretary Hitchcock's Private Correspondence.

he asked that the Committee formulate questions which could be answered by Brady without delay. In September 1901 Brady asked for thirty days leave of absence to meet fish packers in San Francisco. He also wished to visit the State of Washington. Hitchcock refused his request.²⁹

During Hitchcock's administration Oklahoma, Arizona and New Mexico sought admission to the Union as states. In 1901 the Governor of Arizona recommended statehood for his territory. The following year the Governor of New Mexico made the same recommendation for his state. New Mexico did not wish to be joined to Arizona because the large Mexican population feared discrimination by the people of Arizona.³⁰ Oklahoma and the Indian Territory also asked for admission.

The question of statehood was one that was fraught with political implications. President Roosevelt warned Hitchcock:

Several of the Senators have been uneasy lest something might appear in your report about statehood for Oklahoma. I have told them that of course your report will not in any way touch upon the question

²⁹ E.A.H. to Vespasian Warner, May 7, 1900, Vol. III; E.A.H. to John G. Brady, September 30, 1901, Vol. V, Secretary Hitchcock's Private Correspondence.

³⁰ Secretary of the Interior, Annual Report, 1901, p. 124; Annual Report, 1902, p. 1091

of statehood for any of our territories. This is correct is it not?³¹

Hitchcock assured the President that he would follow the policy which he had used in his last annual report of stating that the question of admission of a territory as a state was within the jurisdiction of Congress and that the Secretary of the Interior could merely make known the views of the governors of the territories. No territory entered the Union while Hitchcock was in office. An enabling act passed Congress in 1906 which provided for joint statehood for Oklahoma and the Indian Territory, but the new state of Oklahoma did not join the Union until November 1907.³²

The Oklahoma Territory, which had been created by act of Congress in 1890 from land which had been part of the Indian Territory, was of particular concern to Hitchcock during his administration. The land area of the territory expanded as Indian tribes took their land in severalty under the Dawes Act of 1887 and their remaining lands were offered to settlers for sale. The population of Oklahoma increased, towns grew and political factions fought for control of the territory which would soon be a state.

³¹ Theodore Roosevelt to E.A.H., September 3, 1903, Box 1, E.A.H. Papers.

³² E.A.H. to Theodore Roosevelt, September 5, 1903, Box 23, E.A.H. Papers.

The method used in the opening of land in the Indian Territory in 1889 and in subsequent openings of Indian land to settlement was that which was designated colloquially as the "sooner" method. Settlers were kept from the land until the day of the opening. When the appointed day arrived, they drew up at a starting line and, at the sound of a gun, crossed the line to stake their claims.³³

The resulting confusion and disorder made this an unsatisfactory method. In 1901 when Congress ordered the opening of the Wichita and Kiowa reservations, the President issued a proclamation, July 4, 1901, which provided for a drawing under the supervision of a committee appointed by the Secretary of the Interior. Applicants would register, then their names would be drawn. The owners of the first thirteen thousand names drawn would choose homesteads in the order in which their names were drawn.³⁴

Hitchcock, who had the responsibility of forming the committee for the supervision of the drawing, had difficulty finding a chairman to serve on the committee. He asked Senator Shelby M. Cullom of Illinois to accept the position.

³³ Marion Clawson, Uncle Sam's Acres (New York: Dodd, Mead & Company, 1951), p. 69.

³⁴ E.A.H. to W.H. Thompson, Jr., July 10, 1901, Vol. V, Secretary Hitchcock's Private Correspondence; E.A.H. to Theodore Roosevelt, August 1, 1901, Box 24, E.A.H. Papers.

Cullom refused because due to poor health he did not want to go into the Indian Territory in hot weather. Hitchcock, who was on vacation, cancelled a fishing trip to Canada to return to Washington to find a chairman to serve with Frank Dale of Oklahoma, an ex-chief Justice, and D.P. Dyer, an ex-United States Attorney from St. Louis. The choice fell to William A. Richards, Assistant Commissioner of the General Land Office, whose appointment was satisfactory to the President.³⁵

Hitchcock was pleased with "the quiet, orderly manner in which the opening was accomplished." He praised it as a "demonstration of the willingness of the American people to respect and to obey the law when its enforcement is accomplished by such rules and regulations as to provide an absolute equality of opportunity to all,"³⁶

The act, which had provided for the opening of the unallotted Kiowa and Comanche lands in Oklahoma, also provided for the establishment of townsites under the direction

³⁵ W. Scott Smith to George B. Cortelyou, July 19, 1901, E.A.H. to S.M. Cullom, July 19, 1901, W. Scott Smith to E.A.H., July 20, 1901, Vol. V, Secretary Hitchcock's Private Correspondence; E.A.H. to General S.M. Weld, July 22, 1901, Box 24, E.A.H. Papers.

³⁶ E.A.H. to W.A. Richards, October 11, 1901, Vol. IX, Secretary Hitchcock's Private Correspondence.

of the Secretary of the Interior. The proceeds from the sale of lots were to be used for the erection of a court house, the construction of bridges, roads and public improvements. Hitchcock deposited the money from the sale of the lots in the United States sub-treasury in St. Louis.³⁷

In August 1903 accounts appeared in St. Louis newspapers accusing Hitchcock of depositing money in the St. Louis Trust Company and drawing the interest for his own use.³⁸ On August 20 the New York Times printed an article on the first page captioned, "Secretary Hitchcock now faces charges." In this account the Union Trust Company of St. Louis was mentioned as the recipient of the funds and Hitchcock was accused of withholding funds for the construction of water works for the town of Lawton.³⁹

The following day Hitchcock's denial of the accusations appeared in the Times. He explained that the county commissioners appointed by Governor Jenkins of Oklahoma had presented a scheme for water works which was unsatisfactory and that the hydrographers of the Geological Survey were

³⁷ Memorandum prepared by James J. Parker, Chief of Lands and Railroad Division, June 18, 1906, Box 35, E.A.H. Papers.

³⁸ E.A.H. to H.D. McKnight, August 1903, Vol. IX, Secretary Hitchcock's Private Correspondence.

³⁹ The New York Times, 20 Aug. 1903, p. 1.

investigating the means of supplying the town of Lawton with water.⁴⁰

The criticism disturbed Hitchcock and he hastened to write to Theodore Roosevelt that he had given the newspapers his "absolute denial of the practically criminal charges." He told the President that the publication was brought about by yellow journal newspaper men in Washington who were in sympathy with "grafters and scoundrels" in the territory.⁴¹

The President's reply the next day expressed surprise that "a paper of the former character of the Times should let itself be drawn into such an infamous scheme." He assured Hitchcock that he "never gave the matter a second thought."⁴²

Governor T.B. Ferguson of Oklahoma wrote Hitchcock that although the press told of meetings held in the towns criticizing Hitchcock's disbursement of funds, the general opinion seemed to be that Hitchcock was acting responsibly. He said that the indictment of town officials for corruption

⁴⁰ Ibid., 21 Aug. 1903, p. 6.

⁴¹ E.A.H. to Theodore Roosevelt, August 21, 1903, Box 33, E.A.H. Papers.

⁴² Theodore Roosevelt to E.A.H., August 22, 1903, Box 1, E.A.H. Papers.

by the grand jury of Kiowa County was vindication of Hitchcock's cautious policy in regard to disbursing funds.⁴³

In February 1904 the mayor of Lawton and a group of citizens wrote to the President about obtaining authorization of the Secretary of the Interior to let contracts for public works, using the funds from the sale of townsite lots. Hitchcock advised the President of his reasons for not approving the contracts. He said that he had proof that the mayor and the city clerk of Lawton had employed two men, J.L. Hamon and R.J. Ray, to assist the town in getting the balance of the fund. The two were to receive ten per cent of whatever they were able to procure for the town. Hitchcock contended that officials who used such methods to gain control of the funds and who resorted to the press to destroy the confidence of the people in the Secretary of the Interior did not seem to him to be men who would administer the funds properly.⁴⁴

In May 1906 the question of the funds from the sale of townsites in Oklahoma again came to public attention. The Committee on Appropriations of the House of

43

T.B. Ferguson to E.A.H., September 9, 1903, Box 12, E.A.H. Papers.

44

E.A.H. to Theodore Roosevelt, February 26, 1904, Box 23, E.A.H. Papers.

Representatives questioned the deposit of the money in the sub-treasury and the disbursement of the funds upon the official check of the Secretary of the Interior, rather than the placement of the funds in the United States Treasury. Hitchcock appeared before the Committee on May 10 and wrote to the Chairman of the Committee on May 16. He informed the Committee that in August 1901 the Assistant Treasurer in St. Louis inquired about his right to accept the deposit of funds from townsite sales and that on August 12, 1901 the Secretary of the Treasury wired him to accept the funds. Hitchcock explained that the funds were not public moneys but were being held in trust; therefore, it was proper that they should not have been deposited with public moneys in the Treasury. He also told the Committee that, "This matter was not done in a corner." He reminded them that the Annual Report of the Secretary of the Interior gave a full account of the funds and their disbursement.⁴⁵

An unpleasant duty which Hitchcock felt obliged to undertake was the investigation of the activities of Frank Frantz, Governor of Oklahoma, while Frantz had been Osage Indian Agent. Frantz, who had been a Rough Rider in the

⁴⁵ E.A.H. to Chairman of Committee on Appropriations, House of Representatives, May 16, 1906; Memorandum prepared by James J. Parker, Chief of Lands and Railroad Division, June 18, 1906, Box 35, E.A.H. Papers.

Spanish American War, had been appointed governor of the Oklahoma Territory in 1906 by Theodore Roosevelt. His friendship with the President had been influential in his previous appointments, as postmaster at Enid, Oklahoma and, in 1904, as agent at the Osage Indian Reservation.⁴⁶

In May of 1906 Major James McLaughlin, who had been sent to investigate conditions at the Osage Agency at Pawhuska, Oklahoma, found certain information which led him to suspect the integrity of Frantz's activities while in charge of the agency. On May 26 Hitchcock sent the President a letter written by McLaughlin, concerning the Osage Agency. He had previously shown the President two other letters of McLaughlin on the same subject. Hitchcock told the President that he felt that there should be an examination and that if the facts were verified he would find it necessary to ask for Frantz's removal from office. President Roosevelt agreed with Hitchcock that if the accusations were found to be true it would be necessary to remove Frantz from office and he ordered the Secretary to conduct an in-

⁴⁶ Frank Frantz to Theodore Roosevelt, June 25, 1906, Box 28; E.A.H. to Theodore Roosevelt, September 14, 1906, Box 23, E.A.H. Papers.

vestigation without delay.⁴⁷

William Burns was sent to Oklahoma to work with McLaughlin in the investigation. Burns travelled incognito through the Oklahoma territory. He collected affidavits from those who gave him evidence against Frantz. Frantz became aware of the detective's activities and on June 19 telegraphed Theodore Roosevelt to tell him of the presence of an inspector in Enid (Frantz's home town) who was making inquiries about him.⁴⁸

On June 25 Frantz, having been advised by the President that the inspector was acting with authority, wrote a ten page letter to Roosevelt to advise him of the methods used by Burns. He told the President that, "his present procedure has never been your way of doing things, as I know, and I am perfectly certain you have not sanctioned his tactics."⁴⁹ Frantz blamed the investigation on Hitchcock who, he claimed, had never missed an opportunity to humiliate

⁴⁷ W. Scott Smith to James McLaughlin, May 25, 1906; E.A.H. to Theodore Roosevelt, May 26, 1906, Box 23; Theodore Roosevelt to E.A.H., May 27, 1906, Box 28, E.A.H. Papers.

⁴⁸ W. Burns to E.A.H. (telegram), June 11, 1906, Box 23, Frank Frantz to Theodore Roosevelt, June 25, 1906, Box 28, E.A.H. Papers.

⁴⁹ Frank Frantz to Theodore Roosevelt, June 25, 1906, Box 28, E.A.H. Papers.

him ever since he had been appointed governor.⁵⁰

Certainly the association between the Secretary of the Interior and the governor of Oklahoma was not a friendly one. Hitchcock's correspondence with Frantz and with others seems to indicate that he felt that Frantz, because of his friendship with the President, disregarded Hitchcock's authority as Secretary of the Interior and by-passed him by going directly to the President.⁵¹ Another source of irritation was Frantz's frequent requests for leave of absence. Hitchcock's attitude on leave of absence was that, although Presidential appointees were not bound by the thirty day restriction which applied to other Government employees, they should not exceed that number of days except for good reason. Between January 31 and April 6, 1906 Frantz had three times contacted the Department concerning leaves of absence. On January 31 he sent a telegram saying that he was leaving for Washington at the request of the President. He had no approval from the Department. Less than a month later he asked permission to leave Oklahoma periodically to speak to commercial and political groups in the Indian Territory and in neighboring states. Hitchcock replied that he did not think it wise to

⁵⁰Ibid.

⁵¹E.A.H. to William Loeb, July 2, 1906, Box 23, E.A.H. Papers.

make an indefinite grant of leave of absence and he told Frantz that his application for leave would receive a prompt response each time necessary. Frantz wrote again in April asking for a ten day leave beginning on April 8 and requesting permission to visit Washington. On May 25, forty-seven days later, Hitchcock wrote to Frantz at the Willard Hotel in Washington to remind him that his ten day leave had expired.⁵²

The President insisted that Frantz had to be made acquainted with the charges against him.⁵³ Early in July Burns gave Frantz the report to answer. Frantz wanted to send his reply directly to the President, but he was told to report directly to the Secretary of the Interior. This caused Hitchcock to remark in a letter to William Loeb that he was thankful "for the determination of the President to have Governor Frantz recognize that there is such a thing as a Department of the Interior, and a duly appointed Executive thereof, inasmuch as he has studiously avoided such recognition heretofore."⁵⁴

⁵² Memorandum, Department of the Interior, Secretary's Office, August 9, 1906; E.A.H. to Frank Frantz, March 3, 1906, May 25, 1906, Box 26, E.A.H. Papers.

⁵³ W. Scott Smith to J.W. Hillman (Burns) (telegram), June 20, 1906, Box 23, E.A.H. Papers.

⁵⁴ E.A.H. to William Loeb, July 26, 1906, Box 23, E.A.H. Papers.

The charges in the Burns report, sent to the Secretary on August 14, 1906, can be divided into two categories, those pertaining to Frantz's actions in his official capacity as Osage Agent and those pertaining to his personal conduct.

In regard to his official actions, he was accused of accepting a bribe from oil men, of having knowledge of the fact that members of the Osage Council accepted bribes to pass on oil leases and of permitting undervaluation of townlots in approving townsite sales.⁵⁵

Some of the most damaging testimony against Frantz was obtained from Doctor Roger Hall, who seems at one time to have been a friend of Frantz. Hall claimed that Frantz, while Indian Agent, went to Bartletttsville where he was entertained by officials of the Illuminating Oil Company. This company had subleased the rights from Edwin P. Foster, who held the original Osage oil lease which had been granted in 1896 under the administration of Hoke Smith, Secretary of the Interior. The lease would expire in 1906 and could be renewed for ten years. The manager of the company, Mortimer F. Stillwell, drove Frantz back to the Agency at Pawhuska where Hall met him. Hall claimed that he was

⁵⁵ William J. Burns to E.A.H., August 14, 1906, Box 28, E.A.H. Papers.

present at the Agency when Stillwell spoke of giving Frantz an oil lease of 320 acres in return for favors Frantz would do for the company. Frantz told the oil men to put the lease in Hall's name. When Hall heard nothing from the oil company about the lease, he questioned Frantz, who told him that he expected "something better", but he did not say what he expected.⁵⁶

The Burns report also said that some of the members of the Osage Council had been bribed to agree to the Glenn lease, a sublease from the original Foster lease. W.T. Leahy and Charles Prudom confessed under oath that they had bribed three Indian members of the Council. Frantz was not present at the meeting of the Council which gave approval to the Glenn lease. Burns claimed that he stayed away because he knew of the bribe.⁵⁷

The third accusation had to do with the sale of townsite lots for the town of Pawhuska. Frantz, while Indian Agent, was chairman of the commission which appraised townsite lots. Burns claimed that his findings showed that the commission had given a low appraisal to lots assigned to Charles Prudom and W.T. Leahy, sublesers of the Indian

⁵⁶ Ibid.

⁵⁷ Ibid.

Territory Illuminating Oil Company. A special agent from the Indian Office had made an investigation and had questioned the appraisal. The matter had been brought to the attention of the Secretary and he had held up the sale of the lots which were later reappraised at double the original amount. Prudom and Leahy were the two men who confessed to bribing the Osage Council in the Glenn lease.⁵⁸

The charges against Frantz's personal conduct were in affidavits collected by Burns and McLaughlin, accusing him of intoxication and gambling. Hall testified that Frantz had been intoxicated on the night that he returned from Bartlettsville. A.W. Hurley, Chief Clerk of the Osage Agency, agreed with Hall's testimony. The manager of the oil company denied the charge against Frantz.⁵⁹

The report was delayed in being presented to the President because new evidence required further investigation. Roosevelt was still impatiently waiting the report on September 6, 1906. He warned Hitchcock of the political significance of the delay as elections drew near. If Frantz and his friends, who were Republicans, were guilty it would be much more damaging to take action against them in

⁵⁸ Ibid.

⁵⁹ Ibid.

September or October than it would have been in July.⁶⁰

On September 14 the report was ready for presentation to the President. Hitchcock's comment upon it was:

The record, to say the least, is shameful, and, making every allowance for exaggeration and mistake, the fact remains that, in my judgment, Governor Frantz has greatly abused your kindness and confidence, has scandalized the Department to which he is attached, and for the proper administration of which I am responsible, and in my judgment, falls far short, because of his associations and misconduct, of the high standard which you rightfully demand that each and every officer of your administration shall fully maintain.⁶¹

The President, having seen the report, seemed to be convinced of the seriousness of the charges. He added, in pencil, to a letter of September 15, 1906, "The report certainly looks bad for Frantz."⁶² Two days later he added a postscript to the same letter, having had an hour and a half conference with Burns and McLaughlin. He wrote of the case against Frantz, ". . . while I hope he can explain away the charges I am obliged to say it does not seem probable."⁶³ He said that he planned to have a meeting in

⁶⁰ Theodore Roosevelt to E.A.H., September 6, 1906, Box 1, E.A.H. Papers.

⁶¹ E.A.H. to Theodore Roosevelt, September 14, 1906, Box 23, E.A.H. Papers.

⁶² Theodore Roosevelt to E.A.H., September 15, 1906, Box 1, E.A.H. Papers.

⁶³ Ibid., Postscript September 17, 1906.

December of the two inspectors, Frantz and his brother, and Dr. Hall. In the meantime, Roosevelt told Hitchcock that he would send the report to Commissioner Leupp of the Indian Office.⁶⁴ On September 19 he wrote to Hitchcock that he wanted someone from the Justice Department and someone from the Indian Bureau to investigate the charges of bribery of the Osage Council. He again expressed concern about the charges in connection with the oil leases, although he did not attach any importance to the charges against Frantz's character.⁶⁵

Until receiving Leupp's comments upon the report, on September 27, the President had been in agreement with Hitchcock that there was justification for the investigation. Even after reading the report himself, he had been distressed about the seriousness of the charges. Leupp's letter completely changed the Presidential outlook. It discredited the work of the two inspectors. Leupp praised Burns' past work highly, characterizing him as "magnificent when he gets after professional crooks, or even crooks through degeneracy." He claimed, however, that Frantz did not fit into either of these two categories; therefore, the

⁶⁴
Ibid.

⁶⁵
Theodore Roosevelt to E.A.H., September 19, 1906, Box 1, E.A.H. Papers.

methods used by Burns and McLaughlin were wrong. He described Frantz as a young man of good background, but with a nervous temperament, which kept him constantly active. This temperament would cause him to travel, to hunt, to gamble or to drink. Leupp, however, drawing upon his past experience in studying men, classified Frantz's faults as weak rather than vicious.⁶⁶

The Indian Commissioner told the President that he found no evidence that "Frantz played false to you and the Secretary and myself on the Foster case matter," or that Frantz had accepted a bribe. He conceded that Frantz may have "'played politics' more or less, or have been inexcusably careless in the townsite matter." He cited as another weakness of Frantz his constant borrowing while agent at Pawhuska, "from local banks, from Indians, from boon companions in the neighborhood." He admitted that this would put Frantz in the position of at least ignoring unscrupulous conduct on the part of those to whom he owed money.⁶⁷

Leupp, also, informed the President that while the renewal of the Foster lease was before Congress, Frantz

⁶⁶ Francis E. Leupp to Theodore Roosevelt, September 27, 1906, Box 28, E.A.H. Papers.

⁶⁷ Ibid.

frequently appeared in Leupp's office showing the effects of "a sleepless night before with convivial accompaniments." Leupp had spoken to Frantz about this and he had laughingly claimed that it was necessary for him to have friendly social relations even with those whose business interests he opposed.⁶⁸

According to the President's instructions, two agents were sent, one from the Indian Office, Frank M. Conser, the other from the Department of Justice, Victor N. Roadstrum, to report on Frantz's conduct while agent at the Osage Agency. On October 26, 1906 President Roosevelt sent to Hitchcock the report of Conser and Roadstrum. In a letter accompanying the report, he told the Secretary that Leupp's letter of September 27 and the Conser-Roadstrum report completely exonerated Frantz of the charges against him. The President claimed that the letter and the report showed that "there had been no warrant whatever for what has been a very harassing and probably damaging investigation of him." The President enclosed affidavits which accompanied the Conser-Roadstrum report which he said created the impression that Hitchcock's private secretary, W. Scott Smith, had been in league with a political faction

⁶⁸Ibid.

which was opposed to Frantz. He told the Secretary that ". . . this incident gives me the gravest concern for it shows that I must myself exercise constant personal vigilance lest in similar cases in your Department irreparable injury may be done honest public servants."⁶⁹

Although the Conser-Roadstrum report and Leupp's letter to the President exonerated Frantz of the charges of corruption, they both acknowledged certain weaknesses on the part of Frantz, which might well have minimized his efficiency as a public official.⁷⁰

The relationship between Hall and Frantz was never explained satisfactorily. Either one or both had to be lying. Much of the testimony in the Burns report had come from Dr. Hall. Conser and Roadstrum discounted Hall's testimony, claiming that Hall was unreliable. This may have been true. He does not seem to have been a trustworthy type of person, considering the fact that he, who claimed to have been a close friend of Frantz, testified against him.

⁶⁹Theodore Roosevelt to E.A.H., October 26, 1906, Box 28, E.A.H. Papers.

⁷⁰Victor N. Roadstrum and Frank Conser to Theodore Roosevelt, October 23, 1906; Francis E. Leupp to Theodore Roosevelt, September 27, 1906, Box 28, E.A.H. Papers.

Frantz attempted to clear himself by stating that although he had known Hall for fifteen years he had never been on confidential terms with him. Yet the evidence showed that he and Hall had gone on a vacation to Cuba together. Also, the clerk at the Osage Agency testified that Hall was such a frequent visitor at the Agency that his presence would not have been noticed on the night when Frantz and Stillwell returned from Bartletttsville.⁷¹

Frantz's explanation for Hall's enmity toward him was that Hall had tried to engage in business deals at the expense of the Indians and Frantz had prevented him from doing so.⁷²

Yet this man, to whom Frantz referred as a "crook", was appointed a member of the Territorial Board of Examiners in April 1906 by Frantz, then governor of Oklahoma. The Conser-Roadstrum report claimed that the appointment had been made by Frantz's brother, Orville, his private secretary, and that Frantz did not know about it until later. It seems improbable that, even if the appointment had been

⁷¹Frank Frantz to E.A.H., August 6, 1906; W.J. Burns to E.A.H., September 6, 1906, Box 28, E.A.H. Papers.

⁷²Victor N. Roadstrum and Frank Conser to Theodore Roosevelt, October 23, 1906, Box 28, E.A.H. Papers.

made without Frantz's knowledge, (he was in Washington at the time on one of his leaves) that his brother would not have known of Frantz's opinion of Hall's character.

Roosevelt, in a letter to Leupp on September 18, expressed his concern about the suspicious nature of this relationship between Frantz and Hall. Leupp told the President that it had a "fishy" look to him. Yet Roosevelt later disregarded this aspect of the case.⁷³

Frantz's letter of August 6 to the Secretary of the Interior denied the accusations of drinking and gambling. Yet Leupp's letter to the President cited these as probable weaknesses in Frantz's character, and told of seeing evidence in Frantz's appearance that he had been drinking. Leupp also raised the point of Frantz's indebtedness to Indians and his association with men whose interests were at variance with the interests of the Indians. These aspects, too, were ignored by the President, although they certainly could have caused doubt as to Frantz's dependability as a public official.⁷⁴

⁷³ Ibid,; Francis E. Leupp to Theodore Roosevelt, September 27, 1906, Box 28, E.A.H. Papers; E. Morison, ed., Letters of Theodore Roosevelt, V, 415-17 (to Francis E. Leupp, September 18, 1906).

⁷⁴ Francis E. Leupp to Theodore Roosevelt, September 27, 1906, Box 28, E.A.H. Papers.

Leupp's deductions were probably correct. Frantz was not vicious or immoral; he was weak. The question arises as to whether or not this weakness was such as to impair his effectiveness as a public official. The President evidently did not think that it was. He was relieved not to have to ask for the resignation of his appointee. He accepted the decision of Conser and Roadstrum that Frantz had not taken bribes and disregarded the other evidence against Frantz.

The President accused Hitchcock of being influenced to conduct the investigation by the political faction opposed to Frantz. The political situation in Oklahoma was aggravated by the fact that an enabling act had been passed in June 1906 providing for joint statehood for Oklahoma and the Indian Territory. The election for delegates for the constitutional convention would take place in November 1906. The Republicans outnumbered the Democrats in Oklahoma, but they were the smaller party in the Indian Territory. Within the Republican Party in Oklahoma there was a factional division. Frank Frantz, the governor, and Bird McGuire, the delegate to Congress, were in one camp. Thomas B. Ferguson, the former governor, and Dennis T. Flynn were in the opposing

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camp.

Hitchcock seems to have favored the Ferguson and Flynn faction. He received letters from both in which they claimed that the McGuire group was opposed to Hitchcock's policies and were responsible for the unfavorable newspaper coverage for Hitchcock in Oklahoma. In the Spring of 1906 Flynn had come to Washington at the invitation of Hitchcock to disclose something detrimental about Frantz's character to the President. The President had arranged a meeting of Flynn and Frantz, and Flynn, when confronted, had not been able to support his charges. Hitchcock later told him that he had relied too heavily upon newspaper accounts, rather than upon facts.⁷⁶

Roosevelt, because of evidence uncovered by Conser and Roadstrum, suspected that W. Scott Smith had been in league with the Flynn faction in conspiring to bring about the investigation of Frantz. Smith had been in Oklahoma in the Spring of 1906. It was because of a memorandum which

⁷⁵ Monroe Lee Billington, Thomas P. Gore (Lawrence: University of Kansas Press, 1967), p. 16; Theodore Roosevelt to E.A.H., October 26, 1906, Box 28, William Grimes to Dennis Flynn, November 4, Box 29, T.B. Ferguson to E.A.H., June 27, 1906, Box 7, William Grimes to E.A.H., August 29, 1906, Box 30, E.A.H. Papers.

⁷⁶ Theodore Roosevelt to E.A.H., May 27, 1906, Box 28, E.A.H. to Dennis Flynn, November 13, 1906, Box 3, E.A.H. Papers.

had been given to Smith that McLaughlin had been sent to investigate the conditions at the Osage Agency.⁷⁷

Hitchcock may have been used by the Republican faction opposed to Frantz in its effort to discredit Frantz. Hitchcock, however, was firmly convinced that Frantz was not carrying out his duties in a manner which the President demanded of those in his administration. Hitchcock took the President's moralizing literally. He did not understand the comradely affection with which Roosevelt could overlook the shortcomings of a Rough Rider. It was not in Hitchcock's nature, either, to understand Roosevelt's desire to proceed with caution in Oklahoma for political reasons.

In August 1906 the President sent Hitchcock two letters which he had received which criticized the actions of the Department of the Interior in the Indian Territory. Roosevelt warned Hitchcock that such dissatisfaction as expressed by James Sherman, Chairman of the Republican Congressional Committee, and C.B. Fulton, a Republican county committee chairman in the Indian Territory, could lead to the loss of the new state for the Republicans. He

⁷⁷Theodore Roosevelt to E.A.H., October 26, 1906, Box 28; W. Scott Smith to James McLaughlin, May 25, 1906, Box 23, E.A.H. Papers.

pointed out the difficulty which would face the administration if the Democratic Party was to gain control in Congress. He assured Hitchcock that he wanted corrupt officials punished, but he did not want "to invite disaster."⁷⁸

Hitchcock and his assistant secretary, Thomas Ryan, maintained that the President did not understand the political situation in Oklahoma and the Indian Territory and that corrupt forces were using the cry of political disaster to have the President exert pressure on the Department of the Interior to stop investigations and to relax unpopular rulings. Thomas Ryan wrote to Hitchcock of "the scheme of the grafters to shield themselves from Executive interference by interposing the party baby."⁷⁹ Hitchcock told the President that he was not surprised that Roosevelt was receiving complaints from Oklahoma and the Indian Territory because both were "full of 'Weary Willie' grafters of both the Democratic and Republican stripe."⁸⁰

The election of delegates for the constitutional convention in November was a Democratic landslide; one

⁷⁸Theodore Roosevelt to E.A.H., August 31, 1906, Box 31, E.A.H. Papers.

⁷⁹Thomas Ryan to E.A.H., August 31, 1906, Box 31, E.A.H. Papers.

⁸⁰E.A.H. to Theodore Roosevelt, September 1, 1906, Box 1, E.A.H. Papers.

hundred of the one hundred and twelve delegates elected were Democrats. Dennis T. Flynn wrote to Hitchcock that the results of the election were due to "Hitchcockism". He claimed that the Republicans were too cowardly to defend Hitchcock and his administration.⁸¹

In March 1906, while the Senate was considering the Oklahoma Statehood bill, Senator Francis Warren of Wyoming had submitted an amendment which would have provided that persons, who had mineral claims in the land set aside for the state by the bill, might retain the claims and the state might select land in lieu thereof. The amendment was struck before the bill was passed. On October 5, 1906 Warren wrote to the President complaining that newspaper accounts intimated that he had acted in behalf of land speculators in submitting the amendment. He claimed that the information in the articles had been given to the Associated Press by the Department of the Interior. The newspaper accounts praised Hitchcock, whose opposition had helped to strike the amendment from the bill and had saved valuable mineral land for Oklahoma. On October 27 the President wrote to Hitchcock about the matter, defending Warren's action in introducing

⁸¹M. Billington, Thomas P. Gore, p. 16; D.T. Flynn to E.A.H., November 6, 1906, Box 31, E.A.H. Papers.

the amendment. He held that if Hitchcock had any accusations to make against Warren, they should have been made before the Congressional committee and not five months later through the newspapers.⁸²

It was becoming evident that in the administration of Oklahoma, just as in his administration of the public lands and the Indians, Hitchcock was antagonizing powerful groups and United States Congressmen, and that he was not consistently getting Presidential backing.

⁸² Morison, (ed.), Letters of Theodore Roosevelt, V, 476-483; The Herald (Erie, Pa.), 27 Aug. 1906.

CHAPTER X

RETIREMENT

By 1905 Ethan Allen Hitchcock, James Wilson and John Hay were the only members of the McKinley Cabinet who still remained in the Roosevelt Cabinet. At McKinley's death Roosevelt had asked the Cabinet members to retain their positions.¹ During the years which followed, several changes occurred in the Cabinet and by 1905 Roosevelt had been able to make his own appointments in all Departments except State, Agriculture and the Interior.

When Theodore Roosevelt had taken office as President, Hitchcock had been favorably impressed by the young President's promise to carry out McKinley's program and had felt confident about his ability to work harmoniously with the new President.² He seems to have been able to maintain a fairly good working relationship with the President until about 1905.

¹Henry Hitchcock to E.A.H., September 21, 1901, Box 24, E.A.H. Papers.

²E.A.H. to John Shepley, October 16, 1901, Box 24, E.A.H. Papers.

A newspaper account in October 1905 said of

Hitchcock:

Notwithstanding all the talk of his unpopularity, however, and of the President's desire to be rid of him, Secretary Hitchcock has held on from year to year, so that there is reason to suspect that the gossip is pure invention of designing enemies of Mr. Hitchcock, of whom there is an increasing number in influential circles.³

It is difficult to ascertain Roosevelt's attitude toward Hitchcock at this time. No doubt the President would have preferred to have given the Cabinet post to a man whose ways were more congenial to his own. He surrounded himself with young vigorous men who enjoyed the outdoor life and in whose company he took the exercise and relaxation that was a part of his daily routine. They hiked through Rock Creek Park, swam the Potomac, played tennis, boxed and went horseback riding. In this relaxed atmosphere the President sounded out his "tennis cabinet" on current problems.⁴ With Hitchcock, an elderly, sedate gentleman, there was none of this informal approach to the problems of the Department of the Interior. The means of communication between the President and his Secretary of the Interior was

³The Topeka Daily Capital, 8 Oct. 1905, in Box 28, E.A.H. Papers.

⁴Theodore Roosevelt, Autobiography (New York: Charles Scribner's Sons, 1958), p. 32.

by letter or by verbal contact at Cabinet meetings.

Therefore, it would seem that Theodore Roosevelt might very well have taken advantage of several opportunities to accept Hitchcock's resignation. That he was capable of forcing a resignation was shown in 1906 when he did decide to replace Hitchcock. That he did not do so sooner was probably due to the fact that Hitchcock had not given sufficient cause for dissatisfaction.

There is evidence that in May 1904 Roosevelt was planning on appointing a new Secretary of the Interior if he were successful in the November elections. John Hay, Secretary of State, recorded in his diary that Roosevelt had decided upon George Cortelyou, Secretary of Commerce and Labor, as Chairman of the Republican National Committee and "afterwards to be Secretary of the Interior."⁵ In the meantime, Postmaster Henry C. Payne died, leaving vacant a Cabinet position which was coming to be considered the reward of the National committee chairman. The President appointed Robert J. Wynne to fill the position temporarily until Cortelyou was free to take the office in March 1905.⁶

⁵ Entry of May 22, 1904, John Milton Hay Diary, John Milton Hay Papers, Library of Congress.

⁶ Dorothy Ganfield Fowler, The Cabinet Politician (New York: Columbia University Press, 1943), p. 286.

Hitchcock does not seem to have been aware that his resignation was being considered.

In his position Hitchcock had aroused antagonism from various groups, and newspapers frequently had reported rumors that he would be asked to leave the Cabinet. The Montana Record in 1902 had reported that the Secretary would soon retire. It designated him as "something of a misfit" and said that he was lacking in diplomacy. It claimed that his treatment of Congressmen had resulted in his having few friends in Congress. It characterized him as cold and unapproachable. It further stated that he did not understand the problems with which his department dealt, particularly those which had to do with western lands.⁷

In the same month an article in the St. Louis Globe Democrat mentioned the possibility of Hitchcock's retirement and maintained that he had "antagonized a large and influential element in the House and Senate." Commenting upon this in a letter to Charles Nagel, Hitchcock said, ". . . I have possibly antagonized, say a half a dozen members of Congress in turning down and refusing to meet their wishes with respect to requests that were absolutely inadmissible,

⁷ Montana Record, 1 Mar. 1902, in Box 4, E.A.H. Papers.

in the interests of public service."⁸

Action against defrauders of public land frequently resulted in unfavorable news coverage for Hitchcock. The Portland Oregonian predicted in October 1904, that, when Hitchcock handed in his resignation on March 4, 1905, the President would "gladly accept it," because the President would not keep a man in office who was "objectionable to the entire West."⁹

There were newspapers which praised Hitchcock as Secretary of the Interior. They approved of his persistent action against the defrauders of the public land. They admired his non-involvement in politics, his avoidance of publicity and the fact that he was "not heard to compliment his chief before the country as occasion offers."¹⁰ Perhaps the very things which these newspapers were praising made Hitchcock less acceptable to Roosevelt. Hitchcock did not take an active part in the campaign of 1904. He did not have the backing of the Republican Party in Missouri.¹¹

⁸ E.A.H. to Charles Nagel, March 29, 1902, Box 33, E.A.H. Papers.

⁹ Portland Oregonian, 5 Oct. 1904, Box 8, E.A.H. Papers.

¹⁰ The Topeka Daily Capital, 8 Oct. 1905, in Box 28, E.A.H. Papers.

¹¹ Charles Nagel to E.A.H., August 18, 1905, Box 11, E.A.H. Papers.

In March 1905 Roosevelt did not accept Hitchcock's resignation. By October 1906, though, the President had determined that Hitchcock must go. In the intervening year and a half the President's dissatisfaction with Hitchcock's management of the Department of the Interior became increasingly evident. His correspondence with Hitchcock often expressed his displeasure with the manner in which Hitchcock conducted the affairs of the Department.

In October 1905 Roosevelt vehemently disagreed with Hitchcock who had claimed that the Department was not being run on a "practical business basis" because positions were filled by political appointment. The President gave no recognition that there was a justified grievance on Hitchcock's part, but rather, took the position that Hitchcock was to blame for any official under him who was not carrying out his duties in a proper manner.¹²

Roosevelt reprimanded Hitchcock a number of times for the manner in which investigations were conducted by the Department of the Interior. In February 1906 he expressed dissatisfaction with the report which William Burns made on the Indian Territory. He asked for specific accusations rather than the general accusations made in the Burns

¹²Theodore Roosevelt to E.A.H., October 10, 1905, Box 1, E.A.H. Papers.

report.¹³ In the Spring of 1906 when Hitchcock felt that there was sufficient evidence to conduct an investigation of the Governor of Oklahoma, Frank Frantz, the President agreed. When, however, Burns had conducted the investigation and submitted the report, the President severely reproved Hitchcock for the report, claiming that it was made up of unfounded allegations.¹⁴

In the Summer of 1906 the appearance in the newspapers of the correspondence between Governor Higgins of New York and the President, pertaining to oil and gas leases in Oklahoma and the Indian Territory, brought a harsh reprimand for Hitchcock from Roosevelt. The publication of the Higgins correspondence was, if one can judge from the tone of Roosevelt's letter, one of the determining factors in the President's decision to ask for Hitchcock's resignation.

The President's dissatisfaction with Hitchcock's conduct of the affairs of the Department of the Interior was augmented by the reports of a committee appointed by him to investigate procedures in the executive departments.

¹³Theodore Roosevelt to E.A.H., February 26, 1906, Box 1, E.A.H. Papers.

¹⁴Theodore Roosevelt to E.A.H., October 26, 1906, Box 28, E.A.H. Papers.

The need for the investigation had been impressed upon Roosevelt by two enthusiastic young men, who were members of his "tennis cabinet", Gifford Pinchot, Chief Forester in the Department of Agriculture, and James R. Garfield, head of the Bureau of Corporations in the Department of Commerce and Labor. Both men had strong convictions about efficient administration and business methods and had been putting their ideas into successful operation in their own bureaus. In 1903 they had served on the Committee on the Organization of Government Scientific Work, which had disclosed a lack of efficiency and coordination in the executive departments. Convinced of a need for an investigation of the procedures used in the executive departments, they, with Roosevelt's approval, drew up a proposed draft for a Committee on Department Methods.¹⁵

On June 2, 1905 the President appointed Charles Keep, Assistant Secretary of the Treasury, Frank H. Hitchcock, First Assistant Postmaster General, Lawrence O. Murray, Assistant Secretary of Commerce and Labor, Gifford Pinchot and James R. Garfield to serve on the committee, "to investigate and find out what changes are needed to place

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Harold T. Pinkett, "The Keep Commission, 1905-1909, A Rooseveltian Effort for Administrative Reform," The Journal of American History, LII (Sept. 1965), 299.

the executive business of the Government in all its branches on the most economical and effective basis in the light of the best modern business practice."¹⁶ Because Charles Keep was named chairman of the committee, it was popularly referred to as the Keep Committee.

Each of the executive departments received a questionnaire which contained one hundred seven questions.¹⁷ The receipt of the questionnaire was acknowledged by Thomas Ryan, Acting Secretary of the Interior on August 7, 1905.¹⁸ Edward Dawson, Chief Clerk of the Department was given charge of formulating the reply.¹⁹ On December 5, 1905 Hitchcock sent the replies to Charles Keep.²⁰ The answers from all of the departments proved to be inadequate, so the committee appointed subcommittees to make particular studies. About sixty government officials served on the subcommittees.²¹

¹⁶ Morison, ed., Letters of Theodore Roosevelt, IV, 1201 (to Charles Hallan Keep, June 2, 1905).

¹⁷ Pinkett, "The Keep Commission," p. 301.

¹⁸ Thomas Ryan to C.H. Keep, August 7, 1905, Forest Service, Keep Commission, 1905, R.G. 95, National Archives.

¹⁹ Ibid.

²⁰ E.A.H. to C.H. Keep, December 5, 1905, Forest Service, Keep Commission, 1905, R.G. 95, National Archives.

²¹ Pinkett, "The Keep Commission," pp. 301-302.

The President also used the Keep Committee to make a special investigation of the Department of the Interior. In October 1905 he directed Keep, Murray and Pinchot to investigate the organization, business methods and personnel of that Department.²² Probably Pinchot was influential in bringing about this investigation. He had been convinced of the inefficiency of the Department of the Interior from the time that he had organized a plan for the forest reserves for Cornelius Bliss. He had been contemptuous of the management of the forest reserves by the General Land Office. He was critical of Hitchcock as an administrator.²³

Roosevelt was also influenced in his decision to investigate the Department of the Interior by Hitchcock's claim of incompetency in his department. Hitchcock had sent a memorandum to Roosevelt with material to be included in the President's Annual Message to Congress. In this Hitchcock had made a plea for the extension of the classified service "to the officers of the Government charged with the enforcement of the law." He wished to eliminate "the policy of selecting people for positions requiring confirmation by

²² Ibid., p. 308.

²³ Gifford Pinchot, Breaking New Ground, pp. 161, 162, 172, 289.

the Senate principally because they have rendered some political service."²⁴ Roosevelt claimed that Hitchcock's statement was a reflection upon the manner in which both the President and the Secretary filled positions in the Department. He maintained that if the offices of the Department were not being administered "on a practical business basis", as Hitchcock implied, this indicated a need for change in the supervision of the offices. He reminded Hitchcock that he, Roosevelt, as Chief Executive, had the authority to remove any man "for proper cause," and that if Hitchcock was dissatisfied with the way in which anyone under his authority was fulfilling his duties, he had only to ask the President to dismiss him.²⁵

The report of the committee on the Department of the Interior was not submitted until a year later. In October 1906, Roosevelt, becoming impatient and, at this time, annoyed with Hitchcock, had Garfield telegraph to Pinchot to return from a trip through the forest reserves to write the report.²⁶ The first draft was completed on October 19

²⁴Theodore Roosevelt to E.A.H., October 10, 1905, Box 1, E.A.H. Papers.

²⁵Ibid.

²⁶Entry of October 6, 1906, Daily Journal 1906, Vol. 24, Container No. 7, James R. Garfield Papers.

and on the following day the President sent for Pinchot to find out about the progress of the report.²⁷ The final draft was submitted to the President on October 22, 1906.²⁸

Roosevelt's letter to Hitchcock on October 23, 1906 was such that no man, no matter how insensitive, could have ignored its implications. The President commented that the report showed "a very unsatisfactory condition in the Department and need of radical changes in the organization and the way in which it is handled." He then cited numerous letters which he had written to the Secretary during the year to which he had not received adequate answers. He concluded that it was the defective organization of the Department which had made it necessary for him to write the letters and which resulted in the letters not being answered.²⁹

The report, consisting of forty-three pages, criticized the organization of the Department. It advised doing away with the clerical divisions of the Secretary's office, which came between the Secretary and the heads of the Bureaus.

²⁷ Entries of October 19 and 20, 1906, Diary, Container No. 3314, Gifford Pinchot Papers.

²⁸ Entry of October 22, 1906, Diary, Container No. 3314, Gifford Pinchot Papers.

²⁹ T.R. to E.A.H., October 23, 1906, Box 1, E.A.H. Papers.

All matters from the General Land Office and the Reclamation Office reached the Secretary through the Lands and Railroad Division. The same situation existed for the Patent Office and the Geological Survey which worked through the Patents and Miscellaneous Division and the Indian Office which worked through either the Indian Division or the Indian Territory Division. Decisions were made and letters prepared for the Secretary's signature by men who were of lower rank than the responsible heads of the bureaus and who had no field experience. The report said that the system, as it existed in the Department, "substitutes correspondence for consultation, increases the distance between the Secretary and his Bureau Chiefs, and totally destroys all chance for compactness in the Department organization."³⁰

The report also advised a redistribution of the many organizations which came under miscellaneous in the Division of Patents and Miscellaneous. It suggested that the national parks should be transferred to the Forest Service in the Department of Agriculture. In 1905 Pinchot

³⁰ Report of C.H. Keep, Lawrence O. Murray, Gifford Pinchot, Organization of the Department of the Interior, Administrative General-Committee on Department Methods, File 1-26, Part I, R.G. 48, Department of the Interior, National Archives, p. 14.

had finally been successful in having the Forest Reserves transferred from the Department of the Interior to the Department of Agriculture. Now he hoped to do the same with the national parks. The report further suggested that the District of Alaska and the territories should be administered by the General Land Office. The report also advised that the First Assistant Secretary, who had no specific area of responsibility, should be given the care of the Capitol Building and Grounds, the Columbia Institution for Deaf and Dumb, the Government Hospital for Insane and the Freedmen's Hospital.³¹

There was condemnation in the report of the fact that the Secretary in investigating land frauds had worked, not through the General Land Office, but through a separate organization under his own supervision.³² This criticism did not take into consideration the fact that in many of the land fraud cases the employees of the General Land Office had been implicated. The Commissioner Binger Hermann had been involved. This involvement of employees of the General Land Office seems to justify Hitchcock's use of investigating agents not connected with the General Land Office.

³¹ Ibid., pp. 9, 10.

³² Ibid., p. 25.

The report blamed the Office of the Assistant Attorney General for many of the delays which occurred in the work of the Department. A serious complaint against this office was that decisions were made from the record alone. The men who made the decisions did not have practical experience in the bureaus or in the field. It was recommended that, especially in the office of the Assistant Attorney General, but also throughout the Department, there should be an interchange of field and office duties.³³

The Subcommittee on Correspondence submitted a report on September 29, 1906. The report was primarily concerned with the practices in the Department of the Interior, although it applied to all the departments. It found archaic record keeping methods among which were handwritten letterbooks, book registers and indexes, the use of letterpress copy books and the briefing and folding of incoming letters. The committee recommended the use of typewriters and carbon copies for files. It suggested filing all papers of a particular transaction together. It also proposed the elimination of all unnecessary correspondence. It advised that the practice of repeating, in the reply, the contents

³³ Ibid., pp. 27, 43.

of the letter received be discontinued.³⁴

There are probably a number of reasons why Hitchcock had not attempted to modernize the business practices in the Department of the Interior. When he came to the Department, he was sixty-four years old. He had conducted a plate glass business and several other enterprises using the same record keeping practices which he found being used in the Department. For many years in conducting his own business, he had written all of his correspondence by hand, transferring copies into letter-press books. With this background it probably did not occur to him to revise procedures, either in his own office or in the bureaus of the Department.

Another factor which may have kept Hitchcock from changing procedures was that the employees who did the unskilled copy work often owed their positions to the patronage of Congressmen. Many of them were elderly. The problem of superannuation was a severe one in the Department. Any efforts to remove these people would have called forth protests from Congressmen.³⁵

³⁴ Harold T. Pinkett, "Investigations of Federal Record Keeping, 1887-1906," The American Archivist, XXI (April 1958), 186.

³⁵ The incoming letters in the Hitchcock Papers contain numerous letters from Congressmen concerning employment of persons in the Department of the Interior, some asking for a job for a constituent, some protesting the dismissal of a person, some requesting a promotion or protesting a demotion of a person sponsored by a Congressman. Boxes 3-15, E.A.H. Papers.

Adequate space might have allowed for greater order and resulted in more efficiency. The Secretary had presented his need for more space to Congress in his Annual Reports, but the crowded conditions continued to exist.³⁶

Efficiency might have improved if there had been better organization on the part of Hitchcock's subordinates. As has been noted, Hitchcock and Roosevelt differed on the cause of the caliber of individuals employed by the Department in crucial positions. Hitchcock tended to blame the practice of political appointments for the poor quality. There was another factor involved, that of the salary offered. In one instance, in selecting a man as Surveyor-General for Utah, Hitchcock wrote to Roosevelt that he agreed with Richards, the Commissioner of the General Land Office, that it was difficult to get a "\$5,000 man for a \$2,000 position."³⁷

Shortly after taking office, James Garfield noted in his diary, "Things going better but some things in a mess because of their organization. How Mr. Hithchcock worked with some of his subordinates I cannot understand."³⁸

³⁶ Secretary of the Interior, Annual Report, 1899, p. 113, 1901, p. 91, 1903, p. 64, 1905, p. 74, 1906, pp. 3-4.

³⁷ E.A.H. to Theodore Roosevelt, July 20, 1905, Box 22, E.A.H. Papers.

³⁸ Entry of March 14, 1907, Diary, Container 8, James Garfield Papers.

In December 1906 William Loeb sent Hitchcock a copy of the reports of the Committee on Department Methods and informed him that the President wished the recommendations carried out, unless Hitchcock could show some reason for not doing so. Hitchcock replied that he could see no reason why the recommendations could not be carried out and that he would communicate with Garfield, who was to replace him in March.³⁹

Hitchcock requested that the report on the administration of the Department of the Interior not be submitted to Congress. Roosevelt agreed that it "would serve no useful purpose."⁴⁰ Only two parts of the reports of the Committee on Department Methods were published as public documents, one having to do with public printing and the other with superannuation.⁴¹

By October 6, 1906 President Roosevelt was seriously considering replacing Hitchcock. He told James Garfield

³⁹ William Loeb to E.A.H., December 11, 1906, Administrative-General Committee on Department Methods, File 1-26, Part I, R.G. 48, Department of the Interior; E.A.H. to William Loeb, December 12, 1906, Box 23, E.A.H. Papers.

⁴⁰ Theodore Roosevelt to E.A.H., February 12, 1907, Box 1, E.A.H. Papers.

⁴¹ Gustavus A. Weber, Organized Efforts for the Improvement of Methods of Administration in the United States (New York: D. Appleton and Company, 1919), pp. 80, 81.

that he was having trouble in the Department of the Interior and he indicated to Garfield that he would appoint him as Secretary of the Interior if a change were to be made. It was at this time that he instructed Garfield to telegraph Pinchot to return from his trip through the forest reserves to finish the Keep Committee report on the Department of the Interior.⁴²

On October 13 Roosevelt showed Garfield and Pinchot a draft of a letter to Hitchcock which Garfield felt "would surely call for the resignation of most men."⁴³ It is not possible to determine whether this letter was that of October 23 or October 27, both of which were formulated so that the tone would convey to the Secretary the fact that his services were no longer acceptable to the President. The letter of the twenty-third accompanied the report of the Keep Committee on the Department of the Interior. The President said that the report showed a "very unsatisfactory condition in the Department and the need of radical changes in the organization and the way in which it is handled." He then commented upon the letters which he had written during

⁴²Entry of October 6, 1906, Daily Journal, Vol. 24, James R. Garfield Papers.

⁴³Entry of October 13, 1906, Daily Journal, 1906, Vol. 24, James R. Garfield Papers.

the past year to which he had not received satisfactory answers and he blamed the defective organization of the Department for the necessity of writing the letters and for the letters not being answered.⁴⁴

The Keep Committee report was not the deciding factor, but it did strengthen the President's position once he had determined to seek Hitchcock's resignation. Pinchot related in his diary that after the President had read the report, he said that it was just what he wanted.⁴⁵

The letter of October 27, which Roosevelt wrote to Hitchcock, unequivocally expressed the Presidential dissatisfaction about many things. The President discussed Warren's letter of October 5 in which the Senator had complained of the "sleuth-hound" modes of procedure of the Department of the Interior in investigating fences owned by himself and by Commissioner Richards, and of the use made, by the Department, of newspapers to spread statements which reflected unfavorably upon Warren. Roosevelt mentioned other instances when newspapers had published statements which they claimed had been given to them by the

⁴⁴Theodore Roosevelt to E.A.H., October 23, 1906, Box 1, E.A.H. Papers.

⁴⁵Entry of October 23, 1906, Pinchot Diary, Box 3314, Gifford Pinchot Papers.

Department of the Interior. The President said:

Verbally the statement is also made that there is a "bureau of publicity" run in connection with the Interior Department, not merely with the purpose of furnishing the newspapers with facts to the credit of you and of the Department, but also to furnish them with facts to the discredit of other officials of the Government.⁴⁶

The President was annoyed by praise which the newspapers had given to the Secretary for bringing Senator Mitchell and other political figures in Oregon to justice. He reminded Hitchcock that "the vital matter in the Oregon prosecution was the appointment by Mr. Knox, then Attorney General, of Mr. Heney to prosecute the cases." Roosevelt told Hitchcock that anything which depreciated the work of the Department of Justice tended "to prevent the cordial working together of the Departments which is essential if good results are to be secured."⁴⁷

The same letter of October 27 reiterated the President's annoyance about the Higgins correspondence. After reading the letter Hitchcock must have realized that he could no longer remain in Roosevelt's Cabinet.

Pinchot wrote in his diary that the President told him on October 27 that Hitchcock would resign effective

⁴⁶ Morison, ed., Letters of Theodore Roosevelt, V, 476 (to E.A.H., October 27, 1906).

⁴⁷ Ibid., p. 481.

March 4, 1907.⁴⁸ Garfield, however, noted in his diary on October 30, that the President would see Hitchcock on the next day, then the President would be away until Sunday and the matter would be settled on his return.⁴⁹ So that sometime toward the end of October or the beginning of November, the President broached the subject of resignation to Hitchcock and by November 5, 1906 it was settled. Garfield, who had been apprehensive, noted that it was "all arranged without a row."⁵⁰ It was probably at this time that Roosevelt offered Hitchcock the ambassadorship to France, which Hitchcock refused.⁵¹

The retirement of Ethan Allen Hitchcock was announced in the newspapers on November 8, 1906. The New York Times gave health as the reason for Hitchcock's resignation, stating that his physician had advised him to take a long rest.⁵² Hitchcock retired with reluctance. He felt that

⁴⁸ Entry of October 27, 1906, Pinchot Diary, Box 3314, Gifford Pinchot Papers.

⁴⁹ Entry of October 30, 1906, Garfield Diaries, Vol. 24, James R. Garfield Papers.

⁵⁰ Entry of November 5, 1906, Garfield Diaries, Vol. 24, James R. Garfield Papers.

⁵¹ Note signed by A.H. Sims, March 8, 1938, Box 31, E.A.H. Papers.

⁵² The New York Times, 8 Nov. 1906.

his work was not completed. He wrote to the editor of the Springfield Republican, Springfield, Massachusetts:

I decided upon March 4th next as the date of my retirement because it seemed a very good time to wind up the principal work that I have had in hand, but this does not mean that I shall have accomplished all I should like to have done had I felt that my duty to myself and family would have permitted longer services in the interests of clean administration.⁵³

To a friend he wrote that he retired with both regret and satisfaction, "Regret because there is plenty of work yet to be done, satisfaction because I am pretty well tired out and need a rest."⁵⁴ Hitchcock's daughter, years later, recalled that on the day on which the President offered her father the ambassadorship to France, Hitchcock's voice shook with emotion as he told his family about the offer. He told them that his work as Secretary was not done and that he loved being Secretary.⁵⁵ Yet he must have realized the impossibility of remaining in Roosevelt's Cabinet. An entry in Garfield's diary for October 29 says that Hitchcock had made "a continuance of Cabinet relations with the

⁵³ E.A.H. to Solomon Buckley Griffin, November 10, 1906, Box 22, E.A.H. Papers.

⁵⁴ E.A.H. to Noel Blakeman, March 7, 1907, Box 33, E.A.H. Papers.

⁵⁵ Note signed by A.H. Sims, March 8, 1938, Box 31, E.A.H. Papers.

President impossible."⁵⁶

Hitchcock gave the state of his health as the reason for his retirement. Health was a definite factor, although it probably would not have caused his resignation without the prompting from Roosevelt. He had been ill during the first two months of 1906.⁵⁷ Sometime during that year he had an attack which might possibly have been a stroke. One day, while he was sitting at the lunch table he was unable to move.⁵⁸ He had worked under great strain for several years, continuing his work even while on vacation in New Hampshire.⁵⁹ In January 1906 a friend, writing to thank him for a copy of his annual report said, "I am afraid, though, you are putting your life blood into it. It is a tremendous work and the amount of wear and tear on the man who is doing it must be tremendous."⁶⁰

Hitchcock, using his need for rest as his reason for

⁵⁶ Entry for October 29, 1906, Garfield Diaries, Vol. 24, James R. Garfield Papers.

⁵⁷ W. Scott Smith to Herbert Hagerman, January 13, 1906, Box 25; S.W. Fordyce to E.A.H., January 13, 1906, Box 7; W. Scott Smith to W.J. Burns, February 17, 1906, Box 23, E.A.H. Papers.

⁵⁸ A.H. Sims, "As I Remember Him," Box 31, E.A.H. Papers.

⁵⁹ E.A.H. to Francis J. Heney, December 1, 1906, Box 22, E.A.H. Papers.

⁶⁰ Stephen Weld to E.A.H., January 9, 1906, Box 15, E.A.H. Papers.

retirement, did not give any indication of the differences between himself and the President which led to his resignation either in correspondence with friends or to the newspapers. Roosevelt, however, took the precaution of informing certain newspaper men of what had passed between himself and Hitchcock. He held a conference at the White House with Garfield, Pinchot, Charles Murray, Francis Leupp, Henry Needham of McClure's Magazine, and Mark Sullivan of Collier's Weekly, so that they would "know the truth and avoid, if they wished, the publication of misleading statements."⁶¹

This interview took place on the day after a laudatory editorial on Hitchcock had appeared in Collier's, which said:

We do not pretend to be confident that Mr. Garfield will do as much as Hitchcock. We do not pretend to be ignorant of the reasons, so unlike the published ones, that led to Mr. Hitchcock's retirement. We shall hope, however, for the best, and this is the most optimistic speech which we at present can summon up.⁶²

Garfield did not approve of Roosevelt's disclosure to the newspapermen. Throughout, Garfield's attitude toward Hitchcock was sympathetic. He was respectful toward the older man and very anxious that there should be no

⁶¹ Entry of February 17, 1907, Garfield Diaries, Vol. 25, James R. Garfield Papers.

⁶² Editorial, Collier's, The National Weekly, XXXVIII (Feb. 16, 1907), 9.

unpleasantness attached to Hitchcock's leaving. On November 8, when the announcement of Hitchcock's retirement appeared in the newspapers, Garfield called on him at his office and had "a very pleasant hour's talk." Then he and his wife called on Mrs. Hitchcock in the afternoon.⁶³

Once his retirement had been decided upon, Hitchcock looked forward, with pleasure, to a life free of demanding duties. When on November 13, 1906 he had to decline an invitation to a manager's meeting of the Pittsburgh Plate Glass Company to be held in Atlantic City in January, he told John Pitcairn, the president of the company, that, "After the 4th of March it will give me great pleasure to take an active interest as you suggest, in the affairs of our company."⁶⁴ He wrote to Charles Nagel, "I cannot tell you how relieved I feel upon laying down my burden, which has been to me of great interest, but at the same time very exacting. That, however, is all done with now, and I am going to abandon myself to having a good rest."⁶⁵ Perhaps a letter to a neighbor in New Hampshire best expresses his

⁶³ Entry of November 8, 1906, Garfield Diaries, Vol. 24, James R. Garfield Papers.

⁶⁴ E.A.H. to John Pitcairn, November 13, 1906, Box 22, E.A.H. Papers.

⁶⁵ E.A.H. to Charles Nagel, March 7, 1907, Box 33, E.A.H. Papers.

attitude:

I feel very much like a boy out of school, but shall soon get used to the leisure which I have now entered upon, and next year shall go to Dublin without an official time table in my pocket, calling me back on a fixed date. I do not know how soon we will be there, but we would like to make our entrance into Dublin with the apple blossoms and wild flowers in the spring and not leave until we have enjoyed the lovely weather in the autumn.⁶⁶

The usual letters of tending resignation and the acceptance of the resignation were exchanged between Hitchcock and the President. They betray none of the alienation which had developed between the two in the past year. In his letter of March 1, 1907 accepting Hitchcock's resignation, the President said, "In all your acts you have shown the entire courage and integrity without which no man in a position such as you have occupied can accomplish anything good." He assured the resigning Secretary that association with him had been a personal pleasure and that he and Mrs. Roosevelt prized the association with the Hitchcock family.⁶⁷

On March 5, 1907 James R. Garfield took the oath of office as Secretary of the Interior. The new Secretary and

⁶⁶ E.A.H. to Jaffray Parsons, March 7, 1907, Box 33, E.A.H. Papers.

⁶⁷ Theodore Roosevelt to E.A.H., March 1, 1907, Box 31, E.A.H. Papers.

his wife dined at the Hitchcock home that evening.⁶⁸ Hitchcock spent about a week getting his affairs in order, packing, and answering the many letters and telegrams which he had received. He and Mrs. Hitchcock then went to St. Louis for a few weeks.⁶⁹ On March 23, 1907 he addressed the St. Louis Commercial Club of which he was an honorary member and ex-president. He told the members of the club the history of the Department of the Interior.⁷⁰ For the next two years his time was divided between St. Louis and Dublin, New Hampshire, with occasional visits to Washington, D.C., where his daughter Ann and her husband, Commander William S. Sims, resided.

Hitchcock returned to Washington for a meeting with President Roosevelt in November 1908. They drew up a statement to be used by the President, if necessary, in defense against an article printed by the New York Sun on November 15, 1908. The article accused the President of having disregarded Hitchcock's recommendation that the Prairie Oil and Gas Company be denied an application for the construction of a

⁶⁸ Entry of November 5, 1906, Garfield Diaries, Vol. 24, James R. Garfield Papers.

⁶⁹ E.A.H. to Daniel C. Gilman, March 7, 1907, Box 33, E.A.H. Papers.

⁷⁰ An address delivered before the Commercial Club of St. Louis by Hon. Ethan Allen Hitchcock, March 23, 1907, Box 53, E.A.H. Papers.

pipe line in Oklahoma. It was claimed that the company was a subsidiary of the Standard Oil Company which had made a contribution to Roosevelt's campaign in 1904.⁷¹

On November 16, 1908 Hitchcock and his former secretary, W. Scott Smith, met with President Roosevelt and his secretary, William Loeb. They drew up a statement exonerating the President. The leases had been authorized by an act of Congress which decreased the acreage which had been granted in the original leases issued by Secretary of the Interior Hoke Smith. President Roosevelt had signed the bill on the advice of his Secretary of the Interior, Ethan Allen Hitchcock. There was no adverse report in the hands of the Department of Justice because Hitchcock had not written such a report.⁷²

The Sun article also brought up the matter of the efforts of Governor Higgins in behalf of Barnsdall and claimed that Roosevelt had ordered Hitchcock to grant the permit to Barnsdall. The statement drawn up by the President and Hitchcock noted that the President had come to the conclusion that Hitchcock's position was right and Barnsdall was not given the leases.

⁷¹The New York Sun, 15 Nov. 1908, in Box 119, James R. Garfield Papers.

⁷²Statement drawn up in the presence of ex-Secretary Hitchcock and W. Scott Smith, formerly his Secretary, November 16, 1908, Box 23, E.A.H. Papers.

In regard to the contribution from the Standard Oil Company, the statement said:

. . . when it was reported to him [Roosevelt] that the Standard Oil had contributed to the campaign he wrote at once to Chairman Cortelyou that no such contribution should be received, and received from Mr. Cortelyou the statement that no Standard Oil money had been or would be received.⁷³

Roosevelt and Hitchcock agreed that they would not make the statement public at that time, but would have it on hand in case of an investigation by Congress.⁷⁴

Ethan Allen Hitchcock lived only two years after his resignation as Secretary of the Interior. His death at the age of seventy-four from uremic poisoning occurred in Washington at the home of his daughter Anne, on April 9, 1909. His three daughters, his son-in-law, Commander Sims, and his nephew, George Hitchcock, were with him when he died. The funeral was held in St. Louis. The services took place at the Second Presbyterian Church and he was buried

⁷³ Ibid. Accusations of a Standard Oil contribution to the Republican campaign of 1904 plagued Roosevelt. They had been revived during the 1908 campaign. The article in the Sun was probably due to the efforts of the Democrats to prove a connection between Roosevelt and the Standard Oil Company. For a discussion of the Standard Oil Company contribution to the 1904 campaign see Pringle, Theodore Roosevelt, pp. 249-252. See also pp. 356-7 for the 1908 campaign.

⁷⁴ Theodore Roosevelt to E.A.H., November 16, 1908, Box 23, E.A.H. Papers.

in Bellefontaine Cemetery.⁷⁵

Obituaries in newspapers recalled his career of service to the nation, recounting his interest in the tariff, his ambassadorship to Russia, and his years as Secretary of the Interior. Many accounts emphasized his work in combating frauds, especially noting his insistence upon equality in interpretation of the law for the humble and the prominent alike.⁷⁶ The sentiments expressed in Collier's National Weekly at the time of his retirement might well have been reiterated at his death:

Without blare of trumpets, so quietly that his personality is comparatively unknown, but relentlessly, without rancor or personal favor, this official has builded solidly toward newer justice by which rich and poor, enemy and friend, Senator and obscure workman, are to have an equal hearing before the dread tribunal of right.⁷⁷

⁷⁵ The Washington Times, 9 Apr. 1909; The Washington D.C. Star, 9 Apr. 1909; St. Louis Globe Democrat, 10 Apr. 1909, Box 50, E.A.H. Papers.

⁷⁶ The New York Herald, 10 Apr. 1909, Box 28; The Washington Times, 9 Apr. 1909; The Washington D.C. Star, 9 Apr. 1909; The St. Louis Globe Democrat, 10 Apr. 1909, Box 50, E.A.H. Papers.

⁷⁷ Collier's, The National Weekly, XXXVIII (November 24, 1906), p. 11.

CONCLUSION

Hitchcock during his ambassadorship to Russia and during his eight years as Secretary of the Interior was motivated by a sense of service to his country. All his decisions as Secretary of the Interior were made with an awareness of his responsibility to the office which he held.

His interpretation of his duties as Secretary of the Interior differed from that of Theodore Roosevelt. This was especially evident in regard to public lands and natural resources. Hitchcock stressed the enforcement of existing laws and sought prosecution for violations. Roosevelt, himself a conservationist, and influenced by ardent young men who advocated land management, had plans for a far-reaching program for conservation, embodied in positive action, rather than in prosecution for infractions. The President also, needing Congressional support, could not afford to make political enemies. In his unswerving adherence to the belief that law should apply uniformly to the mighty and to the lowly, Hitchcock at times alienated Congressmen whose cooperation the President desired. Hitch-

cock was unwilling to compromise, what he considered principles, for political consideration.

In his insistence upon the enforcement of law and prosecution of infractions, Hitchcock awakened the American public to the frauds being perpetrated and aroused an awareness of the value of the resources in the public domain. In doing so he created an atmosphere in which Roosevelt and his group of advisors could find approval for their plans for preserving the natural resources of the nation.

Hitchcock never belonged to that group whose advice was sought by Theodore Roosevelt. As the President made plans, which would be put into effect through the Department of the Interior, it was to be expected that he would want a man in charge of the Department who thought as he did. Hitchcock, although a conscientious public official and a man of integrity, was more in accord with the nineteenth century than the twentieth, more attuned to the McKinley administration than the Roosevelt. It is understandable that the President would desire to replace Hitchcock, but it is unfortunate that he could not have done so without the unpleasant deterioration in the relationship between himself and the Secretary during 1906.

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15 vols., 119 boxes. Since Hay and Hitchcock were in foreign service at the same time and in the McKinley and Roosevelt Cabinets together, the meager references to Hitchcock in this collection are disappointing.

McKinley, William. 1847-1902

261 vols., 156 boxes. There is nothing of any importance pertaining to Hitchcock in this collection.

Pinchot, Gifford. 1872-1946

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