

Journal #4167 from sdc 5.30.18

Are drinking water standards necessary?

Mountain West Digital Library

The Dawes Act

For Native Americans, Jim Crow is Alive & Well in the West

1st Battalion Nevada Volunteer Cavalry

1st Battalion Nevada Volunteer Infantry

Las Vegas Filmmaker Details The Native Americans Of The Civil War

Boyd Graham



“It’s clear this issue is a national priority.” – EPA Administrator Scott Pruitt [speaking about perfluorinated chemicals at a conference hosted by the agency](#). Pruitt said that the EPA would consider whether national drinking water standards for two of the most well-known chemicals are necessary. *(equals more privatized water rights, bottled water and plastic excess)*

(ONLY) One group representing an affected community was invited.

The conference drew attention not only for what was discussed, but for who was not there to hear it. Guards removed an Associated Press reporter from the venue on the first day, saying that there was not enough space.

Reporters were barred from attending the second day.

Political staff couldn’t get pass the door, either. Staff from Rep. Dan Kildee’s office were turned away. A Michigan Democrat, Kildee represents a town that is [dealing with PFAS contamination from a closed Air Force base](#).

Kildee [asked the EPA inspector general to investigate](#) whether the agency broke federal laws pertaining to open meetings. *(from Federal Water Tap)*

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[Hopi Indian Villages P.2](#) [Classified Photographs](#)
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[Letter to William P. Dole, Commissioner Indian Affairs from Spanish Fork Indian Farm](#)
[dated 6 April 1864](#) [Utah American Indian Digital Archive: Main Collection](#)

[Letter from Superintendent Indian Affairs, Utah Territory to Office of Indian Affairs,](#)
[Washington D.C. dated 11 December 1862](#)

[Corporate charter of the Ute Indian tribe of the Uintah and Ouray reservation, Utah.](#)
[Ratified August 10, 1938](#) [Utah Government Digital Library](#)

[Constitution and by-laws of the Ute Indian Tribe of the Uintah and Ouray Reservation,](#)
[Utah. Approved January 19, 1937](#) [Utah Government Digital Library](#)

[Circular to Superintendents and agents of the Indian Department from Office of Indian](#)
[Affairs dated 12 June 1869](#) [Utah American Indian Digital Archive: Main Collection](#)

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[Annual Report of the Commissioner of Indian Affairs - 1869](#)
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[Annual Report of the Commissioner of Indian Affairs - 1853](#)
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Index to map sheets : San Juan County, Utah (Navajo Indian Reservation)

Utah Government Digital Library

The Dawes Act

The Dawes Act, though on the surface seemingly "beneficial" to Native Americans in that it "provides" Native Americans with land ownership, reflects notions of white superiority and western conceptions of private property. In short, individual Native Americans who could prove their "fitness" were reallocated lands which initially belonged to the tribe; at any time, those meager allotments could be retracted for the "benefit" of the nation. See Sections 1 and 10 below:

"An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to **Extend the Protection of the Laws of the United States and the Territories over the Indians, and for Other Purposes.**

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

- To each head of a family, one-quarter of a section;
- To each single person over eighteen years of age, one-eighth of a section;
- To each orphan child under eighteen years of age, one-eighth of a section; and
- To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section:

"Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the [classes](#) above named in quantities as above provided, the lands embraced

in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act. And provided further, that where the treaty or act of Congress setting apart such reservation provides the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act. And provided further, that when the lands allotted



are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual."

"SEC. 10. **That nothing in this act contained shall be so construed to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or condemn such lands to public uses, upon making just compensation**" (emphasis added).

In the emphasized portions of this document, it is evident that the allotment of lands to Native Americans is only permitted if the lands do not serve a "greater" public good. Here, the government clearly has authority to take back these allotments at their leisure, under the premise of bettering the nation and the promise of compensation.

The parallels between all of these laws--the evident racism, attitudes of white superiority, and entitlement to land--reflect the attitudes of the time period, are one of the ways in which race was constructed. Through government documents such as these, whites were able to suppress other ethnic groups under the law.

<https://digitalgallery.bgsu.edu/student/exhibits/show/race-in-us/laws-and-race>

A reminder that early voting (for Nevada - check your state) is now in effect
For Native Americans, Jim Crow is Alive & Well in the West

Wednesday 2 November 2016 at 5:44 PM ET edited by [Val Merlina](#)
JURIST Guest Columnist Tom Rodgers, a Washington, DC-based lawyer engaged in Native American economic and social empowerment advocacy, discusses the equal access challenges faced by Native American voters in the West in light of the resurgent voting rights movement in the US ...

There is at this moment a resurgent and essential voting rights movement in the US aimed at enfranchising demographic groups that long were intentionally kept from the process of casting a ballot. While most of these pro-democracy initiatives are focused on establishing early voting efforts and wiping away or preventing a re-emergence of Jim Crow laws in the South, the historic inability of Native Americans to have equal access at the ballot box in the West has sadly gone unnoticed until this year.

Native Americans in 2016 experience a disproportionate lack of access to early voting and voter registration services on reservations. None too soon came the ruling earlier this month by [US Judge Miranda Du](#) in Nevada that ordered Mineral and Washoe counties to establish early-voting sites and Election Day polling stations on the reservations of two Paiute tribes.

At the heart of the problem is proximity to voter registration offices and ballot boxes. Native Americans must travel extreme distances not only in order to cast an early vote but also in order to register to vote. These are people often so extremely poor and geographically isolated that when it comes to equality of opportunity, their lives give true meaning to the words "unequal

access."

As an example, in [Rosebud County](#), Montana white voters travel an average of 16.79 miles from their homes to register to vote, while Native Americans travel an average of 44.85 miles from their homes to register at the county courthouse, according to a study commissioned by the [Civil Rights Division](#) of the [US Justice Department](#) in 2012.

The Nevada tribes were in a similar situation. In order to register to vote or cast a ballot, members of the [Pyramid Lake Paiute Indian Reservation](#) had to make a 96-mile round-trip to and from Reno. The [Walker River Paiute Tribe](#) had to make a 70-mile round-trip to and from Hawthorne. In front of Judge Du, we argued that the local government's refusal to make registration and voting more accessible was a blatant attempt to suppress the Native American turnout. Judge Du agreed. Now, about a dozen other tribes in Nevada want those same voting rights made available by the state on their reservations.

The struggle to level the playing field has been a long time in the making. At the forefront of this movement a small but dedicated group of lawyers, policy experts, and activists created the legal model in 2012 in Montana. This became the first line of battle in our evolving nationwide legal effort to improve Native American voting rights. Mark Wandering Medicine became the lead plaintiff in our federal lawsuit filed on behalf of four Indian tribes in Montana — the [Northern Cheyenne](#), [Crow](#), Gros Ventre, and Assiniboine. The plaintiffs contended they were being denied access to voter registration and in person early voting privileges offered to white Montanans. The Native Americans of Montana are some of the poorest of the poor, yet they simply seek to survive on their islands of poverty surrounded by border towns of injustice oblivious to Native American history and their own power and privilege. Wandering Medicine, a Vietnam War veteran, who lost a leg on a reconnaissance mission with his Marine unit, learned how time-consuming and expensive it was for his tribe and others to vote after he discovered they had to make a 180-mile round trip from their homes to the nearest county seat just to register to vote.

On behalf of the plaintiffs, we sought help from [Montana Secretary of State](#) Linda McCulloch but were dismissively told to come back "in the spring," with her claiming incorrectly that state law precluded the establishment of satellite offices to register to vote and provide early voting. In addition, there was no chance of a legislative remedy with the Montana state legislature controlled by "Tea Party Republicans" and far too many rank and file citizens simply blind to the local control of access to the ballot box. So we turned to the courts. As we charged in [Wandering Medicine v. McCulloch](#), the delaying tactics by McCulloch ran out the clock for the 2012 elections, and thousands of Native Americans in Montana as a result were denied access to the voting booth four years ago.

Spiritual Native Americans closely involved in the case will tell you it was more than coincidence that along with McCulloch, among Wandering Medicine's adversaries in the case were a clerk and county recorder named Geraldine Custer; a county commissioner named Robert E. Lee; and one of the county seats involved in the case was named after James W. Forsyth, the United States commanding general of the [Wounded Knee Massacre](#). We used the historical background associated to these names to inspire and increase our ranks of supporters, and at times to "psych-out" our opponents within ethical boundaries.

As an enrolled [Blackfeet](#) tribal member originally from Montana and now a Native American advocate in Washington, DC, I intervened *pro bono* on behalf Wandering Medicine and the Montana tribes. Along with Native American advocacy organization [Four Directions](#) and other allies, we continue to provide tribes with an aggressive legal and public relations strategy; run Native Americans voter registration drives and voter turnout operations; recruit allies for our movement; and build reputational capital in the states and Washington. It has created a court room and public relations pressure cooker environment in Montana that is slowly leading to better access to voter registration and the ballot box for the tribes there. However, as is the case in Nevada, our work in Montana is far from finished.

With Montana, and now Nevada, as critical battlefields in the fight for Native American enfranchisement, we (and now others) have used the legal model as a force behind a building nationwide movement. We also have broadened our offensive to include multiple fronts: at the grassroots level locally; in the state and federal courts; in the state and federal legislative bodies; the Justice Department; and in the media. Our goal is to engage in a very aggressive campaign at all levels of the public square. As the activist statesman [Frederick Douglas](#) so truthfully noted, "[...] power concedes nothing without a demand. It never did and it never will."

The movement has recruited powerful allies, including both [former US Attorney General Eric Holder](#), and [current US Attorney General Loretta Lynch](#), the latter calling for an end to "the significant and unnecessary barriers that for too long have confronted American Indians and Alaska Natives in attempting to cast their ballots." Attorney General Lynch has given meaning to her words by seeking enactment of voting rights legislation by the Congress; enactment into federal law would be the greatest achievement for the Native American franchise since the [First Americans obtained the right to vote in 1924](#) (and that was federal action; many states continued to enact "Jim Crow of the West" policies that prevented Native Americans from voting). As our rallying cry goes, "First Americans were the last Americans to receive the right to vote in the US."

Undoubtedly, the most critical element to the continued success of our movement's voting rights efforts is firmly rooted in our empathy for others, and that of those who have joined our lawsuits and our cause, including the Justice Department, Native American organizations, legal advocates, activists and academics. Research cited by Jason Marsh, of the [Greater Good Science Center](#) at the [University of California Berkeley](#), suggests that empathy is an important ingredient to moral action; and, a significant



study by Samuel and Pearl Oliner looked for commonalities among people who had rescued Jews during the Holocaust and found the rescuers were deeply empathetic people who from a young age were encouraged by their parents to take other people's perspectives.

For those of us specifically in the legal profession, the importance of empathy in law, public policy and leadership can be found in the contemporary words of a former constitutional law professor and now President of the United States of America. In September 2005, then-Senator [Barrack Obama](#) stood on the [US Senate](#) floor, and set forth his litmus test for the chief justice of the [United States Supreme Court](#):

"[... that] adherence to precedent and rules of construction and interpretation will only get you through the 25th mile of the marathon. That last mile can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy ..."

So, for those of us who seek a remedy to injustices carried out against Native Americans, [William Blake](#) speaks to us in his poem, "Songs of Innocence On Another's Sorrow:"

*See another's woe
And not be in sorrow too?
Can I see another's grief,
And not seek for kind relief?*

Tom Rodgers is a Washington, DC-based lawyer engaged in Native American economic and social empowerment advocacy at [Carlyle Consulting](#). Rodgers had gained national attention a decade ago as a whistle-blower that exposed disgraced lobbyist Jack Abramoff for bilking tribes out of millions of dollars. Rodgers is also [working to win the return of the bones and spirit of legendary athlete Jim Thorpe to his Native American home in Oklahoma](#).

Suggested citation: Tom Rodgers, *For Native Americans, Jim Crow is Alive & Well in the West*, JURIST - Professional Commentary, November 3, 2016, <http://jurist.org/hotline/2016/11/Tom-Rodgers-native-americans.php>

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**Make sure you are registered to vote** or register online using **NOVA** before May 24, 2018.  
**Most importantly, please vote during the Primary Election on June 12!**

\*\*\*\*\*

*This is an example of why more community people need to be writing/editing articles in Wikipedia or other sites on 'Net to at least tell "the other side of the story". sdc*

**1st Battalion Nevada Volunteer Cavalry** (From Wikipedia, the free encyclopedia)  
**Active :17 June 1863 – 21 July 1866** Country: **United States of America** Size: **854[1]**  
**Allegiance:Union** Branch:**Army** Type: **Cavalry** Garrison/HQ:**Fort Churchill, NV**  
The 1st Battalion of Nevada Volunteer Cavalry, or the Nevada Territory Cavalry Volunteers, was a unit raised for the [Union army](#) during the [American Civil War](#). It remained in the west, garrisoning frontier posts, protecting emigrant routes, and engaged in scouting duties. The unit was disbanded in July 1866.



## Organization - Commanding Officers<sup>[2]</sup>

- Lt. Colonel Alfred A. C. Williams (6 Apr-21 Dec 1864), 21 December 1864 resigned
- Lt. Colonel Milo George (22 Dec 1864-10 Jan 1865), 22 Nov 1865 mustered out
- Major Alfred A. C. Williams (18 Mar-6 Apr 1864), 6 Apr 1864 promoted to lieutenant colonel
- Major Milo George (9 Apr-22 Dec 1864), 22 Dec 1864 promoted to lieutenant colonel upon Williams' resignation
- Major Noyes Baldwin (21 Feb-31 Mar 1865), promoted 31 Mar 1865 from Company B Companies<sup>[3]</sup>

| Company                                                           | Commander          | Enlisted Strength |
|-------------------------------------------------------------------|--------------------|-------------------|
| Company A<br>Noyes Baldwin (31 Mar 1865 promoted Major)           | Elias B. Zabriskie | 137 Company B     |
| Joseph H. Matthewson<br>Henry C. Johnson (dismissed from service) |                    | 131 Company C     |
| John H. Dalton<br>Milo George (9 Apr 1864 promoted Major)         |                    | 129 Company D     |
| Almond B. Wells (promoted from Company A)                         |                    | 152 Company E     |
| Robert C. Payne                                                   |                    | 122 Company F     |
| Joseph W. Calder                                                  |                    | 117               |

## History - Recruitment

In the spring of 1862, recruiting for the army in the [Nevada Territory](#) began in [Virginia City](#). These early volunteers were mustered into the [3rd California Cavalry](#), and occupied military posts within the territory. The following spring, Nevada was authorized to raise their own battalion of cavalry for three-years service. Recruitment offices were first opened at [Gold Hill](#) and [Silver City](#),<sup>[4]</sup> and the first men began mustering in on 17 June 1863.<sup>[5]</sup> Other recruiting stations were later opened in [Aurora](#), [Carson City](#) and [Genoa](#),<sup>[6]</sup> and the battalion of six companies would be completed in April 1864.

Company A was recruited in [Silver City](#) under Elias Brevoort "Buck" Zabriskie who then became captain. Company B was recruited in [Gold Hill](#) under Joseph H. Matthewson who became lieutenant and Noyes Baldwin became captain. These two companies were mustered into service in Salt Lake City. Being the ranking captain, Zabriskie was offered command of the two companies but declined. Baldwin was then placed in command.<sup>[7]</sup>

Four more companies were added to the battalion after its mustering. Company C was recruited throughout the state with John H. Dalton as captain. Company D was recruited in [Gold Hill](#) with Milo George as captain. Company E was recruited at [Genoa](#), [Carson City](#) and [Silver City](#) with Robert Lyon as captain. Company F was recruited in [Aurora](#) with Joseph W. Calder as captain.<sup>[8]</sup>

Having never reached full regimental strength, no colonel was appointed to command. Alfred A. C. Williams was appointed major of the battalion on March 18, 1864, and served as the completed battalion's first commander. A month later on April 6, Williams was promoted to lieutenant colonel and Milo George of Company D became major. Major George served as the

post commander of Camp Nye in [Carson City, Nevada](#), with Companies D and E.<sup>[9]</sup> Williams resigned on December 21, 1864, and George was promoted to the lieutenant colonelcy the following day with Noyes Baldwin eventually succeeding to the position of major on March 31, 1865. Lieutenant Colonel George was in command of the battalion when it was mustered out of service in 1865.

## Operations

The companies, or detachments of, would be engaged in various scouting missions and fort garrisoning during their service. Companies A and B left for the [Utah Territory](#) in 1864, where they encamped at [Fort Bridger](#), Companies C and F manned [Camp Douglas](#) in Utah,<sup>[10]</sup> while the other two were engaged in numerous skirmishes with hostiles throughout Nevada.

The **Expedition to the Humboldt River** would take Captain Wells and Company D on a 1,200 mile scouting operation, from their camp at Fort Churchill north and west to the California border and back. In the 84 days, they never engaged or saw any hostile Indians.<sup>[11]</sup>

The [Pyramid Lake](#), [Walker Lake](#) and [Mud Lake](#) operations in March 1865 involved Companies D and E investigating the murders of miners and the theft of cattle from settlers. The 10 March incident at Walker Lake with Capt Wallace and Company E was settled quickly, with the suspected murderers being handed over by the [Northern Paiute](#) band. For Capt Wells and Company E, however, encountering the Smoke Creek Paiutes at Mud Lake (now [Winnemucca Lake](#)) on 14 March became a battle (see "[Battle of Mud Lake](#)"). Though only one man was wounded, twenty-nine Indians were killed in the action. Reports from both sides offer largely different versions of the incident.<sup>[12]</sup>

**Table (or Godfrey's) Mountain**, 20 May 1865. Capt Littlefield, with 35 men of Company D, while on a scouting run near Paradise Valley, encountered a large band of Northern Paiutes. Largely outnumbered, he returned to camp to notify Captain Almond Wells, who gathered up Co. E and returned to the scene with a force of 65 soldiers. Chief Zeluawick, with 500 Paiute, [Shoshone](#) and [Bannock](#) warriors, held a position on top of a [butte](#). Wells, Littlefield and 40 men (the remainder of the force keeping the horses) charged up the hill and fought until night fall, when a retreat was ordered. Two soldiers were killed and four wounded in the attempted assault.<sup>[13]</sup>

Skirmishes with these bands of Paiutes continued throughout the summer, with additional troops of the [1st Battalion Nevada Volunteer Infantry](#) and [2nd California Cavalry Regiment](#) taking part. Companies D and E, along with a detachment from Company F, would be mustered out on 18 November 1865. Companies A, B and C would be mustered out of service on 12 July 1866, while the remainder of Company F stayed on until 21 July.<sup>*[citation needed]*</sup>

## References

- Wren, Thomas. (1904). *A History of the State of Nevada*. Chicago, IL: Lewis Publishing.
- Michno, Gregory. (2007). *The Deadliest Indian War in the West: The Snake Conflict, 1864-1868*. Caxton Press. [ISBN 0-87004-460-5](#)

## Notes

1. Historical Data Systems Database: American Civil War Soldiers. Ref: The Union Army, Vol 4, p. 448.
2. Journal of the Senate - Nevada Legislature [p. 24](#)
3. Journal of the Senate - Nevada Legislature [p. 25-39](#)
4. Wren 1904, p. 227.
5. HDS
6. [Wren 1904, p. 227.](#)
7. [A History of the State of Nevada: Its resources and People. p226-227](#)
8. [A History of the State of Nevada: Its resources and People. p.227](#)
9. [Official Records: Organization of the District of California (Dec 1864)]
10. [District of Utah, org of troops, Dec 1864](#)
11. Michno 2007, pp. 64–65.
12. Michno 2007, pp. 81–82.
13. Michno 2007, p. 92.

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The **1st Battalion Nevada Volunteer Infantry** was in infantry unit raised for service for the [Union Army](#) during the [American Civil War](#).

Authorization was given to raise a full regiment. Charles Sumner was commissioned colonel with A. W. Briggs as lieutenant colonel and John G. Paul as major. The unit, however, never reached full regimental strength and these officers were not mustered into service.<sup>[1]</sup> Three companies were organized at [Fort Churchill, Nevada Territory](#) beginning in 1863.<sup>[2]</sup>

### Organization

| Company   | Captain                                                 | Enlisted Strength | Assignment                                                                                                                                   |
|-----------|---------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Company A | M. R. Hassett (18 Jan 1865 resigned)<br>William Wallace | 119               | On duty at Fort Churchill.<br>Involved in <a href="#">expedition to Mud Lake</a> in 1865.                                                    |
| Company B | George A. Thurston                                      | 126               | On duty at Fort Churchill until July 28, 1864. Transferred to <a href="#">Fort Ruby</a> . Involved in a skirmish at <a href="#">Austin</a> . |
| Company C | John G. Kelly                                           | 124               | On duty at Fort Churchill until Dec 7, 1864. Transferred to <a href="#">Camp Independence, CA</a> .                                          |

### References

Organization compiled from Journal of the Senate - Nevada Legislature [p. 40-46](#).

1. [Union Army: States and regiments p.448](#)
2. [Nevada Troops](#)

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### [Las Vegas Filmmaker Details The Native Americans Of The Civil War ...](#)

<https://knpr.org/knpr/2015-11/las-vegas-filmmaker-details-native-americans-civil-war>

Nov 19, 2015 - KNPR's State of *Nevada* ... When we talk about the *Civil War*, it was a very ambiguous time where ... The First *Colored* Kansas Regiment had a group of Indians, as well as Indians who fought in the Battle of the Crater. ... see a lot of Native Americans with a lot of these Confederate *soldiers* who fought at let's ... [PPT]

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IN LOVING  
MEMORY OF

*Boyd  
Graham*



November 20, 1938 - May 24, 2018

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The Graham Family announce with great sadness the loss of their father, grandfather, brother and uncle.

**Viewing Service**

Friday, June 1, 2018

4:00 pm - 6:00 pm

Mountain Vista Chapel

450 Mill Street, Ely, NV 89301

**Funeral Services**

Saturday, June 2, 2018

12:00 pm

Duckwater Shoshone Tribal Gymnasium

511 Duckwater Falls Rd, Duckwater, NV 89314

Burial services to follow at the Tribal Cemetery, after which there will be a reception held at the Tribal gymnasium. All are welcome to attend and celebrate Boyd's life.