Salt Lake Tribune photograph, February 22, 1918, identifies the men, left to right, as Jim Straight, Alex Steele, Lou Murphy, Marshal Aquila Nebeker, Tweedy Baker, Jack Tomoke, and Annie's Tommy, thus leaving one unnamed, possibly man at left rear who appears to be a uniformed soldier.

Gosiute-Shoshone Draft Resistance, 1917-18

BY DAVID L. WOOD

THE DESERT OF WEST-CENTRAL UTAH is a long way from the Meuse River and the Argonne Forest, yet, improbable as it may seem, it briefly became a theater of action during World War I. In this instance, however, there were no trenches or gas attacks, and American doughboys did not face the steel-helmeted troops of Kaiser Wilhelm. Instead, in a unique wartime operation, khaki-clad soldiers marched against a

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small band of Gosiute Indian draft resisters whose recalcitrance was intimately linked with events among the Shoshone. This is not to say that these were the only Indians who opposed conscription. Utes, Navajos, and Mission Indians (to name a few) expressed similar sentiments. But though several agents threatened to call in troops, soldiers were actually employed only against the Gosiute—a people Mark Twain once called “the wretchedest type of mankind I have ever seen.”

The Selective Service Act of May 18, 1917, applied to Indians and non-Indians alike in that it required the registration of all male residents of the United States between the ages of twenty-one and thirty-one. (Later legislation extended the age limits to include men from eighteen to forty-five.) The provost marshal general assigned the states responsibility for enrolling most eligibles, including Indians living on the public domain; but he gave the commissioner of Indian Affairs the task of registering reservation Indians. That official established a draft board at each agency. He instructed the superintendents to handle the enrollment “diplomatically but firmly”; they should explain the law to all men within the age limits, emphasizing that enrollment did not necessarily mean they would be conscripted since noncitizen Indians were exempt.

Washington declared that Indians were citizens: (1) if they had received a trust patent under the Dawes Act prior to May 8, 1906; (2) if they had received a patent in fee for an allotment acquired subsequent to May 8, 1906; (3) if they “lived separate and apart from any tribe” and had “adopted the habits of civilized life”; (4) if they were minors at the time their parents became citizens or were born to citizen parents; or, (5) by special act of Congress (as in the case of the Five Civilized Tribes of Oklahoma).

When the Shoshones at Fort Hall, Idaho, learned that their sons must register, “a thousand or more” gathered in council. Garfield Poca-
tello and others advised the young men not to enroll. Later, the tribesmen reportedly bought “between thirty and forty rifles” and “a goodly quantity of ammunition.” Then, some fifty of them fled to the hills. This potentially explosive situation was settled amicably. In another council, A. W. Fisher, “an old timer and great friend of the Indians,” explained that registration was “more on the order of a census than anything” and informed the tribesmen of their noncitizen exemption. Reassured, the chiefs pledged their cooperation, requested a time extension, and reassembled their youth. One hundred and six eligibles registered June 5; by the end of the month, twenty more had enrolled. Only fourteen remained unaccounted for.

Meanwhile, two Fort Hall Indians had visited Box Elder County, Utah. About a dozen tribesmen living there refused to register. The local sheriff arrested them and all were enrolled.

Events on the Gosiute reservation at Deep Creek were more complicated. Correspondence, described by Superintendent Amos R. Frank as “treasonable,” passed between Annies Tommy, “reputed head of the Goshute Tribe”; Willie Ottogary, an “unusually intelligent and scheming Indian” from Box Elder County; Jacob Browning, interpreter at Fort Hall; and Moody, a resident of Skull Valley. Their letters, said the superintendent, condemned President Woodrow Wilson for leading the nation into war and opposed Indian participation. Furthermore, Ottogary and Tommy traveled all over the region “spreading discontent wherever they went.” Frank recommended that they be arrested. When nothing happened, he gathered the Gosiutes together and with the help of Jim Clover, his interpreter, explained the draft law to them. All the eligible men then left the reservation for Nevada “under the pretense to shear sheep,” while Annies Tommy went in search of Willie Ottogary. No Gosiutes registered.

G. J. Knapp, deputy special officer for the suppression of the liquor traffic, saw Tommy and Ottogary en route to Deep Creek the day after registration day. Knowing that Superintendent Frank anticipated trouble if Ottogary came to the reservation, Knapp followed the Indians.

*Pocatello Tribune*, June 1, 1917, June 5, 1917, June 30, 1917.

*Salt Lake Tribune*, June 7, 1917.


Unless otherwise noted, discussion of the 1917 draft resistance is based upon the following: G. J. Knapp to Barrington [sic], June 11, 1917, NA, JFB; Frank to Dorrington, June 12, 1917, ibid.; Dorrington to Commissioner, June 20, 1917, ibid.
Should trouble arise he would be on hand to assist the superintendent. Along the way Knapp boasted openly that he was going to arrest some bad Gosiutes. Not surprisingly, Ottogary and Tommy, who had learned of his coming, stopped him at the reservation gate. The Indians were "very insulting," but "I laid the law down to them," the deputy reported. Before this exchange got out of control, Superintendent Frank invited Knapp into the agency office. Ottogary and Tommy protested. Frank said they were insolent and arrogant, insisting that the Gosiutes "would not register and could not be made to register."

Forty Gosiute men held a lengthy council. Superintendent and Mrs. Frank were summoned, and the Indians reiterated their determination not to register. The tribesmen then sent for Knapp, allegedly threatening to "soon fix him." According to the deputy, "Mrs. Frank came running out of the council place" and said that the Indians had resolved to force him off the reservation. (The Indians later denied this.) Knapp, in turn, "decided that if there was to be violence, it might as well be had right then." He entered the room "with a rush," Frank recalled, "and immediately proceeded to place Ottogary and Tomy [sic] under arrest. . . . Certain of the Indians then seized, overpowered and disarmed him." Frank ordered the tribesmen to release Knapp. They did, but when he tried to leave in the agency wagon, Al Steel, an Indian judge, unhitched the horses and reportedly used "threatening language" in his efforts to prevent him from going. Knapp claimed that there was talk of holding him indefinitely, eventually trying him in the Indian court. After an hour of fruitless wrangling, however, he was released.

Before Knapp left Deep Creek he and Frank decided to wire Washington, requesting soldiers to enforce the draft law, but the nearest telephone was at Gold Hill, thirty-two miles away. Fearing that the Indians might intercept a written message, Frank signed a blank telegram and gave it to Knapp who left in the agency wagon with Pon Dugan, a "trustworthy" Indian. Mrs. Frank rode as far as Ibapah to do some "trading." When Dugan returned to the reservation, he was alone, and he bore startling news. Knapp refused to let Mrs. Frank come home and a posse was forming.

Knapp had told residents of Gold Hill that the Gosiutes had "hog tied" the Franks and "were . . . liable to kill them and burn the buildings." His telegram to Washington contained a similar statement. When two Indians tried to wire their version of events, the deputy arrested

*Frank to Commissioner, June 9, 1917, ibid.*
them. At Deep Creek, meanwhile, great excitement prevailed. The Gosiutes armed themselves, stationed lookouts, and awaited battle. They also urged Superintendent Frank to turn the posse away.

An advance party arrived first: Mrs. Frank, Mr. and Mrs. George D. Felt of Ibapah, Joe Sims, who had “lived among the Indians most of his life,” F. W. Ferris, “a very diplomatic and able man,” and an unidentified person. They had preceded the posse, said Frank, to ascertain “the real situation and to get myself and family out before the posse entered.” They said that seventy-five armed citizens were just five miles away and would attack if the vanguard “failed to return by midnight.” When Frank learned that Sims spoke Gosiute “fluently,” he assembled the Indian leaders. Sims, however, was unable to calm them, and the tribesmen warned that if the imprisoned messengers were not released by the following evening, the Indian women would make “much trouble.” Sims agreed to return the captives, being determined to secure their release “by force if necessary.” When he and his companions departed, Frank and his family refused to go with them.

Sims reported the results of his mission to Knapp, urging that the posse not proceed further until the Indian prisoners had been released and the Franks’ safety assured. Knapp freed the captives. Sims returned them to Deep Creek and “received a most hearty appreciation” from the Gosiutes who reputedly “agreed to register for the Selective Draft and go as soldiers if called.” They also agreed to surrender Willie Ottogary but refused to give up Annies Tommy. Since Knapp seemed determined to arrest both Indians, Sims again tried unsuccessfully to persuade Frank to leave his post. His refusal averted a confrontation that almost certainly would have resulted in bloodshed. Knapp disbanded the posse “in the interest of peace,” and left the region. Frank, presumably as a conciliatory gesture, gave certain “old and needy” Gosiutes $25.00, but he refused to pay other tribesmen for road work, even when Ottogary allegedly threatened him.

Meanwhile, the commissioner of Indian Affairs sent special agent L. A. Dorrington to investigate the Gosiute disturbance. Dorrington discovered Ottogary posting notices announcing that the tribesmen were not “on the warpath.” Nevertheless, he found the Indian to be “insolent and grossly [sic] insulting . . ., disrespectful . . ., dictatorial and haughty,” threatening “trouble and plenty of it.”

The same day, Superintendent Frank sent a telegram to Washington warning that conditions among the Gosiutes had “assumed a serious
aspect.” Fifty Indians had come from Nevada and more were expected momentarily. With white citizens and tribesmen eyeing one another suspiciously, he questioned his ability to “prolong the situation very much longer.” Ottogary, Tommy, and eighteen others must be arrested, he said, before another attempt was made to register the Gosiutes.⁹

Dorrington counseled with the Gosiutes. On the question of registration they remained adamant. The investigator warned them that their recalcitrance would lead to arrest, imprisonment, and a stint in the army. He informed them that the commissioner had extended their enrollment period ten days, and, he told them, as tribal Indians they would not be conscripted. Early in the afternoon of the second day of meetings, Jim Clover, the interpreter, offered to register in what Dorrington described as “a splendid and manly manner.” The investigator excused himself and went to get Superintendent Frank.

When Dorrington returned, he found pandemonium: “everybody seemed to be talking.” As Frank entered the room, Ottogary reportedly “pointed his finger at him, and . . . stated in a loud and most contemptible manner: ‘There he is, We don’t want Amos Frank here any longer. We want another superintendent.’” Dorrington claimed that he quickly stepped between Frank and Ottogary, thrust his face into that of the Indian, and exclaimed: “Willie Ottogary, you have carried this too far. You cannot make threats of that nature and get away with it. Your bluff is called and from now on you will be treated accordingly.” Ottogary, the investigator remembered, “immediately wilted and his attitude changed at once.” Jim Clover was registered and, urged by Tommy and Ottogary, four other youths complied.¹⁰

Having met defeat, Ottogary left for home, but not before asking Dorrington for a writ of safe passage. The investigator refused, ordering him never to return to Deep Creek. Dorrington opined that Tommy, Ottogary, and Al Steel were guilty of “treasonable conduct” and should be “prosecuted to the fullest extent.”

Most of the Gosiute eligibles had registered by the end of June. In mid-July, however, newspapers declared that two Indian draft dodgers had stolen some horses and were menacing white ranchers near Baker, Nevada. After the sheriff of Millard County, Utah, visited the reservation the excitement again died down.¹¹

² Ibid.
³ Dorrington to Commissioner, June 11, 1917, ibid.
Although the War Department had announced that noncitizen Indians would not be drafted, it had cautioned that tribesmen must prove their status, and "unless an Indian specifically claimed exemption on the ground of non-citizenship . . . , he waived his right to such exemption." Although some Gosiute registrants explicitly relinquished immunity, others (apparently unwittingly), failed to declare their noncitizenship. After a few of them received orders to appear for physical examination, Annies Tommy rushed to Idaho where an "Indian Grievance Committee" wired a protest to the Indian Rights Association. When Dr. Joseph H. Peck visited the reservation to examine the draftees, eighty-year-old Antelope Jake told him the boys were out herding sheep, "an activity," the doctor reflected, "that was foreign to a Gosiute's nature and not a very likely story." The old Indian told Peck that the Gosiutes did not understand the war, for they had never seen a German. Germans were a type of white man, the doctor explained, suggesting that Superintendent Frank was probably of that extraction. "Jake brightened up," Peck recalled, volunteering to kill Frank and any other Germans who appeared at Deep Creek. Otherwise white men should fight their own war.\footnote{Daily Oklahoman, August 24, 1917; Commissioner to T. Sterling, June 7, 1918, NA, RG 75, Standing Rock, 101703-125; E. B. Meritt to Frank, August 21, 1918, NA, RG 75, Gosiute, 71476-125; Joseph H. Peck, \textit{What Next, Doctor Peck?} (Englewood Cliffs, N.J.: Prentice-Hall, 1959), pp. 190-91.}

In January 1918 the Western Shoshone superintendent at Owyhee, Nevada, reported "a feeling of perturbation and excitement" among his charges. Inquiry, he said, had revealed that Garfield Pocatello and another man from Fort Hall, Idaho, were holding meetings on the reservation, endeavoring to turn the Indians against the government and the draft. Confronted with these accusations, Pocatello swore that he was merely visiting relatives. He admitted telling them of the Fort Hall "draft riot" but denied trying to incite a local rebellion. He did say, however, that Charles Damon, Jr., a Western Shoshone, had visited Fort Hall announcing that Jack Wilson (Wovoka), the Paiute prophet, wanted to see a Shoshone delegation and that $150.00 had been raised at Fort Hall to pay for the journey (shades of the Ghost Dance and Wounded Knee!). Again, Pocatello denied that he and his companion were on such a mission. A meeting of the Western Shoshone reassured their superintendent; both older Indians and a number of "returned students" pledged to support the government.\footnote{H. D. Lawshe to Commissioner, February 18, 1918, Federal Archives and Records Center, San Bruno, RG 75, Dorrington, Western Shoshone (hereafter FARC, SB); Testimony of Garfield Pocatello, February 15, 1918, ibid. 1917.}
Although the Western Shoshone agent called Damon “a young, irresponsible Indian, without influence or following” and scoffed at his story about Wovoka, the agent’s reports to Washington probably affected subsequent events among the Gosiute. Coincident with Garfield Pocatello’s visit to Nevada, Annies Tommy allegedly urged Indians there not to enlist or answer draft calls, and the Gosiute tribal council sent a letter to Washington, demanding that Superintendent Frank be replaced before the end of February." Frank declared that he would leave only if the commissioner so ordered, and, “if necessary, he would arm himself” and face the Indians alone rather than “desert his post.”

Again, special agent Dorrington investigated, reporting that the Indians were dead serious and would expel the superintendent with force if necessary. He said that the Gosiutes were “absolutely against their men going to war . . . and would rather die on the spot . . . than enlist or submit to draft.” Even tribesmen who had heretofore been cooperative, he wrote, were “disrespectful and defiant.” The investigator tried to shame the Indians into registering by telling them they were almost alone in their resistance, but Al Steel and John Syme (members of the tribal council) angrily walked out of the meeting, and the entire gathering soon dispersed. Dorrington described the situation as “bad and will probably not be any better until having been very much worse.” He recommended that Annies Tommy and other members of the tribal council be arrested and held without bail until the draft question was settled. He further suggested that Superintendent Frank and his family be removed from danger.

The situation soon became more urgent. On February 9 Frank reported that Indians from Nevada were gathering on the reservation. “To preserve order and enforce the selective draft” and “to avoid bloodshed,” he believed he would need to call in the sheriff and posse. Frank, Dorrington, United States Attorney William W. Ray, and Marshal Aquila Nebeker met in Salt Lake City and concluded that the situation was “critical.” Dorrington filed a complaint, and the marshal obtained a warrant for the arrest of Willie Ottogary, Annies Tommy, and three other Gosiutes.

Fearing that the Indians might resist arrest, the officials recommended against sending a civilian posse for them. A posse lacked proper

"Frank to Commissioner, January 15, 1918, ibid., Gosiute; Jim Straight, et al to Commissioner, January 21, 1918, NA, JFB.

Dorrington to Commissioner, February 6, 1918, NA, RG 75, Gosiute, 30951-125.

Frank to Commissioner, February 9, 1918, ibid.
discipline; violence might occur unnecessarily. Instead, they requested fifteen soldiers from Fort Douglas. The army’s presence, they reasoned, would prevent bloodshed, would leave no doubt that the United States was acting, and would have a “good effect” on all Indians “inclined to oppose authority.”

Superintendent Frank returned to Deep Creek and found that “at least twenty” more Indians had arrived from Nevada. “I do not think they intend to wait until the last of February,” he telegraphed, urging that fifteen soldiers would not be enough. Thus, fifty-four made up the expedition.

The army left Salt Lake City February 19 via special train; at Gold Hill it transferred to private vehicles. With headlamps ablaze, this strangely assorted convoy crossed Clifton Flats and snaked its way into the Deep Creek Mountains, the largest, most powerful car breaking a trail through more than a foot of new-fallen snow. The thermometer registered minus twenty degrees Fahrenheit. About 2:30 A.M., February 20, the expedition arrived at Sheridan’s store near Ibapah. The surprised proprietor, when awakened, invited the men inside and built a fire so they could warm up. His wife and daughter prepared food for their unexpected guests. Then the troops awaited dawn.

37 Dorrington to Commissioner, February 13, 1918, March 26, 1918, ibid.; Secretary of Interior to Attorney General, February 15, 1918, ibid.

38 Dorrington to Commissioner, February 15, 1918, ibid.
Superintendent Frank rendezvoused with the expedition before daybreak, and at 6:00 A.M. the force descended upon the Indians. Annies Tommy and two other Gosiutes reputedly “showed fight and intended flight,” but within thirty minutes the soldiers had rounded up, disarmed, and questioned about one hundred “restive bucks.” Not a shot had been fired.19

Marshal Nebeker lectured the assembled captives about conscription. Comparing it to a game of chance, he illustrated the risk involved by flipping a coin and explaining, “heads, my boy go...; tails your boy go.” “If it had been explained to us this way at first,” one of the Gosiutes remarked, “this trouble would not have come.” The marshal detained three young draft evaders (two others had escaped) in addition to Annies Tommy, Al Steel, Jim Straight, and John Syme who were charged with conspiracy. The rest of the Indians were set free.20

That evening with the expedition safely back in Gold Hill and the prisoners “under heavy guard,” citizens and soldiers celebrated. As the evening wore on even the sentries and the Indians joined the festivities. Soon, everyone was “well oiled” with bootleg liquor. Dr. Peck remembered seeing the guards “leaving the hall, their arms around each other’s necks, singing ‘K-K-K-Katy’ at the top of their lungs while their prisoners trailed behind carrying the guns and ammunition belts belonging to their captors.” Next day, army and Indians went to Salt Lake City. Simultaneous with events at Deep Creek, Deputy Marshal David Thomas had arrested Willie Ottogary at Tremonton.21

After the soldiers left Deep Creek, angry Gosiute women reportedly “made a raid” on the agent’s house, “upset everything,” threatened to burn the structure and kill Jim Clover (whom Frank had left in charge), and carried off some foodstuffs; the superintendent was cautioned not to return. News of these threats brought Dr. Peck to the agency with messages from the captives and a peace offering — a sack of dried apples for each of their wives. Another deterrent soon followed. The three youngest prisoners promised to register and Marshal Nebeker sent them home with a warning that further violence would bring the soldiers back.22

Superintendent Frank returned the “slackers” to the reservation and registered them. He reported that the Gosiutes had had “the scare

20 Salt Lake Tribune, February 23, 1918.
22 Dorrington to Commissioner, February 24, 1918, NA, RG 75, Gosiute, 30951-125; Salt Lake Tribune, February 22, 24, 1918.
of their lives,” and all was now quiet because many of the men had “left for parts unknown.” (According to Dr. Peck some of the youths, impressed at seeing a Shoshone top sergeant “of the expeditionary force ... bossing all those white soldiers around...”, had sneaked over into Nevada and enlisted in the army.”) However, Frank learned that prior to his return a council had been held, funds collected, and George Burt had headed for Ruby Valley, Elko, Nevada, and Death Valley, California, allegedly to foment rebellion there and bring sympathizers back to Deep Creek. An all-points bulletin was issued for his arrest.

The captives remaining in Salt Lake City were arraigned February 23 and entered a not guilty plea. Bond was set at $500.00 each. When white neighbors of the Gosiutes visited them and tried to get their bond reduced, Frank and Dorrington opposed the move, arguing that this would defeat their cause by placing the Indians “under obligation to their bondsmen.” The agents wanted to retain complete control of the situation, to have the Gosiutes feel indebted to the government, not civilians. They recommended that the tribesmen be released upon their own recognizance, provided the court identified the agents as their benefactors and provided, further, that the Indians agreed to obey the law and devote their energy to the proper improvement of their lands and the building up of homes on the reservation.

At the end of three weeks' “telling confinement,” Annies Tommy and his companions seemed repentant and assured authorities that the draft trouble was over. Jim Straight said that there were fifty Gosiutes who could plant “an average of at least twenty acres of wheat.” If the government would build them a small flour mill they could not only feed themselves but could produce up to “sixty tons of flour... for use in the army.” The captives were released after promising to behave properly and to respect the superintendent’s authority. (Federal officials had already decided that if the Indians “reasonably fulfilled their pledges” the charges against them would be dismissed.)

Tommy and Straight did not remain on the reservation; perhaps they went to Nevada. Late in March a rancher reported that Indian Tom, who lived near the Cleveland ranch, said he had been visited by

23 Frank to Dorrington, March 7, 1918, FARC, SB, Dorrington, Gosiute; Frank to Dorrington, February 26, 1918, NA, RG 75, Gosiute, 30951-125; Peck, What Next?, p. 203; Frank to W. W. Ray, February 28, 1918, FARC, SB, Dorrington, Gosiute; Frank to Governors of Nevada and California, March 23, 1918, ibid.

24 Salt Lake Tribune, February 24, 1918; Deseret Evening News, March 14, 1918; Dorrington to Commissioner, February 24, 1918, March 16, 1918, March 26, 1918, NA, RG, 73, Gosiute, 30951-125.
two tribesmen from Deep Creek. The sojourners were supposedly recruiting “1000 Indians” for a general uprising to occur when authorities tried to take the Gosiute “conspirators” back to Salt Lake City for trial. (There were no more than 500 tribesmen in the entire region.) A white man had allegedly furnished twelve Kanosh Indians with “poison powders” that could “kill anything” and was supplying guns and ammunition for the rebellion. The plan was to kill Superintendent Frank, massacre all the whites at Deep Creek, sweep through the valleys of western Utah and eastern Nevada and join Pioche Indians who would raid northward. Only Mormons would be spared. Indian Tom sold his equipment and moved to Deep Creek.

The sheriff of White Pine County, Nevada, scoured the country for eighty-five miles around Cleveland ranch, locating only two Indians where there were normally fifteen or twenty. State and local law enforcement agencies were notified. Fort Douglas was alerted, settlers and ranchers warned, and special agent Dorrington rushed to the scene. A visit to Deep Creek and a conversation with Indian Tom, who denied the stories and thought them a joke, led Dorrington to conclude that there was no need for apprehension.25

Unfortunately, Dorrington and Frank had already decided that they had been wrong in recommending leniency for the Gosiute resistance leaders. A federal grand jury indicted the Indians for “unlawfully, wilfully, knowingly and feloniously” conspiring against the “peace and dignity of the United States of America” by advising “diverse other persons . . . that they should refuse to register, and if necessary use force to prevent themselves being made a part of the military forces.” Trial was deferred.26

The September 1918 registration briefly rekindled Gosiute agitation and white fears. Annies Tommy, now in northern Utah, urged his fellow tribesmen to resist. None of them enrolled. Rumors circulated that the Indians had gone to “get ammunition cached in the mountains” (in reality, they left the reservation merely to gather pine nuts). Frank thought “the situation looked ugly” for a time, but with the aid of “the more conservative old Indians” and neighboring white ranchers he succeeded in completing registration by the end of October (total Gosi-

25 [Rogers] to Mcleen, March 27, 1918, FARC, SB, Dorrington, Gosiute; undated newspaper clippings, ibid.; Allen to Dorrington, April 8, 1918, ibid.; Dorrington to Woodburn April 15, 1918, ibid.
26 Frank to Dorrington, April 4, 1918, ibid.; Dorrington to Ray, April 8, 1918, ibid.; United States of America v. Al Steel, et al, Federal Archives and Records Center, Denver, File 76703 (hereafter FARC, Denver).
The indictment against Willie Ottogary, Annies Tommy, Al Steel, John Syme, and Jim Straight was dismissed for "lack of evidence." Why did the Indians oppose conscription? The Gosiutes blamed Superintendent Frank for their September 1918 failure to register, saying he gave the signal to assemble at the wrong hour; though they considered sending to him for instructions they decided against it. Frank, on the other hand, neither sought out nor sent for the tribesmen because he felt this would "show weakness." While investigator Dorrington found the Indians’ excuse "absurd and wholly insufficient to warrant their actions," he also criticized Frank's unbending attitude, concluding that the Gosiutes and their superintendent were "completely out of touch with each other."

Jim Straight maintained that the Indians misunderstood the draft law. This explanation hardly seems adequate, given the fact that agents repeatedly told them what was required. Nor does cowardice explain their actions, for they readily prepared to fight deputy Knapp's posse. The European war, however, was to them but a distant abstraction. Indian Tom said the Gosiutes were angry because an Indian woman had been arrested as a spy. Al Steel refused to register because he claimed to be overage, even though agency records showed him to be liable to draft under the extended age limits. Subsequent investigation revealed that Steel was too old. However, Dorrington said Steel's resistance had misled others. Additionally, both Gosiutes and Shoshones had signed treaties promising to lay down their arms and follow peaceful pursuits.

Newspapers blamed "outside influences" for Indian resistance. The commissioner of Indian Affairs flatly denied these stories, but Indian testimony indicates otherwise. Garfield Pocatello said that during the first registration a white man called a meeting of prominent Shoshones. Jacob Browning, Pocatello, and others who attended went to "a very good house" in Pocatello, Idaho, entering through a back door. There a man seated in a darkened room told the tribesmen that the government wanted to take their boys and men overseas to be killed; none

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27 Frank to Sells, September 13, 1918, NA, RG, 75, Gosiute, 71476–125; Frank to Dorrington, September 13, 1918, ibid.; Dorrington to Commissioner, September 21, 1918, ibid.; unsigned telegram, October 15, 1918, NA, RG 75, 83548–16; Frank to Commissioner, October 29, 1918, ibid.; Frank to Dorrington, October 29, 1918, FARC, SB, Dorrington, Gosiute; U.S.A. v. Al Steel, et al, FARC, Denver.

28 Dorrington to Sells, September 21, 1918, NA, RG 75, Gosiute, 71476–125. Salt Lake Tribune, February 24, 1918; [Rogers] to McLeen, March 27, 1918, FARC, SB, Dorrington, Gosiute; Browning to Commissioner, June 5, 1917, NA, RG 75, Ft. Hall, 737521–125; Dorrington to Commissioner, February 6, 1918, NA, RG 75, Gosiute, 30951–125.
would return. (The recent leasing to sugar growers of 20,000 acres of reservation land to boost the wartime food campaign, in the Indian mind, lent credence to this idea.) The man exhorted the Shoshones to warn other Indians, arm themselves, and resist. Jim Straight also complained of agitators, saying they were “worse than Germans, and delight in getting the Indians into trouble.”

Superintendent Frank wondered if Deputy Knapp was a spy. Had he been “up to more than the work assigned him” and “purposely arranged” the Gosiute “uprising”? Knapp’s belligerence undoubtedly intensified Indian anxieties. Frank also speculated that “the Mormons” had “teased” the Indians, stirring them up in the hope that they “would lose their reserve.” But, he cautioned, “I do not want it to go on record for the reason that it cannot be definite.” Charles Damon, Jr., and Willie Ottogary were troublemakers of sorts. Who the other agitators were remains unclear.

Frank and the Gosiutes disagreed over the Indians’ citizenship status. The Gosiutes believed they were noncitizens because they were not allowed to vote, but Superintendent Frank held otherwise, at least until the middle of 1918. Then uncertainty crept in: “At first,” he wrote, “all [took] out Indian Homesteads [but] when the Goshute reservation was set aside, all . . . relinquished their homesteads and said lands were included in said reserve . . . would such Indians be considered citizens?” The Indians who flocked to Deep Creek in 1917–18 came to avoid being counted as citizens and thus subject to the draft. They argued that they had been living on the public domain through no fault of their own, since the government had never established a reservation for them at Ruby Valley as promised in their 1863 treaty. Of these tribesmen Frank wrote: “Indians coming from Nevada and living on the Gosiute Indian reservation, Utah, have no rights here. As said Indians have no reservation and had been living either on the public domain or with white ranchers, they have had all the rights of citizenship.” Such differential treatment was bound to create problems.

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29 Commissioner to J. J. Cotter, March 6, 1918, NA, RG 75, Gosiute, 30951-125; Testimony of Garfield Pocatello, February 13, 1918, FARC, SB, Western Shoshone; H. D. Lawshe to Commissioner, February 18, 1918, ibid.; Salt Lake Tribune, May 31, 1917, February 24, 1918.
30 Frank to Dorrington, August 13, 1917, FARC, SB, Dorrington, Gosiute; Frank to Commissioner, October 29, 1918, NA, RG 75, Gosiute, 71476-125.
31 Frank to Commissioner, June 9, 1917, NA, JFB; Frank to Commissioner, July 30, 1918, NA, RG 75, Gosiute, 71476-125; Jim Straight, et al, to Commissioner, January 21, 1918, NA, JFB; Frank to Dorrington, May 3, 1918, FARC, SB, Dorrington, Gosiute; Frank to Commissioner, August 29, 1918, NA, RG 75, Gosiute 71476-125.
Long-standing grievances underlay the immediate conflict. The Gosi­utes believed that the government was cheating them. L. A. Dorrington reported that “Willie Ottogary had considerable to say about certain money due the Indians for road work.” However, after the investigator explained that the government did not pay Indians for maintaining reservation roads, Ottogary conceded: “I guess it is different on the reservation than up where I live.” Annies Tommy complained about not being paid for his service as an Indian judge. The government said his position had never been officially sanctioned. The Indians demanded retribution for five Gosiute deaths, including that of Tommy’s brother. They said white men were stealing their fish, water, timber, and minerals; Frank had closed their school and had tried to sell them the harnesses and wagons the treaty promised, and they had not received the proffered land and annuities.32

An examination of the Ruby Valley treaty reveals that it was misinterpreted by the Indians. The document explicitly authorized white developers to exploit both minerals and timber (Article 4). Annuities were to compensate the tribesmen for these concessions (Article 7). The treaty did not promise the establishment of a reservation in Ruby Valley but authorized the president of the United States to “make such reservations for their [the Indians’] use as he may deem necessary.” Furthermore, the tribesmen agreed to “remove their camps to such reservations as he [the president] may indicate, and to reside and remain therein” (Article 6). Over five years had elapsed since the establishment of the Deep Creek reservation (1912), and the government assumed that Indians living on the public domain were doing so by choice, thereby becoming citizens. Despite the Indians’ righteous indignation over the government’s failure to investigate the deaths of their tribesmen, they erred when they asserted that this, too, was a treaty violation. Although the treaty provided that “if depredations are at any time committed by bad men of their [the Indians’] nation, the offenders shall be immediately taken and delivered up to the proper officers of the United States, to be punished as their offences shall deserve,” it made no provision for reciprocity (Article 2).33 The justice of the entire agree-

32 Dorrington to Commissioner, June 20, 1917, NA, JFB; Tommy to Commissioner, November 1, 1917, FARC, SB, Dorrington, Gosiute; Frank to Commissioner, November 26, 1917, ibid.; Jim Straight, et al., to Commissioner, January 21, 1918, NA, JFB; Frank to Commissioner, May 28, 1917, ibid.
ment is questionable, but the fact remains that the Gosiutes misconstrued their rights.

Great enmity existed between Annies Tommy and Superintendent Frank. Tommy accused the agent of unlawfully opening private mail and using Indian money to purchase hay and grain, then withholding it from the tribesmen. The superintendent admitted opening one letter "by mistake" but maintained that neither he nor any of the agency employees had read it. Instead of explaining his alleged misuse of Indian monies, however, he attacked his accuser saying that Tommy did not belong on the reservation because he was "not one of the original Goshute band and is on the reservation only by reason of his mother (Annie) having married... Antelope Jake, a recognized head man." Frank called Tommy "the very worst Indian residing on the reservation," predicting, "There will be nothing but trouble as long as he remains." Dorrington exonerated Frank, and the superintendent succeeded in removing Annies Tommy from the reservation, reporting in May 1918: "Annies Tommy and family have left the reservation" because the other Indians have "had enough of him."

Frank was not happy at Deep Creek and seems to have feared the Indians. He reminded special agent Dorrington that it was "just such doings" that had led to the death of a colleague in California. To avoid a repetition of that incident, he urged that the Gosiute "outlaws" be dealt with "in an energetic way... by those... in a position to do so." Furthermore, neither Frank nor his wife enjoyed complete health. Since the agency was located at nine thousand feet above sea level and quite isolated, he requested a transfer to a lower, more salubrious climate.

Together, all these factors demonstrate that the Gosiutes were living in a volatile ambience long before 1917-18. The draft, with its attendant confusion over the citizenship of individual tribesmen, both magnified their discontent and unleashed the resentment of many years. Shoshone resistance seems to have been motivated by more immediate concerns. The white reaction is perhaps best explained by Frank's paranoia and by wartime hysteria fanned by journalistic sensationalism.

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34 Dorrington to Commissioner, June 20, 1917, NA, JFB; Knapp to Barrington [sic], June 12, 1917, ibid.; Frank to Dorrington, May 17, 1918, FARC, SB, Dorrington, Gosiute.
35 Frank to Dorrington, June 17, 1917, FARC, SB, Dorrington, Gosiute; Frank to Commissioner, October 23, 1918, NA, RG 75, Gosiute, 71476-125.