

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

Abstract

American Indians suffered a catastrophic population decline following sustained contact with Europeans. From a pre-contact population of perhaps five million or more, Native Americans within what would become the continental United States were reduced to some 240,000 by 1880-1900. This cataclysm thus ranks among the great population disasters of world history. Scholars agree that “Old World” diseases, to which Indians had no immunity, were the primary cause. And, while academics also agree that violence played an important role, debate continues over whether or not American Indians suffered genocide. This essay will first explore why the American genocide question matters to scholars, Indians, and the American public in general before surveying the polarized American Genocide Debate and finally proposing new methods of inquiry involving detailed case studies and a focus on genocidal rhetoric, massacres, and mass Indian death under federal custody.

The near-extinction of North America’s indigenous peoples remains one of the key formative events in United States history. Even more than broken treaties, forced removal, threats of violence, and real estate transactions of often questionable validity, the population cataclysm cleared over 2,000,000 acres of land for colonization: the geography and resources upon which the United States is built today. Thus, how we understand the American Indian population catastrophe fundamentally informs how we understand the U.S. and remember its origins.

In 1622 *Mayflower* passenger Robert Cushman wrote of America: “Our land is full...their land is empty. This then is a sufficient reason to prove our going thither to live lawful: their land is spacious and void, and they are few and do but run over the grass, as do...wild beasts.” This *vacuum domicilium* theory—upon which much of America would be colonized—argued that Indians did not inhabit their homelands fully enough, either in

density or development, to justify ownership. Buttressing *vacuum domicilium* in some minds, epidemics killed great numbers of Indians over the coming centuries. Thus emerged the trope of Indian population decline as natural disaster. This trope then became a convenient way of interpreting the expropriation of Indian lands not as violent conquest but as a just response to regrettable but inevitable natural devastation.

Epidemics did kill untold numbers of Indians. Yet the emphasis on disease mutes the role of violence in the Indian population catastrophe. Exploring whether or not such violence constituted genocide means addressing human agency and potentially vast criminality. As such, genocide raises difficult questions. Still, the question of genocide in American history needs to be investigated because the stakes are so high for scholars, Indians, and the American public in general.

If some U.S. regions, if not the entire nation, were founded on deliberate attempts to annihilate Indians, scholars may be forced to reevaluate major historical axioms and address new quandaries. Will scholars have to reevaluate the assumption that disease, rather than murder, was the leading cause of death in encounters between whites and Indians? What roles did federal, territorial, and state governments play in genocide, if any? Were the army and Indian Affairs Office to blame and, if so, how? Did democracy drive mass murder? And, ultimately, was the U.S. founded on genocide?

The genocide question is even more urgent for Indians given its political, economic, and health ramifications. Should tribes press for apologies and reparations? How should they commemorate such tragedies? How can genocide be reconciled with survival and cultural renewal? Perhaps most importantly—what role might

acknowledgement of genocide have on historical post-traumatic stress disorders and associated diabetes, substance abuse, domestic violence, and suicide?

The genocide question also poses explosive questions for non-Indian Americans. Should government officials tender apologies, as Congress, President Reagan, and President George H.W. Bush did “for the evacuation, relocation, and internment” of Japanese Americans during World War II? Should officials pay reparations, as Congress did to 82,210 Japanese Americans? Where genocidal events are found legislators and others will likely need to consider commemorating these events with monuments, museums and days of remembrance, all of which will likely catalyze fierce debates. And, how, if at all, will potential genocides be taught? Ultimately, the possibility of American genocide throws national identity into question. How will we make sense of ourselves if some regions or even the entire nation are founded upon “the crime of crimes”? Taken together, these many questions help explain why most scholars have avoided the genocide question. Still, the deadlocked American Genocide Debate itself is also to blame.

In 1880 discussions of white violence against Indians took a dramatic turn when George Manypenny wrote the first book addressing intentional Indian extermination—genocide’s nineteenth-century equivalent—across American history. The following year Helen Hunt Jackson also chronicled atrocities and massacres against Indians. However, author and future President Theodore Roosevelt disparaged them both and his triumphal *The Winning of the West* eclipsed both.

Nazi mass murder then catalyzed a new framework for discussing crimes of “extermination.” In 1944, Raphaël Lemkin combined the Greek *genos*, “race,” with the

Latin *cide*, “killing” to define as genocide any attempt to physically or culturally annihilate an ethnic, religious, or political group. The 1948 United Nations Genocide Convention then defined genocide as:

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

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

The Convention thus provides a clear, internationally recognized rubric for evaluating instances of genocide, including historical cases not subject to legal jurisdiction.

In the 1960s, 1970s and 1980s American awareness of the Holocaust and genocide expanded alongside Civil Rights activism, revisionist histories, Indian political activism and interest in Indian history. These cross-pollinating movements then produced a small chorus calling white treatment of Indians genocide. In 1966 Indian singer-songwriter Buffy Sainte-Marie sang “of the genocide basic to this country’s birth.” Academics wrote about genocide in America two years later and Indian activists soon used the term. Finally, in 1987, Russell Thornton wrote the first scholarly monograph addressing genocide in the entire continental U.S.

The 1992 quincentenary of Columbus’s arrival in the Americas then catalyzed debate over whether European conquest should be celebrated or condemned. David

Stannard argued: “From almost the instant of first human contact between Europe and the Americas, firestorms of microbial pestilence *and* purposeful genocide began laying waste the American natives.” That same year Lenore Stiffarm and Phil Lane, Jr. proclaimed: “there can be no more monumental example of sustained genocide...anywhere in the annals of human history.” Ward Churchill then asserted that genocide began with invasion and continues today. Most recently, Ben Kiernan dedicated two chapters to American genocide in his book *Blood and Soil*.

In contrast, four scholars asserted that Indians rarely, if ever, suffered genocide. In 1992 James Axtell proclaimed: “‘genocide’... inaccurate as a description of the vast majority of encounters between Europeans and Indians.” In 1994 Steven Katz invoked natural disease, claiming that, “Nature, not malice, was the main cause” of “the depopulation of the New World.” By 2004, William Rubinstein contended that, “American policy towards the Indians ... never actually encompassed genocide” while Guenter Lewy added that: “Genocide was never American policy, nor was it the result of policy.”

The American Genocide Debate is polarized for two reasons. First, participants disagree on genocide’s definition. Second, most focus on rendering a single verdict for the whole continental U.S. (and sometimes the entire Americas) from first contact to the present. To move the debate forward, both issues must be addressed, beginning with the definitional dispute.

The American Genocide Debate is, in part, the struggle to define a single word. Most debate participants began with the U.N. Convention, but only Stannard, Lewy, and Kiernan accepteded it. Churchill proposed protecting any “human group” while including

physical, biological, and cultural genocide. Rubinstein, however, narrowed the definition to “the deliberate killing of most or all members of a collective group.” Axtell, in contrast, expanded protected groups while limiting genocidal crimes to “one-sided *mass* killing in which a *state* or other authority *intends* to destroy a group.” Katz, likewise, expanded protected groups but argued that, “genocide applies *only* when there is an actualized intent...to physically destroy an *entire* group.”

Genocide is, however, more than an academic concept. It is a crime defined by an international legal treaty and subsequent case law. In 1948 the United Nations General Assembly unanimously, and without abstentions, adopted the Genocide Convention and its definition. This description remains genocide’s only authoritative international legal definition. And, it has teeth. 140 nations have now ratified or acceded to the Convention and since 1993 the International Criminal Tribunals for the Former Yugoslavia and Rwanda have tried scores of genocide cases using this definition. The International Criminal Court at The Hague, established in 2002, is also empowered to try genocide suspects using the Convention. The Convention definition is part of a growing international legal regime and, as such, is both the most widely accepted definition and the most powerful. It thus provides the best definition for investigating possible genocides of Native Americans.

The focus on rendering a verdict of genocide or not genocide for the continental U.S. as a whole, and sometimes the entire Americas, also polarizes the American Genocide Debate. This is a case of lumping when splitting is in order. Contact between Indians and Europeans spans centuries, ranged over 2,959,000 square miles and involved interactions between British, Dutch, French, Mexican, Russian, Spanish, Texan and

United States regimes, which changed over time, with hundreds of Indian peoples, themselves neither homogeneous nor static. With the exception of Thornton, Stannard and Kiernan, scholars on both sides of the debate have largely avoided in-depth analyses of particular regions in specific periods or individual tribes' demographic declines. This dearth of detailed studies, along with definitional differences, helps explain the dispute's abstract and unresolved nature.

It is difficult to argue meaningfully about genocide on a national level without definitional agreement or robust local studies to support broad conclusions. Thornton blazed a trail by bringing brief tribal studies into his argument. Stannard then touched upon both genocidal intent and genocidal actions. More recently, Kiernan demonstrated the importance of regional case studies emphasizing genocidal intent, command structures and massacres. Still, despite pioneering work by Thornton, Stannard, Kiernan and others, there remains a need for additional, highly detailed investigations providing the data for a more detailed assessment of genocide's occurrence and frequency, or absence, in U.S. history. How might such studies be done?

In-depth tribal and geographical case studies first require locating markers that indicate a possible genocide. Annihilationist rhetoric, massacres, and mass death in federal custody are three ways of locating potential genocides. Additionally, their prevalence across time and U.S. geography suggests that the question of genocide in American history is worth investigating.

White policy-makers articulated intent to annihilate Indian peoples both before and after 1776. As early as 1622, Virginia colony leaders responded to an Indian attack by planning "a sharp revenge...even to...the rooting them out for being longer a people

upon [sic] the face of the Earth.” By 1711, Virginia’s House of Burgesses advocated: “extirpating all Indians without distinction.” Fifty-two years later, during Pontiac’s Uprising, Field-Marshal Jeffrey Amherst ordered a subordinate to “Extirpate this Execrable Race.” Thomas Jefferson then became the first U.S. President to consider intentional extermination. The idea was soon common. In 1830 President Andrew Jackson told Congress to overcome “melancholy reflections” resulting from driving Indians “to the tomb” with this cheerful thought: “philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another.” Americans listened. By 1862 General John Pope wrote: “It is my purpose utterly to exterminate the Sioux.” Seven years later General Philip Sheridan reportedly proclaimed, “The only good Indians I ever saw were dead.” Less famously, in 1873 General William Sherman informed subordinates that in attacking the Modoc, “You will be fully justified in their utter extermination.” And, as late as 1886, Theodore Roosevelt called Indians’ destruction “as ultimately beneficial as it was inevitable.”

Massacres targeting American Indians were physical manifestations of annihilationist rhetoric and serve three important functions for scholars. First, the number of massacres in U.S. history suggests the need to more thoroughly examine the American genocide question. Second, massacres may flag regions and times where whites committed genocide against Indians. Finally, massacres may provide evidence of genocidal crimes while their repetition may help to substantiate genocidal intent.

The following map locates 37 massacres in 25 states, but is hardly comprehensive. Investigating specific regions’ and tribal histories in detail may reveal a far greater density of massacres both regionally and across the continental U.S.

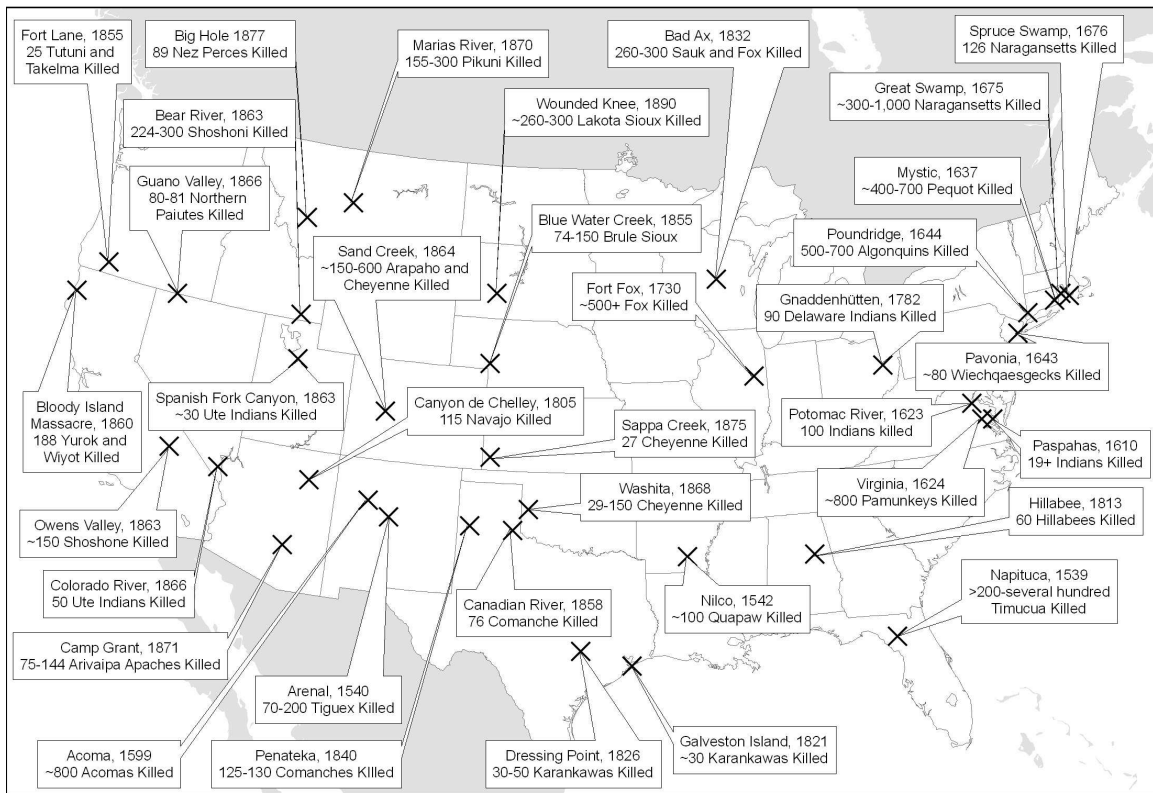


Illustration: Some Reported Massacres of Indians by Whites and their Allies, 1539-1890

Mass Indian death under federal custody may also indicate genocidal crimes, including “Killing,” “Causing serious bodily or mental harm,” “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” or “Imposing measures intended to prevent births.” Over 4,000 Choctaws died during and immediately after their deportation, under guard, to Oklahoma during 1832 and 1833. Some 700 Creeks died while being marched to Arkansas in 1836. And, some 8,000 Cherokees died “more or less as a result of the Trail of Tears.” Several decades later, “Of the 1,300 Santee [brought to Crow Creek] in 1863, less than 1,000 survived

their first winter.” In California at least 4,400 Yuki died at Round Valley Reservation between 1856 and 1864. Soon thereafter, forced removal to Bosque Redondo Reservation in New Mexico killed hundreds of Navajos between 1864 and 1868. Again and again, mass Indian death accompanied federal custody.

In times and places where intent to destroy, massacre, and mass death under federal custody appear, it makes sense to investigate the possibility of genocide. However, each population decline, be it the Connecticut Pequot in the seventeenth century or the California Wiyot in the nineteenth, requires detailed investigation. Genocidal intent, actions, and consequences must be meticulously examined in each case. Such studies will, in turn, provide the foundations for meta-analyses. By examining each case in detail scholars can dignify its particularities and ultimately help create a clearer, more vivid mosaic of American Indian experiences and of U.S. history as a whole.

The “Old World” pathogens non-Indians carried in their blood, mucus, saliva, and semen killed untold numbers of Indians. But, the weapons in colonists’ hands and the ideas in their heads also led to violence, massacres, forced removals, and, in some cases, perhaps genocide. It is perhaps unsurprising that scholars have written so little about the question of genocide in American history. White agency in the American Indian population catastrophe is painful to contemplate and impossible to reverse. Yet we need to understand this history. Possible cases of Native American genocide are worth investigating for many reasons, but three stand out. Decency demands that even after victims are gone, we preserve the memory of what befell them. Justice demands that even after the perpetrators have vanished, we uncover and document the truth about their crimes. And, historical veracity demands that we carefully examine the American Indian

Benjamin Madley, Yale University
Please do not cite or distribute beyond selection jury

demographic catastrophe, in all its aspects, in order to better understand one of the key formative events in Native American and United States history.

Bibliography

- Axtell, James, *After Columbus: Essays in the Ethnohistory of Colonial North America*, New York, 1988.
- Axtell, James, *Beyond 1492: Encounters in Colonial America*, New York, 1992.
- Berthrong, Donald J., *The Cheyenne and Arapaho Ordeal: Reservation and Agency Life, 1875-1907*, Norman, Oklahoma, 1976.
- Black, Francis L., "Why Did They Die?" *Science*, December 11, 1992.
- Black, Francis L., "An Explanation of High Death Rates Among New World Peoples when in contact with Old World Diseases," *Perspectives in Biology and Medicine*, Winter, 1994.
- Brock, R.A., ed., *The Official Letters of Alexander Spotswood, Collections of the Virginia Historical Society*, Richmond, 1882.
- Brown, Dee Alexander, *Bury My Heart at Wounded Knee*, New York, 1971.
- Cave, Alfred A., *The Pequot War*, Amherst, 1996.
- Coldwell-Chanthaphonh, Chip, *Massacre at Camp Grant: Forgetting and Remembering Apache History*, Tucson, 2007.
- Churchill, Ward, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*, San Francisco, 1997.
- Daily Alta California*, San Francisco, California.
- Demos, John, *Remarkable Providences, 1600-1760*, New York, 1972.
- Denevan, William M., *The Native Population of the Americans in 1492*, Madison, 1992.
- Dobyns, Henry F., *Their Numbers Become Thinned: Native American Population Dynamics in Eastern North America*, Knoxville, 1983.
- Douthit, Nathan, *Uncertain Encounters: Indians and Whites at Peace and War in Southern Oregon, 1820s-1860s*, Corvallis, Oregon, 2002.
- Eby, Cecil D., *"That Disgraceful Affair," the Black Hawk War*, New York, 1973.
- Edmunds, Russell D. and Joseph L. Peyser, *The Fox Wars: the Mesquakie Challenge to New France*, Norman, Oklahoma, 1993.
- Ellis, Edward, *The History of Our Country*, Indianapolis, 1900.

Fehrenbach, T.R., *The Comanches: The Destruction of a People*, New York, 1974.

Fiske, John, *The Dutch and Quaker Colonies in America*, Boston, 1899.

Greene, Jerome A., *Washita: The U.S. Army and the Southern Cheyennes, 1867-1869*, Norman, Oklahoma, 2004.

Gutierrez, Ramón A., *When Jesus Came the Corn Mothers Went Away*, Stanford, 1991.

Hagedorn, Hermann, *Roosevelt in the Bad Lands*, Boston, 1921.

Haines, Aubrey L., *The Battle of the Big Hole: The Story of the Landmark Battle of the 1877 Nez Perce War*, Guilford, Connecticut, 2007.

Hammond, George P. and Agapito Rey, eds. and trans., *Narratives of the Coronado Expedition 1540-1542*, Albuquerque, 1940.

Hoig, Stan, *The Sand Creek Massacre*, Norman, Oklahoma, 1961.

Hoig, Stan, *The Battle of the Washita: The Sheridan-Custer Indian Campaign of 1867-69*, Lincoln, Nebraska, 1976.

House of Representatives Executive Document Number 269, "Piegan Indians," 41st Congress, 2nd Session, 1870.

The Humboldt Times, Eureka, California.

Indian Claims Commissions Documents in Montana Historical Society Archives, Helena, Montana.

Jackson, Helen Hunt, *A Century of Dishonor: A Sketch of the United States Government's Dealing with Some of the Indian Tribes*, New York, 1881.

Jacoby, Karl, *Shadows at Dawn: A Borderlands Massacre and the Violence of History*, New York, 2008.

Jennings, Francis, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest*, New York, 1975.

Jensen, Richard E., "Big Foot's Followers at Wounded Knee," *Nebraska History* 71:4, Winter, 1990.

Jung, Patrick J., *The Black Hawk War of 1832*, Norman, Oklahoma, 2007.

Katz, Steven T., *The Holocaust in Historical Context: The Holocaust and Mass Death before the Modern Age*, New York, 1994.

- Kiernan, Ben, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*, New Haven, 2007.
- Kingsbury, Susan Myra, ed., *The Records of the Virginia Company of London*, Washington, D.C., 1906.
- La Vere, David, *The Texas Indians*, College Station, Texas, 2004.
- Lemkin, Raphaël, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Washington, D.C., 1944.
- Lewy, Guenter, “Were American Indians the Victims of Genocide?” *Commentary*, September, 2004.
- Madley, Benjamin, “California’s Yuki Indians: Defining Genocide in Native American History,” *The Western Historical Quarterly*, 39:3, Autumn, 2008.
- Manypenny, George Washington, *Our Indian Wards*, Cincinnati, 1880.
- Mason, John, *Brief History of the Pequot War*, Boston, 1736.
- Mathiessen, Peter, *In the Spirit of Crazy Horse*, New York, 1980.
- McNitt, Frank, *Navajo Wars; Military Campaigns Slave Raids and Reprisals*, Albuquerque, 1972.
- Milanich, Jerald T., *The Hernando de Soto Expedition*, New York, 1991.
- Milanich, Jerald T., *The Timucua*, New York, 1996.
- Miles, Dale Curtis and Paul R. Machula, eds., *History of the San Carlos Apache*, NP, 1998.
- Novick, Peter, *The Holocaust in American Life*, Boston, 1999.
- O’Brien, Sean, *In Bitterness and Tears: Andrew Jackson’s Destruction of the Creeks and Seminoles*, Westport, Connecticut, 2003.
- O’Callaghan, Edmund Baily, *History of New Netherland*, volume 1, 1846; New York, 1855.
- Ostler, Jeffrey, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee*, Cambridge, United Kingdom, 2004.
- Paul, R. Eli, *Blue Water Creek and the First Sioux War, 1854-1856*, Norman, Oklahoma, 2004.
- Phillips, Kate, *Helen Hunt Jackson: A Literary Life*, Berkeley, 2003.
- Richardson, James D., ed., *A Compilation of the Messages and Papers of the Presidents*, volume 2, Washington, 1898.

Roosevelt, Theodore, *The Winning of the West*, volume 1, New York, 1889.

Rubinstein, William D., *Genocide: A History*, Harlow, United Kingdom, 2004.

Sacramento Daily Union, Sacramento, California.

Sainte-Marie, Buffy, "My Country 'Tis of thy People You're Dying," *Little Wheel Spin and Spin*, 1966.

Schabas, William, *Genocide in International Law: The Crime of Crimes*, New York, 2002.

Scultz, James Willard, *Blackfeet and Buffalo: Memories of Life Among the Indians*, Norman, Oklahoma, 1962; 1968.

Shoemaker, Nancy, *American Indian Population Recovery in the Twentieth Century*, Albuquerque, 1999.

Stannard, David, *American Holocaust: The Conquest of the New World*, New York, 1992.

Stevens, Sylvester and Donald Kent, eds., *The Papers of Col. Henry Bouquet*, Harrisburg, 1940.

Stiffarm, Lenore A. with Phil Lane, Jr., "The Demography of Native North America: A Question of American Indian Survival" in M. Annette Jaimes, ed., *The State of Native America: The Conquest of the New World*, New York, 1992.

Sturtevant, William C. and Samuel Stanley, "Indian Communities in the Eastern States," *The Indian Historian*, Summer, 1968.

Thornton, Russell, *American Indian Holocaust and Survival: A Population History Since 1492*, Norman, Oklahoma, 1987.

Trelease, Allen W., *Indian Affairs in Colonial New York: The Seventeenth Century*, Lincoln, 1960; 1997.

Trumbull, J. Hammond, ed., *The Public Records of the Colony of Connecticut, From 1665 to 1678*, volume 2, Hartford, Connecticut, 1852.

Tyler's Quarterly Historical and Genealogical Magazine, October, 1921.

Ubelacker, Douglas H., "Prehistorical New World Population Size: Historical Review and Current Appraisal of North American Estimates," *American Journal of Physical Anthropology* 45:3, November 1976.

Underhill, John, *Newes from America*, London, 1638.

Benjamin Madley, Yale University
Please do not cite or distribute beyond selection jury

United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide. Adopted by the General Assembly of the United Nations on 9 December 1948, Treaty Series, Volume 78: Number 1021.*

United States, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series 1, Volumes 8 and 15, Washington, D.C., 1885.

United States Bureau of the Census, *Indian Population in the United States and Alaska, 1910*, Washington, D.C., 1915.

United States Office of Indian Affairs, *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1900*, Washington, D.C., 1900.

Wallace, Anthony, *The Long Bitter Trail*, New York, 1993.

Weslager, C.A., *The Delaware Indians*, New Brunswick, New Jersey, 1972.

West, Elliot, *The Contested Plains: Indians, Goldseekers, & the Rush to Colorado*, Lawrence, Kansas, 1998.

Wilbarger, J.W., *Indian Depredations in Texas*, Austin, 1889; 1967.