4

World War and American Revolution

By the middle of the eighteenth century, Spain, France, and Great Britain were the only European nations with a significant foothold in the present-day United States. Spain's territories lay in the south, particularly the southwest and also in Florida. France claimed the St. Lawrence River Valley through the length of the Mississippi Valley as well as the Great Lakes and present-day Canada. Spain's and France's lands were sparsely populated by Europeans. Despite territory stretching from Canada to the Gulf of Mexico, France had approximately 60,000 citizens in its entire American territory.[1]

Great Britain was making a permanent home in its colonies, and its American colonies population exceeded one million by the mid 1700s. This population brought about an increased demand for land. Disregarding France's claims, British merchants began entering French territory to trade with Indians. Britain conveniently decided the forks of the Ohio River Valley were part of its colonial domain and sent troops to the area. France quickly responded by sending its own force to the region. En route, however, France learned its tribal allies' loyalty was wavering because the British were trading on more favorable terms.[2] The French began to repress British merchants in order to protect its colonial interests.[3] The more France suppressed British interests, the more tensions rose.

[1] William R. Griffith IV, *The French and Indian War (1754–1763): Causes and Outbreak*, Am. Battlefield Trust, www.battlefields.org/learn/articles/french-and-indian-war-1754-1763-causes-and-outbreak [https://perma.cc/9QQN-4PDG].

[2] *Id.*

[3] *Ten Facts About George Washington and the French and Indian War*, Geo. Washington's Mount Vernon, www.mountvernon.org/george-washington/french-indian-war/ten-facts-about-george-washington-and-the-french-indian-war/ [https://perma.cc/7QDX-WTZ3].

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4.1 ENTER GEORGE WASHINGTON

In 1753, Robert Dinwiddie, Lieutenant Governor of Virginia, dispatched a twenty-one-year-old named George Washington to warn the French of repercussions if they did not vacate the Ohio River Valley. Washington was hospitably treated by the French, but the French Captain Jacques Legardeur de Saint-Pierre denied the validity of Great Britain's territorial claim, asserting the land was plainly under French dominion.[4] Owing to harsh winter conditions, it took Washington and his crew nearly three months to return to Williamsburg, Virginia. Washington relayed Captain Saint-Pierre's position to Dinwiddie, who then commanded Washington to lead 160 militia men to the Ohio River Valley as a show of force. While Washington was ordered to "act on the defensive," Dinwiddie granted him authority to "make Prisoners of or kill & destroy" if the French did not comply with his demands.[5]

Washington led a quarter of his men and a dozen tribal allies in a successful sneak attack against the French on May 28, 1754. The battle was brief but yielded twenty captives and thirteen dead French soldiers. Washington reveled in the victory; however, his glory was short-lived. The French quickly responded, sending a column of 600 troops plus approximately 100 tribal warriors. Anticipating retaliation, Washington built a fort. The construction was shabby, understandable given the potential immediacy of the anticipated attack; nonetheless, the location Washington selected was preposterously poor – low ground in a flood plain, near a dense forest within musket range.[6]

Washington was at a serious disadvantage when the French arrived on July 1, 1754. The odds grew worse when the rain began a few days later, flooding the fort, and rendering the defenders' gun powder useless. After suffering heavy causalities, Washington surrendered. Washington and his surviving troops were allowed to return home. The fighting was over, but the effects of the battle spiraled on because the articles of capitulation were poorly translated from French to English. Washington, who could not read French, confessed to assassinating a French officer in the

[4] *Id.*
[5] *Id.*
[6] Raymond K. Bluhm, *Battle of Fort Necessity*, BRITANNICA (updated June 26, 2022), www.britannica.com/topic/Battle-of-Fort-Necessity [https://perma.cc/VU8G-762M]; Logan Davis, *Fort Necessity*, GEO. WASHINGTON'S MOUNT VERNON, www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/fort-necessity/ [https://perma.cc/587T-8DK5].

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surrender document. Washington later denied this.[7] Nevertheless, the French and Indian War had begun.

4.2 THE FRENCH AND INDIAN WAR

At its essence, the war was over whether France or Great Britain would rule North America. However, the clashes between these two colonial powers spilled onto soil in Europe, Africa, and Asia. In these campaigns, Great Britain was aided by Prussia and Hanover. France called Spain, Austria, Russia, Saxony, and Sweden its allies.[8] Tribes were largely caught in the middle. This is not to say tribes lacked agency; rather, for tribes, the war was often a choice between the lesser of two evils.

Most tribes allied with the French. From an imperial perspective, the French were less demanding than the British. France wanted control of the land and resources, but France had no immediate desire to populate the territory with its citizens. Of course, France had hostile relations with some tribes – for example, it exterminated the Natchez.[9] Nonetheless, France's relationships with tribes were ordinarily laissez-faire. To illustrate, the French were usually content with a nominal religious conversion while the Spanish aggressively attempted to impose Catholicism. Additionally, French men often married into tribes. These tribes believed a French victory would result in greater tribal autonomy; in fact, some tribes believed they could expel the French if they routed the English.[10] Nonetheless, some tribes allied with Britain.

As soon as the conflict with France began, Britain and its American colonies vigilantly attempted to form an alliance with the powerful Haudenosaunee. The Haudenosaunee did not accept the solicitation. It believed France had a chance of victory and did not want to join the losing side. Consequently, the Haudenosaunee remained neutral until it became clear Great Britain had the upper hand, and then sided with it. The Catawba were likely Britain's most steadfast tribal ally, and the

[7] *Ten Facts*, *supra* note 3.

[8] William John Eccles, *Seven Years' War*, CANADIAN ENCYC. (Nov. 30, 2023), www.thecanadianencyclopedia.ca/en/article/seven-years-war [https://perma.cc/U263-RD2C].

[9] Christopher Waldrip, *French-Natchez War*, MISS. ENCYC. (updated Apr. 4, 2018), https://mississippiencyclopedia.org/entries/french-natchez-war/ [https://perma.cc/S8LM-B8FX].

[10] *Which Native American Tribes Allied Themselves with the French?*, teachinghistory.org, https://teachinghistory.org/history-content/ask-a-historian/22245 [https://perma.cc/7AHW-DMRY].

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Cherokee were its most mercurial. The Cherokee allied with Britain in 1757. But by 1759, Britain and the Cherokee were engaged in an open war with one another.[11]

In 1760, Great Britain took Montreal, effectively ending the war. Britain and France could not agree on peace terms until 1763, in the Treaty of Paris. The treaty secured Britain all of France's territory east of the Mississippi River as well as Canada. Britain also acquired Spanish Florida and vast territories in Asia and Africa. In a separate treaty a year earlier, France ceded its claims west of the Mississippi, the Louisiana Territory, to Spain. Although France surrendered its claims to the North American mainland, France retained its Caribbean islands, which were highly lucrative sugar producers.[12]

4.3 THE SEEDS OF REBELLION

The Treaty of Paris was a blow to tribal sovereignty. Prior to the treaty, France and Britain's territorial claims were ambiguous, enabling tribes to play the countries off against each other. Colonial borders were clarified after the treaty, so tribes could no longer engage in diplomatic gamesmanship. Without French support, tribes were unable to stop the rush of English settlers flooding west of the Appalachians. Similarly, tribes were now forced to deal exclusively with English merchants who were charging elevated prices. Furthermore, the British Governor General of North America, Jeffery Amherst, was not fond of Indians, describing them as "the Vilest Race of Beings that Ever Infested the Earth" and asserting he was "fully convinced the only true method of treating those [Indians] is to keep them in a proper subjection."[13] Amherst terminated the traditional diplomatic practice of gift giving and forbade the sale of weapons to Indians.[14]

[11] Rebecca Beatrice Brooks, *Who Fought in the French and Indian War?*, Hist. of Mass. Blog (June 10, 2018), https://historyofmassachusetts.org/who-fought-french-indian-war/ [https://perma.cc/82P9-SNBR].

[12] Richard Schaetzl, *The French and Indian War*, Mich. St. U., https://project.geo.msu.edu/geogmich/frenchindian_war.html [https://perma.cc/VL6H-QLRF]; *Treaty of Paris, 1763*, U.S. Dep't of St. Off. of the Hist., https://history.state.gov/milestones/1750-1775/treaty-of-paris [https://perma.cc/L99P-YBJS].

[13] Bryan Rindfleisch, *Pontiac's Rebellion*, Geo. Washington's Mount Vernon, www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/pontiacs-rebellion/ [https://perma.cc/37M8-LFM7].

[14] *Pontiac's Rebellion*, Am. Revolution, www.ouramericanrevolution.org/index.cfm/page/view/m0167 [https://perma.cc/X8SB-6YJS].

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Indians saw a grim future under British rule, and Ottawa Chief Pontiac decided to rebel. Many details of Chief Pontiac's life are unknown; however, he must have been charismatic as he unified virtually every tribe in the former French territory against the British. His strategy was practical: Tribes should raid the British fort closest to their land.[15] Chief Pontiac led an attack on Fort Detroit in May of 1763, but the British learned of the attack and were prepared. A siege ensued. The British countered with a surprise assault, but Chief Pontiac's forces thoroughly repulsed the charge at the Battle of Bloody Run. Ultimately, Chief Pontiac failed to conquer Detroit, but tribes succeeded in taking eight of twelve forts west of the Appalachians.[16]

Pontiac's Rebellion ended in July of 1766 and failed to accomplish its goal of driving Britain from North America. Chief Pontiac expected French aid that never materialized. Without a steady supply of guns and ammunition, tribal forces suffered a severe disadvantage.[17] Disease drastically impacted the tribes, too. Whether the tactic worked is disputed,[18] but the English resorted to biologic warfare via smallpox blankets at the Siege of Fort Pitt. Amherst wrote to Colonel Henry Bouquet asking, "Could it not be contrived to Send the Small Pox among those Disaffected Tribes of Indians? We must, on this occasion, Use Every Stratagem in our power to Reduce them."[19] Amherst encouraged Bouquet to use smallpox "as well as try Every other method that can serve to Extirpate this Execreble Race."[20]

Though the rebellion failed to oust the British, it produced a change in Britain's Indian policy. Tribal forces managed to inflict substantial losses on the British.[21] This left Britain with little choice but to acknowledge tribal autonomy because Britain was unable to impose its will on tribes. Britain further centralized control over Indian affairs, particularly trade, to prevent colonial governments from mistreating Indigenous

[15] *Pontiac*, Britannica (updated Apr. 16, 2022), www.britannica.com/biography/Pontiac-Ottawa-chief [https://perma.cc/VCX4-WZV5].

[16] *Chief Pontiac*, Detroit Hist. Soc'y, https://detroithistorical.org/learn/encyclopedia-of-detroit/chief-pontiac [https://perma.cc/N2WN-DG8X].

[17] *Pontiac's Rebellion*, Ohio Hist. Cent., https://ohiohistorycentral.org/w/Pontiac%27s_Rebellion [https://perma.cc/H7SX-FHRK].

[18] Patrick J. Kiger, *Did Colonists Give Infected Blankets to Native Americans as Biological Warfare?*, Hist. (updated Nov. 25, 2019), www.history.com/news/colonists-native-americans-smallpox-blankets [https://perma.cc/3YR7-CAFZ].

[19] *Id.*

[20] *Id.*

[21] *Pontiac's Rebellion,* Am. Revolution, *supra* note 14.

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populations and avoid additional conflicts.[22] Most notably, Britain stationed more than 10,000 troops west of the Appalachians to enforce the Proclamation of 1763, a decree locking Anglo-Americans along the Eastern Seaboard.[23]

Britain's actions angered the American colonists. The American colonists fought the French and Indian War in order to expand west of the Appalachians, and now the Crown was barring them from venturing into territory the colonists believed they had rightfully earned. Exacerbating frustrations caused by their inability to cross the Appalachians, Britain began imposing high taxes on the colonists to pay its recently accumulated war debts. The most infamous of these taxes was the Stamp Act of 1765, which authorized a tax on virtually all forms of paper, including playing cards.[24] The American colonists began to rally around the belief that taxation required political representation. Additionally, the violence of Pontiac's Rebellion spawned an "Indian-hating" culture in the colonies that helped unify the colonists. American colonists began to look past differing national origins and religious views. Accordingly, American colonists started to form a shared identity built around a desire for tribal lands, opposition to taxation without representation, and anti-Indian sentiments.[25]

4.4 THE REVOLUTION BEGINS

On July 4, 1776, the American colonies formally broke with Great Britain. The Declaration of Independence contains the most significant exposition of human rights ever penned: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life,

[22] Robert N. Clinton, *The Proclamation of 1763: Colonial Prelude to Two Centuries of Federal-State Conflict over the Management of Indian Affairs*, 69 B.U.L. Rev. 329 (1989); Wilcomb E. Washburn, *Indians and the American Revolution*, AmericanRevolution.org, www.americanrevolution.org/ind1.php [https://perma.cc/7NLQ-WT5Q]

[23] *Pontiac's Rebellion*, Bill of Rts. Inst., https://billofrightsinstitute.org/essays/pontiacs-rebellion [https://perma.cc/6F9W-JWWX].

[24] *The Stamp Act, 1765*, Gilder Lehrman Inst. of Am. Hist., www.gilderlehrman.org/history-resources/spotlight-primary-source/stamp-act-1765 [https://perma.cc/D7SR-784G].

[25] Emily Arendt et al., *Colonial Society*, *in* I The American Yawp: A Massively Collaborative Open U.S. History Textbook 81 (Joseph L. Locke & Ben Wright eds., 2018); Rindfleisch, *supra* note 13.

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Liberty and the pursuit of Happiness." Indians were excluded from these rights; in fact, the Declaration names King George's relationship with the tribes as a reason for separating from Britain: "He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions." The Declaration also lists Britain's enforcing the Proclamation of 1763 – that is, Britain's refusal to permit the invasion of tribal lands – as a reason the American colonies needed independence. American hunger for tribal land combined with tribal military power led historian Wilcomb Washburn to state, "[T]he Indian was present also in the subconscious mind of the colonists as a central ingredient in the conflict with the Mother Country."[26]

When the fighting between the Americans and the British began, most tribes chose to remain neutral. The Americans and British both preferred this; in fact, the Continental Congress wrote to tribes: "This is a family quarrel between us and Old England… We desire you to remain at home, and not join either side, but keep the hatchet buried deep."[27] As the war progressed, the Americans and British began to aggressively recruit tribal allies. Britain had the more persuasive position because it had reserved western lands for tribes, whereas American colonists were violating tribal land rights and cheating Indians in business transactions. For these reasons, most tribes sided with Britain.

Americans showed no mercy to their tribal opponents. In May of 1779, General George Washington wrote to Major General John Sullivan:

> The expedition you are appointed to command is to be directed against the hostile tribes of the six nations of Indians, with their associates and adherents. The immediate objects are the total destruction and devastation of their settlements and the capture of as many prisoners of every age and sex as possible. It will be essential to ruin their crops now in the ground and prevent their planting more. …
>
> … But you will not by any means listen to ⟨any⟩ overture of peace before the total ruin of their settlements is effected – It is likely enough their fears if they are unable to oppose us, will compel them to offers of peace, or policy may lead them, to endeavour to amuse us in this way to gain time and succour for more effectual opposition. Our future security will be in their inability to injure us the distance to which they are driven and in the terror with which the severity of the chastisement they receive will inspire ⟨them.⟩[28]

[26] Washburn, *Indians and the American Revolution*, *supra* note 22.

[27] *Id.*

[28] From George Washington to Major General John Sullivan, 31 May 1779, Founders Online, https://founders.archives.gov/documents/Washington/03-20-02-0661 [https://perma.cc/783S-NP57].

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Sullivan proceeded to completely ransack Seneca establishments after defeating them on the battlefield. Sullivan scorched every Haudenosaunee longhouse and crop in his path.[29]

The destruction of Haudenosaunee homes and food had a far greater impact than the military defeat.[30] Without their sturdy longhouses and crop reserves, the Haudenosaunee were ill-equipped for what was a winter of record-breaking cold. Desperate, the Haudenosaunee turned to the British for aid but were rebuffed. Thousands of Haudenosaunee men, women, and children died of cold and hunger as a result.[31] The Cherokee and other tribes who allied with Britain also saw their crops and homes destroyed by American soldiers.[32]

Not all tribes allied with Britain though. Immediately before the Revolution officially began, members of the Wabanaki Confederacy, comprising tribes stretching from Maine to Nova Scotia, entered a treaty with the American colonies soon after the Declaration was signed.[33] Farther south, tribes in Spanish Louisiana, such as the Houma and Alabama, fought with Governor Bernardo de Gálvez in his campaign against Britain. Gálvez and his tribal allies took Baton Rouge, cutting off Britain from the Mississippi River,[34] and went on to capture all of Britain's ports on the Gulf of Mexico. The Gálvez campaign severely limited Britain's ability to muster troops and supplies in conflicts with the Thirteen Colonies.[35]

The Revolutionary War ended in September of 1783 with a United States' victory. Despite their significant role in the war, tribes were excluded from the treaty negotiations. A stroke of the pen gave away

[29] Ron Soodalter, *Massacre & Retribution: The 1779–80 Sullivan Expedition*, HISTORYNET (July 8, 2011), www.historynet.com/massacre-retribution-the-1779-80-sullivan-expedition.htm [https://perma.cc/VMA9-9JAC]. For a thorough retelling of Sullivan's devastation wrought during the "Invasion of Iroquoia," see COLIN G, CALLOWAY, THE INDIAN WORLD OF GEORGE WASHINGTON 249–54 (2018). George Washington's numerous invasions to annihilate Indian towns and crops during this period are also summarized. See *id.* at 244–59.

[30] ROBERT M. UTLEY & WILCOMB E. WASHBURN, INDIAN WARS 108 (2002).

[31] Soodalter, *supra* note 29.

[32] Washburn, *Indians and the American* Revolution, *supra* note 22.

[33] Rebecca Beatrice Brooks, *Native Americans in the Revolutionary War*, HIST. OF MASS. BLOG, https://historyofmassachusetts.org/native-americans-revolutionary-war/ [https://perma.cc/7XN2-2667].

[34] *The Battle of Baton Rouge*, AM. REVOLUTIONARY WAR, https://revolutionarywar.us/year-1779/battle-baton-rouge/ [https://perma.cc/2VSK-KAP3].

[35] *Bernardo de Galvez*, AM. BATTLEFIELD TRUST, www.battlefields.org/learn/biographies/bernardo-de-galvez [https://perma.cc/QJJ2-GMVC].

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millions of acres of tribal land without the consent of a single Indian. Many Britons were outraged at their nation's complete desertion of its tribal allies. Lord Shelburne, the British prime minister who negotiated the Treaty of Paris,[36] countered this sentiment alleging, "[T]he Indian nations were not abandoned to their enemies; they were remitted to the care of their neighbours." Spain continued France's favorable policy toward tribes in its Louisiana territory, prompting its representative at the Treaty of Paris to decry Britain's land grant to the Americans, stating the land was under the dominion of "free and independent nations of Indians, and you have no right to it." However, the American treaty representatives did not share Spain's view.[37] The United States considered the tribes conquered by virtue of their alliance with Britain.

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Although the United States had acquired title to lands west of the Appalachians under the laws of European nations, tribes were flummoxed by this notion. The tribes had not sued for peace, nor had they participated in the Treaty of Paris.[38] Tribes could not fathom how diplomats who had never seen their lands could dispose of them from an ocean away. In fact, as far as the tribes were concerned, they were still at war with the United States.[39] The United States would soon learn this.

[36] *William Petty, 1st Marquis of Lansdowne, 2nd Earl of Shelburne Papers, 1665–1885*, Univ. Mich. Libr. Finding Aids, https://findingaids.lib.umich.edu/catalog/umich-wcl-M-66she [https://perma.cc/VA9L-9V5A].

[37] Washburn, *Indians and the American* Revolution, *supra* note 22.

[38] Francis Paul Prucha, The Great Father: The United States Government and the American Indians 17 (abr. ed. 1986).

[39] *Id.*; Gregory Ablavsky, *The Savage Constitution*, 63 Duke L. J. 999, 1014 (2014).

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