

---

The Nez Perce and Their War

Author(s): Merle W. Wells

Source: *The Pacific Northwest Quarterly*, Jan., 1964, Vol. 55, No. 1 (Jan., 1964), pp. 35-37

Published by: University of Washington

Stable URL: <https://www.jstor.org/stable/40487886>

---

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



is collaborating with JSTOR to digitize, preserve and extend access to *The Pacific Northwest Quarterly*

JSTOR

subject. It is likely that a governor might well risk a veto on amendments not involving legislators personally if he feels that such a move will protect a legitimate expression of the public will.

Finally, there remains the possibility of a reversal of the judicial interpretation rendered in *State ex. rel. O'Connell v. Meyers*. So long as this decision prevails, the legislature apparently has "unlimited power" to amend an initiative, provided only that the amendment deals with the same subject matter as the initiated statute. However, judicial precedent is not immutable,

particularly when it is comprised of only one 5 to 4 decision.

When all of these considerations are weighed, it seems reasonable to conclude that the initiative process in the state of Washington is still considerably more than an "advisory opinion" of the public. The restrictive power of legislative amendment is not likely to be frequently exerted in view of the safeguards which do exist. Thus it would appear that, much like the premature reports of Mark Twain's death, the feared demise of direct legislation has been grossly exaggerated.

---

## *The Nez Perce and Their War*

BY MERLE W. WELLS

These suggestions concerning the use of military terms in describing certain phases of the Nez Perce War are based primarily upon an article by Francis Haines, "Chief Joseph and the Nez Perce Warriors," *PNQ*, XLV (1954), 1-7, and upon the recent study by M. D. Beal, "*I Will Fight No More Forever*": *Chief Joseph and the Nez Perce War* (Seattle: University of Washington Press, 1963).

THOSE WHO INTERPRET the Nez Perce War in terms of a United States Army campaign have all too frequently presented a military picture which distorts Indian operations during that conflict. The use of military concepts and terms is appropriate when explaining what the whites were doing, but these same military terms should be avoided when referring to Indian actions. True, the Indians did fight a number of battles which lend themselves to military description. Yet much of what they did—particularly between battles—was not at all in the nature of a white military operation. Attempts to describe such Indian actions in white military terms, a technique employed too often in the context of the Nez Perce War, are not only inappropriate but dangerously misleading.

---

MERLE W. WELLS is historian and archivist of the Idaho Historical Society.

General O. O. Howard and other white military reporters of the war could be expected to view the entire affair in military terms. But a correction of Howard's point of view is in order and, in some important ways, has already been made. One example should suffice. From Howard's explanation of his troubles during the war has come the legend that Joseph was nothing less than a military genius. In recent years, however, the concept of Joseph as a "Red Napoleon" has been abandoned, particularly since Indian sources suggested that Joseph's leadership was not primarily military.

This revision is a move in the right direction. But the traditional account still needs further modification. While most of the recent scholarly histories of the Nez Perce War have tended to avoid the more objectionable military phrases, many popular versions continue to refer to the long Nez Perce "retreat" over the Lolo Trail and through Montana or to Chief Joseph's "surrender."

Indian objectives during the Nez Perce War provide an explanatory key. In the first place, Joseph, Whitebird, and Looking Glass would have preferred to remain as nontreaty Indians living in their old homelands (generally off the reservation). But by the beginning of the war, Joseph had concluded, with deep regret, that

he had no choice but to move onto the reservation. General Howard had left him no alternative short of war. In choosing the lesser of two evils, Joseph had rejected war.

As matters turned out, Joseph became involved in a war anyway: some of Whitebird's band became embroiled with white settlers in the Salmon River Valley while Joseph was on his way to the reservation (June 13-14, 1877), and the United States Army rushed to attack Joseph's band along with Whitebird's men and the other nontreaty Indians in the area. Despite the fact that his plans received a setback because of this action, Joseph still hoped to conclude hostilities and to settle on the reservation as soon as the details of such an agreement could be worked out. And that, eventually, was exactly what he did.

After successfully turning back the forces Howard had sent to Whitebird Creek, the Indians did not counter with a military campaign against the United States Army or even against white settlers in the general vicinity. Rather, they crossed the Salmon River so that they might avoid any further military operations. When Howard pursued them across the Salmon, they eluded him again by returning to Camas Prairie and then moving over to the south fork of the Clearwater. In all these various moves, they suffered almost no losses. They had routed the first unit (numerically a force equal to their own) which Howard had sent against them, and with commendable skill they had avoided further warfare—except for some incidental skirmishes which they had won with little difficulty.

Howard was indeed engaged in a military campaign, but the Indians certainly were not. In the process of trying not to fight a war, they had made Howard's military campaign look foolish. But to describe their success in avoiding war (under the considerable handicap of having the United States Army out trying to fight a war against them) as some kind of successful military strategy simply confuses the issue. The Indians did not even have an army. Their forces consisted of a group of individual fighters with leaders who could recommend but not command, either in battle or in peace.

Even Joseph had to concede, particularly after the conclusion of the Clearwater engagement of July 12 (for which the Indians had made no preparation), that Howard would continue to annoy them unless the nontreaty bands moved away from that part of the country. So the entire group decided to join their old friends, the Crows, in Montana. This move is often de-

scribed as the Nez Perce retreat over the Lolo Trail. Except for the fact that it was an exodus in which the Indians were bringing along their women and children and hauling all their possessions, the trip resembled a traditional hunting expedition to the buffalo country. The Indians paid no attention to Howard, who followed too far behind to pester them. To describe this trip as a military retreat is to misrepresent it entirely.

Upon reaching Montana, the Indians continued their efforts to avoid hostilities. They were disgusted when Colonel John Gibbon's military force attacked them at Big Hole, and, after that episode, they were suspicious of all the whites they encountered. Moreover, it now seemed obvious to them that they would not be permitted to settle down peacefully with the Crows. So, after going through Yellowstone Park, they headed north for Canada.

If the Nez Perce had suspected that they were being pursued by still another army unit, they might have speeded up their pace and reached their destination without further incident. But they were not engaged in a military campaign, nor were they retreating; they were simply leaving a hostile area (originally their homeland and now overrun by white intruders) where they had been made to feel entirely unwelcome. Hence they were traveling in a leisurely fashion when, as they approached the United States-Canada boundary, they were overtaken by United States Army troops commanded by General Nelson A. Miles.

In this final encounter, the true nature of the Nez Perce attitude toward the entire operation becomes clear. Those Indians who wanted to settle in Canada continued on their way, and General Miles could do nothing to stop them. Those who wished to live in the United States turned back with Joseph.

Joseph had remained firm in his belief that the lesser evil was to settle on the reservation. He had been reluctant to fight, and now that he had the opportunity to accomplish his objective by peaceful means, he accepted it. Miles, who had failed in his attempt to capture the Nez Perce bands, hoped to accomplish exactly the same objective as did Joseph—to persuade the Indians to settle on the reservation.

It should therefore be no great wonder that after a few days of military stalemate, the two men reached the agreement which both of them so strongly desired: the Indians who had remained with Joseph would return to the reservation in North Idaho. Joseph thought that the Indians and the United States Army should have

come to this agreement after the fight at the Clearwater.

Joseph's agreement with General Nelson A. Miles is usually reported as a surrender. From the Army point of view it was—and much was made over this “surrender,” perhaps to conceal the obvious fact that Miles had not won the battle. Fewer than ninety Indians elected to return to Idaho, and more than a hundred decided that it would be wiser to seek refuge in Canada. (These figures, of course, do not include women and children, most of whom are usually regarded in the white military tradition as non-combatants.)

Since Miles's objective had been to round up all the Nez Perce warriors, he could hardly boast of a victory. As a matter of fact, he deceived himself by construing the war as a two-sided military operation and by supposing that, when he dealt with Joseph, he was dealing with the military commander of the Nez Perce Indians. Actually, even during the battles, the Indians had no single military command in the white man's sense. Thus, when Joseph was negotiating with Miles, he was speaking only for himself and for those who wished to follow him. By Nez Perce standards, Whitebird and those who elected to go on were perfectly free to do so. And the Indians were adhering to their own standards, not to some white military tradition of which they were probably unaware.

Under the white man's system, a surrender meant that the Nez Perce commander, had there been one, would have been held responsible for the surrender of his entire army, which in this case did not exist, at least not as the kind of organization the white man understood. Little of this made sense to the Indians, who were not surrendering anyway.

General Miles probably could not have succeeded in explaining to Joseph the white man's concept of a military surrender, even if he had thought to try. And in any event, Joseph had no army to surrender and no authority to make other Nez Perce warriors come to any agreement or terms. Thus, since Miles was unable to capture the Nez Perce warriors, he was forced to abide by Nez Perce procedure and deal with the Indians as individuals. Such a procedure was as foreign to Miles as the concept of surrender was to the Nez Perce.

The elementary facts of the entire war clearly show that the Indians had little awareness of

how the white men conducted a war, and that the white men certainly had little or no understanding of the appropriate Indian concepts. Continued use of white military terms—especially of such terms as “retreat” or “surrender”—has contributed to a persistent misunderstanding of the Nez Perce War. Howard and Miles had some excuse for not realizing these errors. But there is no justification for us to perpetuate the distortions which have come from such misunderstandings.

Miles's somewhat more than partial, but by no means total, failure to gather up the Nez Perce warriors certainly was not a resounding military defeat for him. But in terms of what the Indians were trying to do, the white man's concept of military defeat scarcely applies to what happened to them either. Those who went with Whitebird to Canada were simply completing the journey they had originally set out upon when they left Crow country. In doing so, they were not concerning themselves with winning or losing a war: they were merely avoiding one the best way they knew. Those who returned with Joseph to the Nez Perce reservation in Idaho were given the settlement they had agreed to, with the greatest reluctance, before the war began. (More than half of the warriors who returned to Idaho had been injured and presumably had little choice. Some of those who returned may have done so only because they wanted to be with their families; many of the women and children had not been able to get across the border ahead of the United States Army.)

It would be ridiculous to argue that Joseph and Whitebird had won a victory because they had achieved their objectives. But it is just as inappropriate to refer to the battle as a defeat for the Indians. True, Joseph did suffer a temporary defeat, in a sense other than the military, for the United States government disregarded the settlement Miles and Joseph had reached. Instead of recognizing the terms of the agreement, which allowed Joseph and his followers to return to Idaho, the government exiled them to Kansas and Oklahoma, where they remained for eight years. Joseph's great triumph—upon which his reputation largely rests—came when he persuaded the United States government to return his band to the Pacific Northwest. And that was a political, not a military victory.