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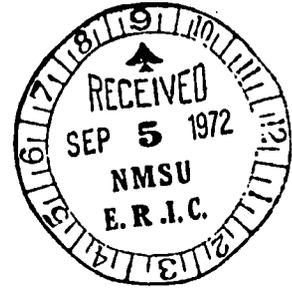
ABSTRACT

The instructional material in this third of 6 units is directed to the 9th graders of the Oglala Sioux people. Discussion is focused mainly on land and its significance to the Oglala Sioux people. The discussion covers 4 main areas: (1) a history of Oglala Sioux settlement in the Dakotas and the effect of the government treaties on the Oglala Sioux land, (2) the Allotment Acts and their effects on the Oglala Sioux, (3) a history of Federal-Indian policy and a discussion of termination and how both affected the Oglala Sioux people, and (4) the Oglala Sioux Reservation today and the tribal constitution governing the land. Twelve maps are included.  
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MAKOCE

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UNIT 3

MAKOCE

Curriculum Materials Resource Unit  
(Project IH-004)<sup>1</sup>  
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Red Cloud Indian School, Inc.  
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## LAKOTA MAKOCE

"Our Land here is the dearest thing on earth to us." Wakinyan-ska, Lakota, to Senator Henry Dawes, 1863

### Introduction

To each culture, each people, land has some meaning. For some, the land has been something to exploit, to use without real care for it. These people and their culture find their identity in technology and skill. For others, the land has been revered as a mother and life-giver. These people and their culture find their identity in the land as its children.

The Lakota have always looked on the land this way. It is their mother and they are its children. They have not tried to exploit it but rather to live on and with it. Indeed, the land is not "it" but "her." The land is the producer of all living things--she is mother. The land is at the root of all things--she is grandmother. The land is sacred. She is God-given. Every step on her, as Black Elk says, should be as a prayer.

The most sacred thing the Lakota people possess is the pipe. Its red stone bowl represents the land, earth. The buffalo calf carved on it stands for all the four-legged who live on the land. The stem of wood stands for all that grows on the land. Each time the pipe is offered in ceremony and prayer, it is offered to the heavens, the four directions, and always to the earth, the land.

The land is mother who gives not only life and other living things to the Lakota people but makes them who they are. Without the land, the Lakota people lose their uniqueness. They lose who they have been, who they are, who they can become. The Lakota people have been molded by the land. Without the land, the Lakota people cease to exist.

To be a Lakota means to be molded by the land. It means in a certain sense, the land claims one. But to be a Lakota also means that one claims the land. It means that the land gives life and living. It also means that certain lands belong to the Lakota people. They have said and can say "these lands are ours." The Lakota people can lay claim to certain definite lands. For example, once the Lakota people claimed the entire Powder River country. Today the Lakota people claim the unreturned sections of the Aerial Gunnery Range at Sheep Mountain.

To say, "these lands are ours" means they belong to the whole Lakota people. Before the Allotment Act, no one said this piece of land is mine. Land belonged to all the people. And that is the way it should be; there is no owning one's mother, the land. All the people live on her together.

The land is closely bound up with how a people live, their economy. Once again, a people can make their living by using the land. Or they can live in harmony with the land.

The Lakota people have always tried to live in harmony with the land. They have always tried to live on her together. And so they have also always tried to live for and with each other. It is their economy.

This unit will trace Lakota makoca from the pre-treaty period to the present. The next unit will trace Lakota Tiola, Toksa, Icazo from the pre-preservation period to the present. Land and economy are closely related but for our purposes will be treated as two units.

#### Before 1850

Many years before Columbus discovered America, the Indian people, who were later called the Sioux, were living in a large area east of the Mississippi River and west of the Appalachian Mountains. Most of them probably lived in the Ohio Valley. This is in the present states of Illinois, Indiana, and Ohio. But some of them also lived south of the Ohio River in Kentucky and West Virginia. Before the coming of the whiteman, they lived without some conveniences like metal knives and tools, and matches. Instead they made weapons and tools with stone and bone, and they got fire from fires in trees or grasslands caused by lightning. But their life was peaceful. They were also called the people of the seven campfires. The reason for this, the story goes, was that the people carried their fire with them as they traveled, and during the course of 73 years, they had to get new fire seven times. So they had seven different campfires.

These seven campfires--Oceti Sakowin--were the Tetons (Titowan, people of the prairie); the Yanktons: Ihanktonwan (the people of the end) and the Ihanktonwanna (the little Yankton); and the Santee: Wahpekuta (the leaf shooters); Wahpetonwan (dwellers among leaves); Sisitonwan (fish scales); and the Mdewankantonwan (people of Spirit Lake).

After a while, the powerful Iroquois peoples crossed the Mississippi River from west to east and moved north. They split the Sioux into small groups. Some groups moved eastward.

Others moved towards the northwest. The Tetons were in a group that moved to the northwest.

Then another powerful people, the Algonquians, began pushing westward. They forced the Tetons still further westward. They finally stopped in the timbered country of northern Minnesota and Wisconsin.

After the Tetons had been in Minnesota for a while, they began making trips to the west to the great plains country. Father Hennepin first met some Tetons in 1680. But he didn't write very much about this meeting. LeSueur was the first to write down any facts about the Teton culture. He did this about 1700. He found that the Tetons did not use canoes or gather wild rice, like the other Sioux. They lived in lodges of buffalo skin, which were carried about with them. Teton warriors were experts with the bow and arrow and could kill ducks on the wing.

Finally the Tetons decided to leave the thick pine forests in Minnesota around the headwaters of the Mississippi River and Lake Mille Lacs. They moved westward in two groups. One group, which later was to make up the Oglala and the Brule bands, moved south to the Blue Earth River in Minnesota. Then the group went west to the James River and finally to the Mighty Missouri. They reached the Missouri around 1760. The other group later broke into 5 bands called the Minneconjou, the Sans Arcs, the Two Kettles, the Hunkpapa, and the Blackfeet Sioux. This group first went to the area around Big Stone Lake on the Minnesota-South Dakota border. Then they moved westward. After they crossed into South Dakota, the Tetons began to call themselves the Lakota, because they spoke the Lakota dialect of the Sioux language. The other Sioux spoke either Dakota or Nakota. (See map #1 for the migration of the Tetons).

As the Lakota moved westward, they lost nearly all the habits and customs of a woodlands people and began to take on the culture of prairie hunters. At first they traveled on foot and were accompanied by dogs pulling travois. Before 1742, a few horses were acquired. By the time the bands reached the Missouri, they had a few small herds. When the Lakota reached the Black Hills, they had a good supply of guns and many fine herds of strong, swift horses.

Arikara controlled the Missouri River Valley. They fiercely defended it against the invading Lakota. The two groups fought for a long time. Finally a smallpox plague wiped out many of the Arikara. Then the Lakota were able to move into this area and drive the remaining Arikara northward. Cheyenne also lived in this land, but they did not cause any trouble for

the Lakota. Later on the Lakota had to defeat the Mandans for the good buffalo grounds. They also had to chase the Kiowa, the Crows, and the Pawnees from the land they wanted.

Around the end of the 18th century, French fur traders began to creep up the Missouri River from St. Louis. Many trading posts were set up along the Missouri River with twelve in Lakota territory. When Trudeau first met the Lakota on the east bank of the Missouri in 1794, they had a good supply of guns and hunted both sides of the Missouri River.

At first, the Lakota didn't like the idea of the French fur traders and trappers invading their land, so they caused a lot of trouble for them. Both the fur traders and other Indian tribes feared them very much. Gradually the Lakota became friendlier towards the fur traders. They realized that the traders were not interested in changing the life of the Lakota nor in settling on their lands. They were interested only in trading and encouraging hunting and trapping. The French trader offered the Lakota steel knives, kettles, and guns. These did not bring conflict to the Lakota life, but instead they brought more comfort and convenience. These things made it possible for the Lakota to grow in both population and in territory, for with guns they could kill more food and protect a larger tract of land. In return for these material contributions, the Lakota allowed the French to intermarry into their tribe, and they converted the French to the non-material cultural values of the Lakota. So instead of the Lakota becoming more like whitemen, the French became more like Lakota. The Lakota nearly always got along well with the French, but not with the other white traders. They learned to distrust and fear the other traders.

The Lakota signed a treaty of friendship with the United States in 1825. The Lakota acknowledged the supremacy of the United States, accepted its protection, and agreed to its trade regulations. For example, the Lakota agreed not to sell guns to tribes hostile to the United States. No land cessions were discussed though passage through Lakota lands by traders and other authorized persons was part of the treaty. In the main, however, it was simply a treaty of trade and friendship.

In the early part of the 19th century, the fur traders began moving up and down the Platte River Valley. This was the favorite route between St. Louis and the Rocky Mountains. In 1834, a stockade was built where the Laramie and the North Platte Rivers meet. This post was established for fur trade only with the Oglalas and the Cheyenne. It remained the principal fur trading post on the Platte until 1849. Then it was bought from the American Fur Company and renamed Fort Laramie.

The purpose of this fort was to protect the white immigrants along the Platte Trail from the angry Lakota.

Then in 1841 trouble began. In this year, the first large wagon train bound for Oregon passed through the Platte River Valley. These immigrants did not think the same way that the fur traders did. These people frightened the buffalo away and slaughtered many of them. On their journey, they chopped down trees and trampled the grass in the river bottoms. From then on, it was more difficult for the Brules and the Oglalas to get wild food. The number of immigrants grew larger each year. So many immigrants came westward that one of the Oglala chiefs asked if it were possible that there could be any more white people in the east. In just twelve years, over 157,000 immigrants passed through the Platte River Valley. None of them dared to stay, but they still managed to destroy much food and wildlife. By destroying the buffalo, the trees, and the grass, the white immigrants were helping the U.S. Government force the Lakota off their land and onto the reservation.

#### The Treaty Period: 1851 - 1871

##### A. LEADING UP TO THE TREATY OF 1851

The Lakota, the Cheyenne, and the Arapaho became alarmed at all the white immigrants moving through their land. The invaders destroyed the buffalo, the grass, and the timber. The Indians began to raid and destroy these invading wagon trains. Finally, the U.S. Government decided that it would have to provide some protection for the immigrants. So a string of forts was set up. The main ones in Lakota territory were Fort Kearny in Nebraska and Fort Laramie in Wyoming.

In 1845, Colonel Stephen Watts Kearny, accompanied by a large army, met with over 1000 Lakota at Fort Laramie. He told of the love that the Great White Father had for the Indians. He told them that he would give them many presents if they would not disturb the whites who were passing through their lands toward the west. The Lakota were so impressed with the colorful blankets, the yards of cloth, the many-colored beads, the metal knives, the tobacco, and the huge howitzers that they agreed to the words of the Great White Father. But within a year after the agreement, there were so many more whites pushing through the land, that the Indians began attacking wagon trains again. Also, the Gold Rush to California brought even more whites.

##### B. THE TREATY OF 1851

In September, 1851, the tribes of the northern plains assembled at Horse Creek, a twisting stream in the southeast

corner of Wyoming. Here the government held a great treaty council with all the tribes south of the Missouri River, east of the Rocky Mountains, and north of Texas and New Mexico. Over 8,000 Indians camped along Horse Creek. Among these were the Lakota, The Cheyenne, the Arapaho, the Crow, the Assiniboin, the Shoshoni, the Hidatsa, the Arikara, and the Mandan. Many lifelong enemies were present, for example the Lakota and the Crows. There was no fighting. The peace council had been called by the whites to put an end to the Indian attacks on the white wagon trains. For nearly twenty days the Indians feasted, smoked, visited, and argued. Finally the tribes agreed to establish a lasting peace among themselves and to accept the protection of the U.S. Government. They also gave the Government the right to establish roads and military posts in Indian Territory. The land was separated into special areas, and each tribe was to claim a special section for itself. The area set aside for the Lakota began at the mouth of the White River on the Missouri; down in a southwesterly direction to the forks of the Platte River; up the north fork of the Platte River to Red Butte; then along the Black Hills to the headwaters of the Heart River; then down to the mouth of the Heart on the Missouri; finally down the Missouri to the place of beginning at the mouth of the White River. (See map #3 Treaty of 1851: Lakota Territory).

In return for this, the U.S. Government promised to protect the Indians from crimes of the whites and to punish white offenders. In addition, the tribes were to receive an annual payment of \$50,000 for fifty years. This was not to be paid in cash. Instead it was to be paid in provisions, merchandise, animals, and agricultural tools.

The white commissioners and Fr. DeSmet, a Jesuit priest and a friend of the Indians, were enthusiastic about the treaty. They thought it was the best agreement for both sides. To celebrate this great occasion, the whites brought out gifts for everyone. The chiefs received beef and bacon, coffee and kettles, thread and cloth, medals and uniforms. There were knives and brass buttons for the young men. It was a wild party for everyone.

But the treaty was bound to fail. All the whites cared about was the right to build roads and forts for white travelers. They didn't realize that the main reason the Indians had come to the council was to complain against the whitemen. Easterners passing through Indian hunting grounds had destroyed buffalo herds, trampled the grass, and cut down the trees. They had brought diseases which had killed large numbers of Indians. For example, one Mandan group of 1600 people was reduced to only 150 sickly people by smallpox. The biggest mistake was that the white commissioners failed to realize that no plains tribe had

one single chief. The whites had insisted on making one man responsible for a tribe. This was foolish and it never worked. A chief's signature on a piece of paper could never be enough to stop wars between lifelong enemies, and it was only natural that the tribes continued warfare between themselves. The whitemen thought that the chiefs were like the kings of Europe, and that the chiefs had absolute power over all the affairs of the people. Because of this, the whitemen held the chiefs responsible for matters over which they had absolutely no control. The U.S. Government was always looking for chiefs who could be counted upon to enforce the provisions of treaties on all the other members of the tribe. But no chief in any Indian social structure could possibly have such authority. This fact did not bother the Government men. They still continued to assume that absolute power was in the hands of the chiefs. Many times the government actually created chiefs who could not have any authority in the Lakota nation. These false chiefs often had to be protected by the U.S. Government from their own people. Yet the government tried to make treaties with these false chiefs binding on all the people.

The whites broke the treaty, too. They decided that they would not distribute the \$50,000 in goods a year for fifty years but only for fifteen years. But even so, they never paid the full amount in any year. The full amount, including animals and agricultural tools, was not paid until 1889.

While the tribal wars were going on again, the reports to Washington insisted that all the points of the treaty were being carried out. The agents didn't tell the truth. As long as they said things were going well, many goods and presents were sent from the government and the agents made a lot of money from them. The tribes told the agents to tell the Great White Father that they didn't want his presents, but the agents didn't do this.

#### C. BETWEEN 1851 AND 1868

In 1854, the first fight between U.S. troops and the Lakota occurred. At a place nine miles east of Fort Laramie, 33 U.S. troops were killed by a camp of Oglalas, Brules, and Minniconjous in a dispute over a Mormon's cow. This marked the beginning of 25 years of bloody fighting. The Lakota, the Cheyenne, and the Arapaho fought against their common enemy, the U.S. troops. During this time, Red Cloud moved to the Powder River Country and attacked any whites who were moving along the trail. He was trying to protect Lakota hunting grounds from white trespassers.

At the end of the Civil War, more and larger numbers of settlers pushed westward to the rich lands of Colorado, the Dakotas,

and Montana. This land was right in the heart of Lakota territory, for it was between the Platte and the Yellowstone, the Upper Missouri and the Rockies. Throughout this land, the whites boldly set up roads for the immigrants, the telegraph, the stage and freight lines, and finally the railroad. Before 1865, it was the Overland Trail traffic and the construction of the Union Pacific Railroad that aroused the anger of the Lakota. From 1865 to 1868 it was the Bozeman Trail from Fort Fetterman to the Montana mines that caused the trouble. To protect the Bozeman Trail, General Carrington was commissioned to build forts in the Powder River Country. He first set about building for Phil Kearny between the two forks of the Piney Creek, a branch of the Powder River. From the very beginning, he had no peace from the Lakota, especially Red Cloud and his Oglalas. Any soldier who went more than a few paces from camp was found dead. The Lakota ran off many horses and burned many wagon trains. Before the end of one year 150 people had been killed in or near the new fort. Finally this fort and two others, Fort Reno and Fort C.F. Smith, were completed. Yet even with these three forts, it was impossible for a wagon train to get through the trail safely without a large armed escort. (See map #4 for locations of forts and wagon trails).

In December, 1868, a wood cutting party from Fort Phil Kearny was attacked by a party of Indians. Captain Fetterman was sent to the rescue with a group of soldiers from the fort. Fetterman had boasted that with eighty men he could ride through the entire Sioux nation. He was under strict orders not to pursue but Indian decoys tempted him and he took after them. The trap was sprung and 2,000 of Red Cloud's warriors surrounded Fetterman and his troops. After an hour, Fetterman and his eighty men were all dead.

#### D. THE TREATY OF 1868

Congress saw that the Indians were united under Red Cloud and would continue to resist the white invaders. The only way to protect the whites in the area was to call another peace council.

The treaty which the U.S. Government drew up seemed like a year's war had been successful. The government agreed to abandon the Powder River Trail from Fort Laramie to Bozeman, Montana. They would also abandon the three forts along this trail. The U.S. Government would pay for the lands they had taken from the Indians. The treaty set aside a new and large tract of land for the exclusive use of the Lakota. It was from the Missouri River on the east to the Big Horns on the west; from the northern boundary of Nebraska on the south to the 46th parallel on the north. (See map #5 Treaty of 1868: Lakota Territory).

It also gave them the right to hunt on any lands north of the North Platte River and the Republican River. Rations would be provided for 30 years. It also said that the Powder River and Big Horn Countries should be unceded Indian hunting territory, forbidden to whites. In return, the Lakota merely had to agree to settle on this land. It was called the Great Sioux Reservation.

After Congress drew up the treaty, it sent a Peace Commission to Fort Laramie. Here they waited for Red Cloud to come and talk, because any treaty without Red Cloud's signature was worthless. He was the leader of the war against the whites in this territory. The Peace Commission waited, and waited, and waited. Red Cloud didn't show up. Finally, they got frustrated and went further up the Missouri to talk with other tribes. The man whom the Commission left in charge of the treaty was a professional fisherman and an interpreter. He gave out guns and ammunition to all those who would come in and sign the treaty. Soon many Lakota came in. They signed and received their weapons. Spotted Tail and many of the Brules signed the treaty. So did the Crows, the Northern Cheyenne, and the Arapahoes. But Red Cloud and Man Afraid of His Horse were not very eager to talk with the Great White Father again. Red Cloud said he would not sign until all the forts in the Powder River Country had actually been abandoned. On July 29, 1868, the troops left Fort C.F. Smith. The next morning, Red Cloud and his warriors swept down and burned the fort to the ground. The same happened to the other two forts.

Red Cloud still was in no great hurry to meet with the Great White Father's representatives. He decided that he would first get his winter's meat ready. Near the end of October, Red Cloud decided that he would go to Fort Laramie to see what the representatives of the Great Father had to say.

He arrived at Fort Laramie with over 100 important chiefs and headmen, including Man Afraid of His Horse. Immediately, Red Cloud demanded that the treaty be explained carefully to him. One of the main purposes of the treaty had been to keep the Lakota away from Fort Laramie and on the Great Sioux Reservation. The Reservation was under the jurisdiction of the army under the authority of General Harney who was stationed at Fort Randall, far away on the Upper Missouri. When the treaty came to the point about the Reservation and its use as farming land, Red Cloud declared that the Lakota had no intention of becoming farmers. Then he insisted that the Lakota had no intention of going to General Harney to receive their rations. They disliked that man very much. Red Cloud insisted that the only reason he had come to Fort Laramie was to obtain powder and lead in order to continue the war against the Crows. Finally, but very

reluctantly, he signed the treaty. And after the signing, he made a short speech. He declared again that the Lakota would not abandon their rich hunting lands for the farming lands of the Reservation.

#### E. AFTER THE SIGNING OF THE TREATY OF 1868

What seemed like a victory for the Lakota was not really a victory. The whites really didn't need the Bozeman Trail. With the completion of the railroad, it would be possible to break a new road to Montana from a place further west of Fort Laramie. This was just the first major effort to civilize the Lakota, for a boundary was drawn up around them, and they were forced out of the plains of Kansas and Nebraska. As food, game, and arms became scarce, they were forced to go to the agencies along the Missouri in order to survive. They were beginning to become dependent on the government. The treaty also provided that they would be trained and educated in the whiteman's ways. So the settling of the Lakota in one place, on the Great Sioux Reservation, was the first step taken to make the Indian like the whiteman and to take his land from him.

After the treaty had been signed, the Lakota realized that they had been cheated. When they signed, they had not realized that they could no longer trade nor hunt along the Platte River. In addition to this, the U.S. Government never paid in full the provisions and services that had been promised to the Lakota in the treaty.

None of the Lakota who lived in the Powder River Country, or along the Platte or Niobrara Rivers were eager to be on a Reservation. Other people also objected to the Lakota going to the Great Reservation but for different reasons. The whites in Dakota were already protesting and raising a fuss. They knew that the Great Reservation was rich country, especially the Black Hills, where gold had been reported. The people in Wyoming were also protesting.

They knew that the land in the valleys of the Wind River, the Sweetwater River, and the Big Horn River was rich. Pressure and complaints from these land hungry whites worried the U.S. Government. If the greedy whites forced the government to break this treaty, the Sioux would never again believe a single word of the U.S. Government.

But Red Cloud got the government out of trouble by asking for a council with the Great White Father. He wanted to talk about the Great Sioux Reservation. So Red Cloud and a small party of Lakota went to Washington to talk with the President of the United States, General Grant. The government officials

tried to impress Red Cloud with the might and splendor of the Great White Father. They showed him the wonders of Washington, the might of the army and the navy, and the luxury of the White House. But Red Cloud was not impressed at all. Then the government officials tried to threaten and scare him. In doing this, they hoped to make him forget about his demands. But this did not stop him. He kept on making his demands. He demanded that there be no roads through his country, the removal of Fort Fetterman, the right to trade at Fort Laramie. He insisted that he had never known the content of the Treaty of 1868. If he had known what was in there, he never would have signed it. Here is part of the speech that he made:

"The Great Spirit has received me naked and my Great Father I have not fought against him. I have offered my prayers to the Great Spirit so I could come here safe. Look at me. I was a warrior on this land where the sun rises, now I come from where the sun sets. Whose voice was first sounded on this land--the red people with bows and arrows. The Great Father says he is good and kind to us. I can't see it. I am good to his white people. From the word sent me I have come all the way to this house. My face is red, yours is white. The Great Spirit taught you to read and write but not me. I have not learned. I came here to tell my Great Father what I do not like in my country. ....The white children have surrounded me and have left me nothing but an island. When we first had this land we were strong, now we are melting like snow on the hillside while you are growing like spring grass. ....Tell the Great Father to move Fort Fetterman away and we will have no more troubles. I have two mountains in that country (Black Hills and Big Horn Mountains). I want the Great Father to make no roads through. I have told these things three times now. I have come here to tell them the fourth time."

In the end, Red Cloud was able to obtain only a few of his demands from Grant. The Lakota would not have to go to the Great Sioux Reservation to get their food and other rations. They would be able to live near the headwaters of the Big Cheyenne River, northeast of Fort Fetterman. Red Cloud was not satisfied, he was enraged. But there was little that he could do. Some people who called themselves the Indian Friends were also alarmed. It was their idea to create support for Red Cloud among the common people of the United States. In this way they would be able to force the hand of the government. So Red Cloud went to New York and made a very famous speech:

"We came to Washington to see our Great Father that peace might be continued. The Great Spirit, that made us both, wishes peace to be kept; we want to keep peace. Will you help us? ....All I want is right and just. I have not altogether suc-

ceded. I represent the whole Sioux nation, and they will be bound by what I say. ....Look at me. I am poor and naked, but we want to train our children right. Riches would do us no good. The riches that we have in this world, Secretary Cox said truly, we cannot take with us to the next world. Then I wish to know why Commissioners are sent out to us who do nothing but rob us and get the riches of this world away from us?"

After Red Cloud spoke, Red Dog made a short speech:

"When the Great Father first sent out men to our people, I was poor and thin; now I am large and fat. This is because so many liars have been sent out there and I have been stuffed full with their lies."

After that, Red Cloud returned to Fort Laramie. Then the Lakota held a Sundance and drove the Crows from the mountains. During the next year, Red Cloud went around the country explaining the true meaning of the treaty to all the chiefs.

In 1871 a very important decision was made by the Congress of the United States. Congress declared that it would no longer make any treaties with Indian tribes. It would only make acts and agreements. One of the points of the Treaty of 1868 was that every future act had to be approved by 3/4 of the adult males. Now that there would be no future treaties made, it would be possible to make laws for the Indian people without the approval of 3/4 of the adult males.

#### The Reservation Period: 1871 - 1889

##### A. BUILDUP TO THE TREATY OF 1876

The government continued to annoy the Lakota by trying to make them into farmers. In the fall of 1872, Agent Daniels moved the Red Cloud Agency from the Platte to the White River. He reported that no better farming land could be found anywhere on the reservation. He said that water and wood were abundant. Good farming land was in the creek valleys. There was good pasture land on both sides of the White River. But this land was actually very poor. It was often hit by drought and by grasshoppers. In May, 1874, the Oglala band held a council and finally decided that anyone who attempted farming would be protected. Up to that time, young warriors had threatened to harm or murder any Oglala man who dared to pick up any agricultural tool. So a few women planned their little gardens and cared for them carefully. They watched eagerly as they grew. But the drought and the grasshoppers swept away all their hopes.

Another thing besides farming annoyed the Lakota and also

some Santee Sioux. This was the Gold Rush of 1874-1875 to the Black Hills. Custer and his men violated the Treaty of 1868 and explored the Black Hills for gold. (See map #6 First Violations of the Sioux Treaty). He found gold and wrote reports about his discovery. The miners reported that they found gold among the roots of the grass, and, from that point to the lowest point reached, gold was found in paying quantities. It did not require an expert to find gold in the Black Hills, as men without former experience in mining discovered it at an expense of but little time or labor. These reports turned many people's eyes towards the Black Hills of Western South Dakota. The newspapers were filled with stories about prospecting parties leaving for this rich land. The U.S. Army did little to keep these money hungry men out of the forbidden Great Sioux Reservation. The Indian Bureau was attacked on one side by the Sioux who demanded that the Bureau keep out the white prospectors. It was attacked on the other side by the prospectors demanding that they keep the Sioux from bothering them.

By 1875 the U.S. Government had decided that the Black Hills would have to be taken from the Sioux by some means or another. At the same time, Red Cloud and Spotted Tail were asked to come to Washington. The officials thought that this would be a good opportunity to start bargaining for the Black Hills. Meanwhile, General George Crook visited the area of the Hills. To satisfy the Lakota he ordered over 1200 miners to leave the area, but then he did nothing to enforce the order.

#### B.. THE TREATY COUNCIL OF 1875

The U.S. Government established a Commission to attempt to get the Black Hills away from the Sioux. They were told to get the Sioux land between the North and Sioux Forks of the Big Yellowstone River. This was the Black Hills Country. They were also told to try to get the Lakota to give up their rights to the Big Horn Mountains in Wyoming.

This treaty council was doomed to fail from the beginning. It was a very long time before they could even decide where to hold the council meetings. Spotted Tail wanted to hold it at Chadron Creek. Red Cloud wanted to hold it at his agency. After a committee of chiefs could not agree on anything, the Commission itself decided on a spot. It was on the banks of the White River about eight miles from the Red Cloud agency. This spot pleased no one.

In the beginning, the Commission had decided to bargain just for the mining rights, and not for the land itself. They said that after the gold and other ore was mined the land would be returned to the Lakota for their use. The Sioux would be

offered a fair price for the mining rights to their land. The Committee offered to purchase the land east of the Big Horns because the white people wanted it and the Indians didn't seem to want it.

Red Cloud did not come to the council meeting. Instead he remained nearby at his agency and did much to delay the progress of the council. Spotted Tail came to the meetings and smelled a trick. He knew that once the whites were in control of the land they would never leave.

The Sioux were not of one mind about the question of the Black Hills. Some were unwilling to sell at any price. Others were willing to sell if the price was right. The right price, some insisted, was between 30 and 50 million dollars. Others said they wanted 70 million dollars.

While the arguing was going on, Red Cloud announced that he would sell if the Commission met his terms. His terms were that the Commission would have to give the Sioux enough money so that when they invested the money, the interest alone would be enough to provide every Sioux with enough money to live as comfortably as the whites.

This is what Red Cloud said:

"There have been six nations raised, and I am the seventh, and I want seven generations ahead to be fed. ....These hills out here to the northwest we look upon as the head chief of the land. My intention was that my children should depend on these hills for the future. I hoped that we should live that way always hereafter. That was my intention. I sit here under the treaty which was to extend for thirty years. I want to put the money that we get for the Black Hills at interest among the whites, to buy with the interest wagons and cattle. We have much small game yet that we can depend on for the future, only I want the Great Father to buy guns and ammunition with the interest so we can shoot the game. For seven generations to come I want our Great Father to give us Texan steers for our meat. I want the government to issue for me hereafter, flour and coffee, and sugar and tea, and bacon, the very best kind, and cracked corn and beans, and rice and dried apples, and saleratus and tobacco, and soap and salt, and pepper, for the old people. I want a wagon, a light wagon with a span of horses, and six yoke of working cattle for my people. I want a sow and a boar, and a cow and bull, and a sheep and a ram, and a hen and a cock, for each family. I am an Indian, but you try to make a whiteman out of me. I want some whitemen's houses at this agency to be build for the Indians. I have been into white people's houses, and I seen nice black bedsteads and chairs, and I want that kind of

furniture given to my people. ....I want the Great Father to furnish me a saw-mill which I may call my own. I want a mower and a scythe for my people. Maybe you white people think that I ask too much from the government, but I think those hills extend clear to the sky -- maybe they go above the sky, and that is the reason I ask for so much...."

The Commissioners were surprised that the Lakota would ask for so much money. They couldn't meet their demands. Instead they announced the government plans. The Sioux could lease their mining rights to the U.S. Government. For this they would receive \$400,000 a year as long as the lease would run. Or they could sell the Black Hills to the U.S. Government for six million dollars. Of course these prices were not good enough for the Lakota. So the Commission went back to Washington without having accomplished anything. The Black Hills were still in the hands of the Sioux.

The treaty commission failed because it failed to offer an adequate price for the Black Hills, and the Lakota knew it. The Commissioner of Indian Affairs had strongly recommended that the Sioux be paid a fair price for the Black Hills, but the Secretary of the Interior wanted to force the Sioux to accept the government offer. He wanted to starve them by refusing to give them rations. These rations were coming to the Lakota through the Treaty of 1868 and rightfully belonged to them regardless of what happened. President Grant didn't care what was done as long as something was done quickly. He said that the situation was very embarrassing for the U.S. Government. Something had to be done to solve the problem.

Meanwhile there was a steady flow of white citizens into the Black Hills. Camps grew into towns, and towns grew into young cities. The army stopped all military action against the white trespassers. The roads from the south and the west were guarded by the military, but not against the white trespassers. They were guarded against the owners of the Black Hills, the Sioux.

#### C. THE WARS OF 1876

During the last months of 1875, the Black Hills problem occupied the attention of the U.S. Government. During 1875, reports had definitely established the fact that the Black Hills area was immensely valuable for its mineral, its timber, its farming and grazing lands. The Hills were occupied by thousands of white people, and ~~not~~ effort was being made to get rid of them. The treaty commission had failed to produce any agreement with the Sioux, and the Secretary of the Interior had suggested that if the rations were cut, the Lakota might be forced to sell

their interests in the Black Hills to get enough money to live. This was because there had been a terrible drought during the year of 1875, and the buffalo herds were diminishing.

Then in December, 1875, the U.S. Government decided to transfer the jurisdiction of the Sioux people from the interior Department to the War Department. The War Department had always insisted that there was only one way to handle Indians. The only way was to overpower them with superior force.

During the winter of 1875-1876, many Indians from different agencies had gone out with the consent of their agents to hunt buffalo in the unceded territory of the Powder River. Under the Treaty of 1868, they had the right to do this. And there was even more reason for them to do it now, because there had been a drought, and the provisions at the agencies were low. These Indians were told to return to their agencies before January 31, 1876, or they would be declared "hostile". They answered that they were engaged in hunting buffalo, and that it was impossible for them to return then because of the terrible winter storms. They promised that they would return in the spring. Then on February 1, 1876, the Secretary of the Interior turned these Indians over to military authorities and pronounced them "hostile". And immediately the army took action.

General Philip Sheridan took command of the operation that was going to round up all the Indians in the Powder River Country. He hoped to move against them in the winter and have the campaign all finished by the time spring rolled around. He planned three different attacks. One group was to move eastward from Montana. Another was to move westward from Fort Abraham Lincoln in North Dakota. A third was to go northward from Fort Fetterman.

A military expedition under General George Crook (Three Stars) moved into Powder River Country and destroyed a village of Northern Cheyenne and Oglalas. But the rest of the winter operation was a total failure. During the summer the Indians soundly defeated the army twice. Once in the valley of the Rosebud. Another time was in the famous battle of the little Big Horn. But the U.S. Army was well equipped with many men and good supplies. They were able to keep the Indians on the run during the fall and the winter. Finally they brought them all back to the reservation as starving captives. A few managed to escape either to Canada or Mexico. (See map #7 Bighorn Campaign of 1876).

#### D. THE ULTIMATUM OF 1876

Public demand for the taking of the Black Hills from the

Sioux reached its climax in 1876. It was quite plain that either the U.S. Government would have to run the white trespassers out of the Hills, or they would have to get the ownership of the Hills from the Indian owners.

On June 25, 1876, a violent argument was going on between the Army and the Indian Bureau about whether or not most of the Indians were hostile. On this very day Custer and his entire command were wiped out at the Battle of the Little Big Horn. The army was completely embarrassed and didn't know quite what to do. But the Custer battle fired up Congress and they decided that they would no longer bargain with the Sioux. So on August 15, 1876, Congress passed the Sioux Appropriation Bill. It was called an agreement, but it really was a demand for unconditional surrender. The Sioux would lose their land, their horses, their way of life. They would have to live either on the Missouri or in Indian Territory (Oklahoma). They would receive no more rations or help of any kind until they gave up the Black Hills and everything west of them. After they signed, the people would receive rations and other supplies only at certain spots along the Missouri River. (See map #8 for land left after the agreement of 1876.)

Many of the chiefs felt they had little choice but to sign. If they refused to sign, they would find themselves in serious trouble. They would be starved until they surrendered and a whole army would be sent against them. So they signed the surrender after only two days of talking. Normally it would have taken at least a month to reach any decision. Yet 90% of the Indians refused to sign the agreement. This was the best the government could do under the circumstances.

This agreement violated the Treaty of 1868. The Treaty of 1868 said that 3/4 of the adult male Indians would have to sign any document before it would go into effect. But Congress was in no mood to worry about a small legal point. The Battle of the Little Big Horn had so embarrassed them that all they wanted was the unconditional surrender of the Sioux.

To many of the Sioux, this is what the government seemed to be saying: "Here are the beef, flour, and blankets for your lands between the forks of the Platte River which we took in 1851. Here are the same beef, flour, and blankets for your lands in Nebraska which we took in 1868. And here are the same beef, flour, and blankets for the Black Hills, the Powder River Country, and the Big Horn Country which we are taking from you now."

## E. CAPTURING CRAZY HORSE

The army had little faith in the treaty and General Crook quickly began the job of rounding up the hostiles. First he took the horses and guns away from the Lakota in Nebraska. Then he tried to make Spotted Tail the Chief of all the Lakota. But this didn't last for long, and soon Red Cloud was once again the Chief of all the Lakota. Then the army defeated Sitting Bull's band and destroyed a Cheyenne village. Finally they set out after Crazy Horse and his people. Crazy Horse led Crook on a merry chase throughout the Powder River Country. In the end Crook became very discouraged and gave up the chase. General Miles had a few skirmishes with Crazy Horse's bands, but neither side won a battle.

Finally Crook decided on a gamble. He sent word to Crazy Horse that if he would bring his people to the reservation to live they could expect generous treatment. Few Tails and Hunts the Enemy (George Sword) brought the message to Crazy Horse. They reported that Crazy Horse would come back. Spotted Tail went to the Little Powder River and was told by Crazy Horse that he would come in at the end of winter. After Spotted Tail returned, then Red Cloud set out with goods and supplies to try to get Crazy Horse back earlier.

Crazy Horse brought his people to the reservation, and Red Cloud came in with him. The Oglalas were well received with food and a big celebration. They quietly gave up their guns and horses.

The peace and quiet did not last long at Red Cloud Agency. It soon became obvious that Crazy Horse was the most glamorous figure at the Agency. He was very popular among the young warriors and received special treatment by the agents. This caused jealousy among the elder chiefs, especially Red Cloud and Spotted Tail.

When Crazy Horse heard that Crook was enlisting Indian Scouts for a campaign, he thought it was to bring Sitting Bull back from Canada. Crazy Horse was alarmed and demanded that the scouts stay on the reservation. Otherwise he would take his people and head north. Actually Crook was enlisting scouts for an expedition against the Nez Percé, who were on the warpath.

Crook heard about the trouble and came quickly to Fort Robinson. He ordered that Crazy Horse be arrested. The police went quickly to his camp, but he was gone. He had been given permission for a buffalo hunt and had gone to Spotted Tail's Agency. Shortly afterwards they arrested him at Spotted Tail's Agency and brought him back to Fort Robinson. As they were about

to put him into the guard house, he drew a knife. In the scuffle that followed he was stabbed. It is difficult to say who stabbed him. Some say it was an Indian policeman. Others say it was a white soldier.

With the murder of Crazy Horse, the Lakota ended their armed resistance to the invasion of the whiteman. They had fought bravely and had never been defeated. Any fight with U.S. troops ended either in a draw or the Lakota won. Now in 1877, they were without guns, horses, and a military leader.

#### F. THE ACT OF 1877

On February 28, 1877, the Congress passed the Act of 1877. This Act contained the articles of the Agreement of 1876. The Treaty Commission told the U.S. Government that the Sioux had agreed to the articles, but in truth the Sioux had never seen them, and the few signatures that had been obtained were gotten through bribery, liquor, and violent threats. By this Act, Congress declared that the U.S. Government had the right to take the property of the Sioux Indians away from them.

#### The Allotment Period: 1889-1934

##### A. SOME NECESSARY TERMS

Before discussing this next period in the changing way of life of the Lakota people, there are some terms that need to be defined for your understanding. They are terms which are important not only for understanding the allotment period but all the subsequent history of the reservation. They refer as well to present land uses. Finally, there are other understandings of these terms but these will be our understanding.

Land can be: allotted; patent fee; deeded; ceded; tribal; trust; government; surplus; submarginal.

1. Allotted Land: Under the Dawes Act of 1887 (which was applied to the Lakota by the Sioux Acts of 1888-1889) each family head received a section of land (640 acres). A wife and any single person received a half section (320 acres). Each child under 18 years received a quarter section (160 acres). These sections could be chosen anywhere on the reservation. All allotments were held in trust (see below) unless a patent fee (see below) was applied for. The last allotments were issued in 1916. Since that time, allotted land has been in trust (see below), has become patent fee (see below), is tribal (see below), or is held in heirship. An heir is a person who has inherited some land or other property (like money) from a relative. Heirship means that the original piece of land gotten through allotment or patent fee

is owned by one or as many as a hundred persons who are the original owner's heirs.

2. Patent Fee: This is any land you have clear deed and title to. A deed is the legal document that says you own this land. A title is the legal right to claim and possess this piece of land. In short, the land is yours. Lakotas could obtain patent fee land by giving up tribal membership and becoming United States citizens. That is no longer necessary and patent fees can be purchased. All patent fees must be recorded with the county registrar.

3. Deeded: This is the same type of land as patent fee.

4. Ceded: This is county land (belonging to the state of South Dakota or some non-Indian citizen of the state). It has been bought from an Indian owner.

5. Tribal: This land belongs to the Oglala Sioux Tribe.

6. Trust: This land is held in trust by the Bureau of Indian Affairs. This means that while the Indian owns the land, the government holds the legal title (the right to claim and possess the land). It is not taxable. When the allotments were given they were held in trust because Indians were not felt to be able to handle their own affairs.

7. Government: This land belongs to the United States government and its various departments. It is separate from lands held in trust.

8. Surplus: This is land on the reservation which is not government, held in trust, tribal, in heirship, allotted, patent fee, deeded, or ceded. Surplus land became the basis of Bennett County, for example.

9. Submarginal: This is land which usually cannot be used for agricultural or haying purposes, for example the Badlands. This land could be used for grazing or recreational purposes. Timber lands could also be considered submarginal. This type of land belongs to the government, is held in trust, belongs to the tribe, or is ceded.

Besides land that is owned in some sense--clear title or trust--land on the reservation is leased (actually possessed through contract for a period of time) or permitted (used only for a period of time). Leasing or permitting is always done by someone other than the owner of the land. Land can be leased by the tribe with the approval of the Secretary of the Interior. It can also be leased by an individual land owner. The Bureau

of Indian Affairs Branch of Land Operations permits grazing land for a three year period. Leased or permitted land can be sub-marginal or hay or farm or grazing land.

#### B. THE GOVERNMENT FORCES THE OGLALAS TO CHANGE THEIR WAY OF LIFE

With the reservation the Oglalas had accepted a certain change in their life-style. There were things they had to do differently from the old, freer days. But the government also tried to force the Oglalas to give up their old culture and take on the ways of the whiteman. The agent had control of the food supply (rations) and its distribution. If he felt that the people were acting too much like Indians, he would withhold their food. Sometimes he would use the police to force them to change. When the people camped in large groups or when they held councils in Lakota he would starve them until they stopped.

The agent also used the school system to force the Lakota to change. The children were kidnapped and forced to go to the government schools. Their hair was cut short. Their Indian clothes were thrown away and they were given whiteman's clothes. If they spoke in Lakota, they were punished with beatings. If they ran away from school, they and their parents were thrown in jail. It was not uncommon for children to sing brave songs on their way to the boarding schools, because they expected to die at the hands of the white teachers. They were kept at the boarding school 12 months a year so that they would not be influenced by their families. In their school program, half the time was spent on industrial training, agriculture, and housekeeping. The government was forcing the young Indian students to become white persons.

At the same time that the young children were being forced to give up their Indian traditions, the adults were also being forced to change their way of living. When the Oglalas first came to the reservation they all camped around the agency. Later, they broke up into smaller bands or family camps. The government built ration stations for the bands in different parts of the reservation. In a short time the Lakota were broken up. The individual families settled along the creeks. No longer did the families live close together under the immediate supervision of the chiefs. (See map #9, Pine Ridge and Rosebud Agencies 1878-1890 for an idea of the locations of different camps. Also see the unit on Tiospaye). During the Allotment period people were allowed to chose their tracts of land anywhere. In this way tiospayes and extended families could stick together. Families built log cabins along the creeks and began to live like white people. They raised small herds of horses and cattle.

During this period of time, the Lakota accepted the rations from the government with the understanding that it was the duty

of the government to give to the poor, especially to those who were made poor through circumstances they could not control. This was not an act of charity on the part of the government. In addition, the Lakota thought they should be supported because they were being forced to change from one culture to another.

#### C. THE BUILDUP TO THE ALLOTMENT ACT

For a number of years, Red Cloud of the Oglala Division and Young Man Afraid of His Horse of the Payabya Division had led rival groups. There was a large amount of disagreement between these two. But in the summer of 1887 these two great leaders ended their arguments. The people were united once again. This unity and spirit of working together was necessary for the people because once again the land hungry farmers were determined to move into the Great Sioux Reservation. They wanted to unite the eastern and western parts of South Dakota by taking over half of the reservation from the Lakota. Once the farmers had this land, Dakota Territory could become the two states of North and South Dakota.

Many honest Senators and Congressmen did not think that the 25,000 Lakota in South Dakota could hold out against 500,000 land hungry whites. Senator Dawes believed that unless the Lakota gave up part of their lands to satisfy the whites, they might lose the whole reservation. He thought that the Lakota were just like whites and had the same desires in life. Any poor white family would have been overjoyed at the gift of a tree farm with oxen, tools, a wagon, and free seed. Dawes thought the Lakota would too. But the Lakota were not farmers. They were warriors and hunters of the plains.

#### D. THE ALLOTMENT ACT OF 1887

Senator Dawes introduced a bill to break up the reservations in 1887. It was passed by Congress and called the Allotment Act. It had two main purposes. The first purpose was to break up the reservations into small pieces of land. The second reason was to make the Indians self-supporting farmers. Congress wanted to give the head of each Indian family 160 acres and make him farm it. By making the Indians into farmers, Congress hoped to make them give up their Indian culture and values. They hoped that the Indians would become thrifty, hard working citizens of the United States.

There were many reasons why Congress approved the Allotment Act and why it was so popular with the white people. It was passed in a time when farming was growing in popularity. The west was being settled by homesteaders who received a quarter section of land. White people were doing more farming and it was the best

way for a man to earn money in those days. They thought it would be fair to allot the Indians a quarter section of land and train them to be farmers. They thought that the Lakota would be attracted by this offer. Most Indians were living on rations given out by the U.S. Government. Whites resented this. They did not think it was a good way of life. Many whites even saw hard work as necessary to save one's soul. Whites thought if the Indians were given land they would become hard-working farmers. This would save the Indians' souls and the Federal Government money.

Before the land could be broken up, the Lakota had to be encouraged and instructed to become farmers. They were given seeds and farm tools. But the white people who were trying to change Lakota life simply did not understand Lakota life and values.

The Lakota knew that if they planted large fields and raised crops, they would be dropped from the ration rolls. This would break the treaties which promised them food and supplies for the land which had been taken away. The government owed the people these rations. The Lakota were not going to let the government forget this.

The government agents did not understand that the life of a farmer was very much different from that of a hunter and warrior. To be a great and brave Lakota, a man had to be a war chief or a fighting man. A man with a plow was not a great man. The Lakota had been hunters and warriors for hundreds of years. There was no better way to make a living on the great plains. People who settled down on one spot of land and tried to live by growing crops were weak. The Lakota looked down on groups like the Brule Corn Band and the Sioux or the Missouri River Agencies who became farmers.

Even Agent McGillicuddy saw that the land on the reservation was unfit for farming. He said to some people out east: "I can confidently venture to state that if the experiment were tried of placing 7,000 white people on this land, with seeds, agricultural implements and one year's sustenance, at the end of that time they would die of starvation if they had to depend on their crops for food."

Most agents continually pestered the people to become farmers. The people grew tired of this nagging. Eventually many Lakota scattered over the reservation, built cabins, and planted just enough seed to keep the agent happy. But these little fields were not successful. Drought, grasshoppers, and hail usually destroyed the crops before they would be harvested. Anyone could see that the land was better suited for cattle raising than for farming.

During this period of receiving rations, all the supplies had to be hauled from the Missouri River to the agencies. The prices charged by the white contractors was sky high. So the Indian Bureau contracted Indians to haul the goods. It was a good, exciting life. In 1884, there were 500 wagons operated by the Pine Ridge Sioux. In that one year, they hauled over 3 million pounds of freight from Valentine to the agency. They made \$40,000 that year hauling freight. Freight hauling and ranching were better ways of making a living than farming.

#### E. THE SIOUX ACT OF 1888

The government kept insisting that the Lakota become farmers. Finally they went ahead with their plan to break up the reservations. The Dawes Act said that as soon as all the Indians had received their allotments, the U.S. Government would bargain with the tribe for its surplus land. This land would then be thrown open to settlement under the Homestead Laws. But the Sioux Act of 1888 turned things around. This time the Lakota were not going to have first choice of the land. First the government would bargain for surplus land. Then the land that was left over would be allotted to the Lakota. The Great Sioux Reservation contained nearly twice as much land as was necessary for allotments. So the government decided to break the reservation into six small reservations. The allotment policy could slowly be carried out on these sections of land. Meanwhile the surplus land would be bought for 50¢ an acre and then thrown open to the homesteaders. In this way, the State of South Dakota was created.

A commission was appointed to get the Lakota to sign the bill. It was headed by Richard H. Pratt who was superintendent of the Carlisle Indian School. Pratt was not a wise man. He treated the Lakota like they were still the small boys at the Carlisle School. He threatened them. He talked down to them. He insulted them. He even sent a special delegation of sixty-seven leaders to Washington. He hoped that they would be so impressed with Washington that they would encourage the others to sign. They were not impressed. Instead they constantly pointed out to the white people that the price for the land was unfair. How could the U.S. Government offer the Lakota 50¢ an acre and then turn right around and sell it for \$1.25 an acre? They also mentioned that many of the articles of the Treaties of 1868 and 1876 were still not being kept by the U.S. Government. This embarrassed the government and they sent the Lakota back to the reservation.

Finally the Pratt Commission went back to Washington. They had failed to get the Lakota to sign the bill. But the land hungry whites in Dakota were getting angry. They wanted tougher men sent to take the land away from the Lakota. If the government didn't do it legally, the people in Dakota would do it illegally.

## F. THE SIOUX ACT OF 1889

In March, 1889, Congress passed a new Sioux Bill. It was basically the same as the bill that the Sioux rejected in 1889: money from the surplus land sales would go to a permanent Sioux Fund; 25,000 cows and 1,000 bulls would be given to the Lakota; each family would receive two milk cows, a pair of oxen, farm tools, and seed. But there were improvements in the new bill. Family heads received 320 instead of 160 acres; each family received \$50 in cash of \$20; the price of the surplus land was to be \$1.25 per acre for the first three years, 75¢ for the next two years, and 50¢ after that. A little bait was thrown in for Red Cloud and Red Leaf. The new bill said that the bands of these two leaders would be paid \$40 for each horse that had been taken from them in 1876. This amounted to \$28,500. Finally Congress said that this act had to be approved by 3/4 of the adult males.

A very special group of men was selected for this commission. They were all men who were known to be able to get what they wanted. The Commission was headed by General Crook, Old Three Stars.

The Commission first stopped at Rosebud. They started the council talks with feasting and preaching. Crook permitted dancing which had been forbidden. He was softening the Brules up for signing. Swift Bird and some of the mixed blood progressives said that the bill should be signed. They thought it was the best thing for the Lakota nation at this time. Crook persuaded these progressives to go out and talk to the others. But the Fullbloods said nothing. Finally Crook said a few words to hurry things up:

"Last year when you refused to accept the bill Congress came very near opening this reservation anyhow. It is certain that you will never get any better terms than are offered in this bill, and the chances are that you will not get so good. And it strikes me that instead of your complaining of the past, you had better provide for the future. . . . It strikes me that you are in the position of a person who had his effects (property) in the bed of a dry stream when there was a flood coming down, and instead of finding fault with the Creator for sending it down, you should try and save what you can. And that when you can't get what you like, you had better take what is the best for you."

After fighting and bickering, the Commission managed to get 1,455 out of a possible 1,476 signatures.

When the Crook Commission arrived at Pine Ridge, they were met by a large group of armed and mounted warriors. This disturbed Crook and he asked that the warriors leave. This was a poor way to begin a council meeting. The first meeting was failure. At the end of the first day, the chiefs told the Commission to leave the agency at once. Crook refused. Instead he began talking with the individual squawmen and the mixed-bloods.

Later, Red Cloud gave a speech in which he said that the government should live up to the promises of the previous treaties before any more would be signed:

"....The Treaty I made with the Great Father and what has been promised to me has not been fulfilled as promised, and I want to get more land before what has been promised has been fulfilled. My friend General Crook knows something about this last Treaty of 1876. My friends, when a man owes 10 cents or 50 cents up here at these stores, these storekeepers want that paid before he gets any more. Now you come here and ask for more land. You want to buy more land, and I looked around to see if I could see any boxes of money that you brought here to buy more land, and I could not see any, and now I think this is the talk of sugar again just as this paper was. My friends, my people are going to have another meeting tomorrow and have been promised to me before, and I am only saying what has been promised to me in the past."

After a few days of individual talking, Crook again called a council. This time the Oglalas put American Horse of the Kiyuksa Ospaie up as the spokesman. He was known as a progressive, but he was not in favor of land sale. American Horse loved to talk and he asked the Commission if he could talk. Since he was a friend of General Crook, the Commission could not refuse his request. Day after day, for three days, American Horse came to talk to the Commissioners. He talked endlessly about Indian Agents, etc. He talked and talked. He completely wore out the commissioners. One of the Commissioners interrupted him during one of these long speeches. He said that he had heard of men being talked to death, and he hoped that this was not what American Horse had in mind. All the Oglalas laughed loudly. After the laughter, American Horse continued to talk just like he had been before he was interrupted.

Meanwhile, Crook had been talking privately to American Horse at night. He told him that if the Oglalas did not sign away part of their land now, they would lose all of it. So Crook finally convinced American Horse that the best thing that could be done for the Lakota people was to sign the bill. So he signed it, and a few of his followers signed it also.

But the two main chiefs, Red Cloud of the Oglala and Little Wound of the Wazasa, refused to sign. Crook made many promises and tried to bribe the chiefs. But they still would not sign. Finally, the Commission left the Pine Ridge Agency in anger. They had failed to collect enough signatures.

At the other agencies, the Commission had more luck. The white people near the agencies frightened the Indians. So they signed much more easily than did the Oglalas. But there were still some who resisted. At Cheyenne River Agency, Crook had managed to collect only about 300 signatures. Then a riot broke out. Two painted warriors rushed to the signing table waving war clubs. The troops from nearby Fort Bennett were brought in to quiet things down, but the Commission decided to get out. The Agent and his men, however, managed to collect another 320 signatures after the Commission left.

As soon as the Commission thought that they had enough signatures, they left the Great Sioux Reservation. They claimed that they had 130 extra signatures. In the East, the white people thought that Crook was a good friend of the Indian. They thought that he had given the Lakota good advice and that they had listened to him. They thought that Crook had done the Lakota a great favor by persuading them to sign their land away. But no Lakota thought that. They knew that he had forced them to sign away their best land. After the signing, they had lost about 9 million acres. (See map #10 The Sioux Act of 1889).

#### G. THE ALLOTMENTS

The Act of 1889 set aside original allotments which numbered from 1 to 312. These were assigned to the people and approved March 10, 1905. As we said above, each family head was allotted 640 acres (a section). The wife and any single person 18 years or older on July 29, 1904, received 320 acres (a half section). Each child under 18 received 160 acres (a quarter section).

The last allotment (which was numbered 8074) was allotted on July 19, 1933. No one born after 1916 was entitled to an allotment. During the allotting of land, little concern was given to the degree of Indian blood. In fact, it was even possible for a non-Indian

man married to an Indian woman to receive a full allotment. Also during the allotment period, it was possible for the people to choose the locations of their tracts of land, and in this way tiospayes and extended families could stick together.

In addition to the land, each allottee was also entitled to a wagon, a harness, and other equipment, as well as livestock and a little cash. This was known as the Sioux Benefits. The Act of 1928 continued the Sioux Benefits to the allottees when they reached the age of 18. Then in 1934, the Indian Reorganization Act also continued the Sioux Benefits to allottees. At this time, there were still 167,780 acres of unallotted land. Divided into 80 acre tracts, this would make 2,097 more allotments. But the BIA decided that this land was worthless. Instead of giving out the land and the Sioux Benefits, they would give out the cash value of the equipment and livestock plus \$50. This would be given to anyone 18 or over who had not received an original allotment, or to anyone when they reached the age of 18. The last Sioux Benefit of this type was issued in 1946 at Pine Ridge.

Between 1904 and 1910, most of the Pine Ridge Sioux had received their allotments. These were the original allottees of the reservation. Then the large remaining sections of unallotted land were declared surplus by the U.S. Government. Congress on May 27, 1910 passed an act which allowed the surplus (unallotted) lands in Bennett County on the Pine Ridge Reservation to be opened for sale. Tribal timber lands and those reserved for government use were excluded. On June 29, 1911 a state-wide proclamation declared the opening of a million and a half acres of unallotted lands in Bennett County in Pine Ridge Reservation and Mellette County in Rosebud Reservation. Registration for the lottery was held in October of 1911 at Chamberlain, Dallas, Rapid City, and Gregory. The response to the lottery was not as numerous as for the Standing Rock lands in 1909. Although considered part of their respective reservations, the two counties are white owned and subject to the laws of the State of South Dakota. (See map #11 for Bennett And Mellette counties).

The land allotted to the Lakota was to be held in trust by the U.S. Government for 25 years. The government ~~didn't~~ think that the Lakota were able to handle their own property. As long as the land was in trust, it was not taxed. Nor could the Indians sell their land without the approval of the BIA. The State of South Dakota refused to provide education for the people on the reservation, because no taxes were being paid.

So the BIA had to continue to provide for the education of the young Oglalas. Most allotments were not ended at the end of the 25 years and so there continued to be trust land. This began the problem of heirship with the land passing into the hands of one or as many as one hundred different heirs. Heirship remains a problem for the tribe especially in leasing and permitting lands. At the same time, the problem of patent fees arose. An Oglala could get a clear deed and title to his land, a patent fee. If he did, he could sell it by himself to anyone and not go through the BIA. But to get a patent fee, a person had to give up tribal membership and become a U.S. citizen. Many did this to get the money from selling land. But the government soon stopped this to prevent the loss of reservation land and mismanagement of patent fees.

#### H. CATTLE RAISING ON THE RESERVATION

In the 1870's the army saw that the land was good for cattle raising. So they gave some cattle to the Lakota people. Beginning in 1871, one live cow was included in each monthly ration. Many Lakota did not want to raise cattle. They preferred to hunt the buffalo. But some who lived around the agencies managed to build up large herds. In 1879, the government brought over 3,000 to the agencies. The idea of being a cowboy caught on quickly among the people. By 1885, there were over 10,000 head of cattle on the Pine Ridge Reservation. But the terrible winter of 1886-1887 wiped out the cattle industry for a while.

But the cattle raising business was still very good until the beginning of World War I. At this time prices were very high and Indian owners were encouraged to sell. By 1916 nearly all the cattle had been sold. At the same time, white ranchers were given rights to lease Indian land for grazing. By 1917, several large cattle operators had huge leases on the reservation.

The income from the sale of cattle and from leasing land to the cattle operators had brought a lot of money to the Lakota. They became attracted to the gadgets of the whiteman's world. They liked to buy cars. One car was worth about 25 good horses and they traded their horses for a car.

The depression after World War I forced many of the white cattle operators out of business. They didn't pay their lease fees any more. Now the Lakota had no source of income. They needed money and the agents encouraged them to sell their land. Around 1922, the land speculators and crop farmers began buying up Indian lands. The agencies helped the white people in every

way they could. Often there was much fraud and trickery involved in the land deals. A Lakota would be led to believe that \$40 in cash and a new suit of clothes was the down payment for some land. Later he would find out that he really sold the land for that amount. During this time, Wanblee, Batesland, and Martin became centers for the white farmers who bought the Indian land.

#### I. BOSS FARMER DAYS

The period during the time of the boom of the cattle industry can be called the golden age of the reservation. One of the reasons for this successful period was the field agent or the boss farmer. This was a man who worked for the Indian Service Extension Division. He was chiefly concerned with the agricultural businesses in his district. So his main work was with the raising of livestock, the growing of crops, and the selling and leasing of land. In the districts, he became just like the superintendent. He distributed the pay-roll and other government checks. When someone complained that another person was trespassing on his land, the boss farmer would take care of the situation. He handled any business that the people had to conduct with the federal government. Whenever it was necessary, he would represent the people at the Agency. So if there was a good boss farmer in the district, all business could be handle on a local level. It was not necessary for people to run back and forth to Pine Ridge all the time. During this time of the golden age of the reservation, the people in the districts felt united and worked together.

#### J. DIASTER IN THE 1930's

The drought and the depression of the 1930's wiped out everything. It was too hot and dry for farming and cattle raising. Everyone on the reservation became poverty-stricken. After one year of Red Cross aid and direct government help, the Civilian Conservation Corps (CCC) was established. So nearly all able-bodied men were on the government payroll. After the worst part of the depression, the government tried to re-establish cattle raising. But there were many difficulties. Heirship broke up the land into small plots of land that were too small for cattle raising. Natural cattle ranges were broken up because small parts were being sold to individual whites. There was no credit available for anyone wanting to go into the cattle business. War-time jobs had attracted many of the Lakota men away from the reservation to high-paying jobs.

Even though the 1930's were very difficult years, the people still managed to make a living.. The drought forced many non-Indian ranchers to lease land from the Lakota people for their cattle. This brought in some money. A number of Lakota men were involved in the hauling of government freight. The only crop of any importance was hay. Over five hundred tons were sold in 1930 to the government and the district trader at an average price of \$5.00 a ton. A few men had regular jobs with year-round income such as cowboys, ministers, policemen, or government employees. Many people had seasonal jobs, especially as potato pickers.

The Sioux Benefit Fund helped young people started in life. Each boy and girl was supposed to get about \$500 worth of help. It was supposed to be used to help the boy get started in some occupation, usually farming. It was supposed to help the girl get some household goods. The help didn't come in the form of cash, but in the form of goods.

For the boy:	A team of horses	\$ 80
	A wagon	150
	A harness	70
	A plow	55
	A corn planter	35
	A stock saddle	60
	Logs for a house	45

For the girl:	A team of horses	\$ 80
	A wagon	150
	A harness	70
	A sewing machine	35
	A tent	25
	A bedstead	35
	A bureau	15
	A cook stove	40

These were the ways in which the Sioux people made a living during the very difficult time of the depression.

#### The Period of Reorganization: 1934 - 1950

At the beginning of the Franklin Roosevelt Administration, Congress passed the Wheeler-Howard Act of 1934, called the

Indian Reorganization Act (IRA). In order to have effect on a reservation, it had to be approved by a majority vote of the tribal members. Over twice as many tribes approved it as opposed it. It tried to repair the damage of the allotment period by ending the allotting of tribal land to individual Indians. It also stated that there was no definite time when trust land ceased to be trust land. The government realized that there was not enough reservation land for the Indian population, so it set aside 2 million dollars a year for the purpose of buying lands for the reservations. This new land included land purchased from the whites on the reservations, and also land which was outside the existing reservations. During the next 10 years, over four million acres of land were returned to Indian tribes.

The IRA also set up a 10 million dollar Indian Loan Fund, which enabled many Indians to borrow money for agricultural, livestock, and fishing purposes. To help out Indian students, \$250,000 a year was set aside for educational loans. Only \$50,000, however, could be used for college. The rest was for vocational training. Finally, the IRA made it possible for any tribe to organize and establish a constitution and by-laws for the management of its own local affairs.

But World War II prevented this Act from accomplishing much. The war took away all the good men and money. Most reservations didn't get any better during the war. Many got worse.

#### The Termination Period: 1950 - 1960

##### A. THE MEANING OF TERMINATION

Termination means that the federal government no longer supervises or protects the land of an Indian tribe. The land is turned over to the individual members of that tribe. It means that the historical relationships between the federal government and the tribe are ended. The tribe no longer has the right to deal directly with the federal government, without going through the state. Federal wardship is ended and the state takes over. When this happens, all the criminal and civil laws of the state apply to all those living on the reservation. In the end, the reservation simply ceases to be.

## B. THE HISTORY OF TERMINATION

The U.S. Government has always tried to encourage the American Indian to abandon his heritage and take up the ways of the whiteman. During the years 1789 to 1889 the policy of the U.S. Government towards the Indians changed very much. In the beginning, the government made treaties with the tribes as land-owning, independent nations. In the end, they made them prisoners and forced them to live within special passes. There is the famous story of an Ojibwe leader, Few Tails, who had received a pass to hunt off the reservation. While he was returning from the hunt, he met a group of white ranchers and they killed him. The men were caught and brought to trial, but found "not guilty". So even with passes, it was not safe to leave the reservation.

More and more laws were passed to end the existence of tribes. Most of them failed, but a few didn't. The Choctaws were terminated in 1830, the Kikapoos in 1862, the Cherokees in 1868, and the Winnebagos in 1875. Just recently in the 1850's, all tribes of California, the Menominees, the Oregon Warm Springs, and other tribes were terminated.

It became obvious that this type of attitude was going to cause suffering and resentment. The Merriam Report of 1928 pointed out many errors in the government's attitude and made some recommendations. A new policy towards the Indian was begun under President Hoover and continued for a while under President Roosevelt. It was during this time that the IRA went into effect.

Around 1950 the policy towards Indians was reversed. During the Eisenhower administrations, termination was the national Indian policy. From 1954 to 1960 many laws were passed which took away the political power of tribes. In that period, 61 tribes, groups or communities were terminated. Sometimes special provisions were made. For example, the government would build a sewage treatment plant before the reservation would be terminated. The BIA was preparing for termination, too. Many Indian students were sent many miles away to public schools, instead of being allowed to attend BIA schools close by. The Extension Division of the Department of Agriculture. On the Pine Ridge Reservation, a number of state department began to move in. The State Welfare Department set up offices in Pine Ridge, and so did the state Employment Agency.

But this policy was completely abandoned by Presidents Kennedy and Johnson. The current President, Nixon, is a Republican and termination has been a Republican policy. So many people are fearful. This what Nixon said about termination:

"The special relationship between the Federal Government and the Indian people and the special responsibilities of the Federal Government to the Indian people will be acknowledged.

Termination of tribal recognition will not be a policy objective and in no case will it be imposed without Indian consent.

We must recognize that American society can allow many different cultures to flourish in harmony and we must provide an opportunity for those Indians wishing to do so to lead a useful and prosperous life in an Indian environment!

Although unit is specifically geared to Lakota Makoce and seemingly termination is no longer an issue, we will delay our discussion of land on the reservation today to further discuss termination. The two further aspects of termination considered will be who does or does not want it and some examples of it.

#### C. WHO IS IN FAVOR OF TERMINATION AND WHO IS NOT

The Indians who are in favor of termination are usually mixed blood, with 1/8 Indian blood or less. They are the people who no longer live on the reservation and who receive nothing from the use of tribal land. But they would get money if the land were sold and the profits divided among the enrolled members. Many selfish whites are also pushing for termination. They want to get at the rich grazing lands, the oil, the minerals, the timber, etc.

Those who want termination say that if the reservation and its resources would be converted into cash, they could make investments that would earn money on the principal. Some believe that the reservation separates the Indian from the non-Indian, and that this is a bad thing. It is good for the Indian to live next to the non-Indian. They say that it is too complicated to live under Indian law. If the Indian had full responsibilities and privileges of regular citizens, many of their problems would disappear. Each Indian should have the right to convert

his land, trees, water, mineral and hunting rights into cash if he wants to do this.

The rest of the Indians on the reservation don't want the termination of the reservation nor the termination (end) of the BIA. What they want is the termination of white control of the Bureau of Indian Affairs.

#### D. SOME EXAMPLES OF TERMINATION

Paiute: In 1957, four bands of Paiutes (the Shiwits, the Koosharem, the Indian Peaks, and the Kanosh) were terminated. A year later, they were asked why they had not objected. They said that they did not understand what was happening. The people did not understand the legal language of the bill and they were too poor to ask for legal advice. Each of the four bands was approached separately and alone by the Bureau of Indian Affairs. They never had a chance to talk and discuss together. After the termination, their land was no longer entrusted to the BIA. It was entrusted to a bank in Salt Lake City. But their trustee was not entirely honest. He leased their range to cattlemen at very low prices. He did many things without ever asking them. So, termination turned the Paiutes out on their own, without birth certificates, Social Security numbers, land deeds, etc.. It is impossible to survive in white society without them. But termination forced the Paiutes to do it.

Klamath: In 1957, the Klamaths were terminated. 1,660 members of the tribe voted for a distribution of the assets to individual members. Each was given \$44,000. As soon as this became public knowledge, white people devised clever means of getting the money away from the Indians. They charged very high interest rates on loans made before their inheritance. Attorneys charged outrageous fees. Those who didn't want the money to be split up formed a trust. A bank took over the job of trustee. But the band did such an unsatisfactory job in the handling of

the Indian property. Many years later, Mrs. Marie Norris, a Klamath leader, said: "If I had known what termination would have meant to all of us, I would have fought it tooth and nail."

Menominee: For many years, the Menominees had wanted to be free from the federal government. They had financed their own activities through tribal investments and they had a very strong group of leaders. Under the BIA, they only had to meet federal regulations, but after they decided to terminate, they had to meet all the Wisconsin regulations. They had to create a special business organization to handle the tribal forests and the sawmill. Many changes had to be made, and they were given neither the time nor the help to make these changes well. The tribe had accomplished many things. They had a hospital. They had built water and sewage systems. The tribe had developed two hydroelectric plants and had a loan fund of over \$400,000. Now all of a sudden they had to provide for the education for their children. All buildings had to be fixed up to pass the strict state regulations. All professional people had to be licensed. And to make matters worse, the government said that every individual had to be given \$1,500 from the tribal treasury. The Menominee were one of the most highly advanced tribes and they controlled their affairs. After termination, they broke down and became poorer and less able to carry their responsibilities. Today they are confused and very bitter against termination.

Northern Utes: On July 13, 1950, the Court of Claims awarded over 31 million dollars to the Confederated Bands of Ute Indians. After the attorneys' fees were taken out, the money divided up, the Northern Utes received 17 million dollars. At this time, it was decided that the Utes should control the money and use it for economic and social improvements.

After a number of meetings, the tribe proposed to plans. The first would be short range three-year plan. With this plan, they hoped to relieve some of the suffering that already existed on the reservation. They planned to improve their natural resources, to unite tribal lands, to improve housing and welfare, and to transfer children from BIA to public schools. Each person in the tribe was also given \$1000 cash to relieve some of the problems of poverty. All parts of the short range plan were developed by tribal committees. And the cost of these developments was taken care of by the tribe. So the first plan was successful.

What did the people do with the initial gift of 1000 dollars? Some of the full-bloods used the money to pay off debts, but then they bought cars and radios. Women bought beds and household appliances. Families purchased new homes. Many others went on long trips to see their relatives. The mixed-bloods used their money to enlarge cattle herds or start small businesses.

The second plan was called the ten-year plan, or the long range plan. While this plan was being prepared, the biggest problem of them all began to become obvious. There was a tremendous rivalry between the mixed-bloods and the full-bloods. In the beginning, the mixed-bloods had more power than they should have had. Of the 1,7000 Utes, only 350 were less than 1/2 Ute. But the Planning Board for the Long Range Plan had ten members, and eight of these were mixed-bloods. After much fighting, it was decided that the tribe would split in two. One group would be mixed blood. The other would be full-blood. Each of the two groups set up their own programs. In 1954, it was decided that the mixed-blood group should be terminated. This was completed in 1961. But it soon became clear that the mixed-blood group did not understand what they had agreed to, and in the end they were very unhappy.

The full bloods began setting up their own program in cooperation with the BIA. The basic part of their program was the family plan. This was designed to make the people independent and self-supporting. With this plan, quite a bit of progress was made. But the reason for the success and prosperity of the Utes was due to the regular per capital payments with the millions they had been given from the land claims. They made little provisions for self-support.

At the end of the 10 year plan, fewer irrigable acres were being used by Indians than before the program started. Livestock ownership by the Indians of both sheep and cattle was down considerably. After spending 8½ million dollars, the Utes stood just about at the same place as they had in the beginning. No effort had been made to build economic security through industries and tribal enterprises. Money alone was not the solution. The government had hoped to terminate the full-blood Utes also, but their program failed, and in the process of failing, it left the Utes in worse shape than before.

## RESERVATION TODAY

Our discussion of the land situation on the reservation today will be topical. That is, we will consider several land topics of importance but we will not discuss every aspect of the land situation. Much of that has been done in the previous pages of the unit. Our concern will be the reporting of land resources, heirship, permitting and leasing, the Oglala Sioux Tribal constitution and land, and the Gunnery Range.

### A. LAND RESOURCES

Pine Ridge Reservation takes in three counties--Shannon (760,660 acres), Washabaugh (420,125 acres), and Bennett (328,304 acres). Bennett County while listed as a part of the reservation is, as we said above, white-owned and operated and subject to South Dakota state laws. Still there are reservation lands there. At the present time land ownership divides into:

Tribally-Owned Land:	372,243 acres
Government Land:	48,231 acres
Allotted Land:	1,089,077 acres
Non-Indian Land:	1,269,159 acres
Total	2,778,000 acres

Within these categories are all the types of land mentioned in the previous pages: tribal; government; trust; allotted; heirship; patent fee; deeded; submarginal; surplus; ceded. The land on the reservation as of 1969 was being used for:

Range (Grazing)	1,462,448 acres
Dry Farm (Small Grains, Hay, Gardens, etc.)	58,285 acres
Timber	230,021 acres
Irrigated	1,100 acres
Other: Recreation, Business	5,368 acres

#### In Addition:

Barren (Submarginal) land in a trust status	103,500 acres
Tribal Timber Reserves	51,916 acres
Potential Irrigable land	40,000 acres
Land Acres in the Gunnery Range	343,011 acres

Although it does not give the various land divisions (allotted; heirship; tribal; etc.) map #12 gives the present picture of the reservation.

## B. HEIRSHIP

Land is the only natural resource of importance on the Pine Ridge Indian Reservation. If all the people on the reservation had to live off the land, only half would survive. The land problem is becoming more serious for two reasons: increase in population and heirship. The reservation population is increasing rapidly. In 1956, there were 7,400 Oglala Sioux on the reservation. In 1967, there are 10,500. While there has been an increase in population, the land base has not kept up and more and more land is being sold to non-Indians.

Perhaps the most difficult problem related to Indian lands is heirship. As noted above, an heir is a person who has inherited some land from a relative. He is the owner of some original allotted land or patent fee. The original allotments have been divided among heirs for many years. Most heirs have only a small interest in the land. The income they get is usually not worthwhile. It varies with the use the land is being put to and the number of heirs who own a piece of land. Some times people receive checks for less than 10¢. A single small tract of land could be owned by one or five or fifty persons. One heirship case on the Wind River Reservation involved over 104 heirs. When the General Allotment Act of 1887 was passed, no thought was given to the tremendous problems which would result when the land was divided up among heirs. There are about six million acres of Indian land in heirship status in the United States today. About 1½ million acres are leased to non-Indians. Forty-five thousand acres are leased to various tribes. About 500,000 are not used at all because of the difficulty of leasing tracts of land that have so many owners. The rest is used by Indians.

## C. PERMITTING AND LEASING

Land use on the reservation is very much ordered to grazing and dry farming. Some of this land is Indian owned, some non-Indian owned. A good deal of it no matter who the owner is, is leased or permitted land.

Range land is not leased, permits are issued for its use. This permitting is supervised by the Bureau of Indian Affairs Branch of Land Operations. Tribal members are given first chance and receive a three year permit. This permit can be revoked if the one having the permit overgrazes, overstocks or otherwise misuses the land. Indian cattlemen pay a minimum of \$20.50 annually per head of cattle for permitted land. Range land not permitted to Indians is then opened up for bidding to Non-Indians who sometimes pay twice and three times more than Indians for permitted land. This depends on the highest bid.

The Indian permitter has no say about who uses his land, but must accept the decisions of Land Operations. This arbitrary and somewhat unfair system is the result of heirship. Many of the range units are owned by a number of individuals (as many as 100 individuals). Land Operations acts as a go-between to clear permits by contacting heirs though often this is dispensed with when some heirs are too far away or too many.

Farm and haying land is handled by the Bureau of Indian Affairs Branch of Realty. In this case the lessor selects his own leasee and the two decide on the terms of the lease. The Realty Branch approves the agreement if the Indian is receiving a fair price. Payment is made to the individual personally and not through Realty unless the lessor uses his lease income as collateral (money put up to show the ability to repay) for a tribal loan in which case the leasee makes his payment to Realty. Another instance in which Realty handles the lease money is where a tract of land is owned by multiple heirs. In this case, the leasee may pay Realty in one check and Realty divides the money among the heirs.

The leasee and lessor sign a legal contract and after such a contract is signed the owner has no control over the use of his land as long as the leasee complies with the terms of the lease.

#### D. OGLALA SIOUX TRIBAL CONSTITUTION AND LAND

Among the powers of the Oglala Sioux Tribal Council (Article IV) the following specifically deal with land: to approve the sale and leasing of tribal lands (sec.1,c); to make assignments of tribal land (sec.1,e); to purchase land (sec.1,l); to protect property and its disposition (sec.1,m); to regulate inheritance other than allotted lands (sec.1,p). Besides these enumerated powers of the tribal council in regard to land, there is a specific article in the Constitution which deals with land—Article X. Its text follows.

#### ARTICLE X—LAND

SECTION 1. Allotted Land.—Allotted lands including heirship lands, within the Pine Ridge Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Oglala Sioux Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abro-

gated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Oglala Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2. Tribal Lands.—The unallotted lands of the Pine Ridge Reservation and all lands which may hereafter be acquired by the Oglala Sioux Tribe or by the United States in trust for the Oglala Sioux Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Oglala Sioux Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SECTION 3. Leasing of Tribal Lands.—Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian communities or cooperative associations, and, secondly, to individual Indians who are members of the Oglala Sioux Tribe. No lease of tribal land to a non-member shall be made by the tribal council unless it shall appear that no Indian community or cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SECTION 4. Grant of Standard Assignments.—In any assignment of tribal lands which are now owned by the tribe or which may be hereafter purchased for the tribe by the United States, or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 20 acres of agricultural land, or other land or interests in land of equal value.

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of \$10 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians and shall be known as standard assignments.

SECTION 5. Tenure of Standard Assignments.—If any member of the tribe holding a standard assignment of land shall for a period of two years, fail to use the land so assigned or shall use such land for any unlawful purpose his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will, or written request, shall have a preference in the reassignment of the land provided such persons are members of the Oglala Sioux Tribe who would be eligible to receive a standard assignment.

SECTION 6. Grant of Exchange Assignments.—Any member of the tribe who owns an allotment or any share of heirship land or patent in fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

SECTION 7. Leasing of Exchange Assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SECTION 8. Inheritance of Exchange Assignments.—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Oglala Sioux Tribe, except that a life assignment may be made to the surviving widower, widow, or child of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,280 acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 160 acres,

and no area of agricultural land shall be sub-divided into units smaller than two and one-half acres, except that land used for building or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SECTION 9. Inheritance of Improvements.—Improvements of any character made upon assigned lands may be bequeathed to and inherited by members of the Oglala Sioux Tribe under such regulations as the tribal council shall provide. No permanent improvements shall be removed without the consent of the council.

SECTION 10. Exchange of Assignments.—Assignments may be exchanged between members of the Oglala Sioux Tribe by common consent in such manner as the tribal council shall designate.

SECTION 11. Use of Unassigned Tribal Land.—Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SECTION 12. Purchase of Land by Tribe.—Tribal funds may be used with the consent of the Secretary of the Interior to acquire land under the following conditions:

(a) Land within the Pine Ridge Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Oglala Sioux Tribe.

(b) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SECTION 13. Method of Making Assignments.—Applications for assignments shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the council. Any member of the tribe

wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

Most of the sections in this article deal with land in terms that have occurred previously in the unit--allotted, trust, heirship, leasing, etc. However, standard assignment and exchange assignment are new. A standard assignment is a tract or piece of land granted by the tribe to heads of families who have no land, no allotted land, or have less than a 20 acre assignment of land. These Indians qualify as landless Indians.

An exchange of assignments is exchanging one piece of land for another piece of land. A person who has allotted land, an heirship, or patent fee can exchange that land for tribal land of equal value.

Besides the articles in the Constitution which deal with land, the Revised Code of the Oglala Sioux Tribe, chapter 4 deals with heirship. The heirship here is not that of allotted lands or property held in trust for both these are subject to the United States federal courts. The tribal court hears the cases of heirs of a tribal member who held a patent fee or had some estate (property of some sort). Since deeded property is involved the laws of the State of South Dakota apply.

#### E. AERIAL GUNNERY RANGE

During World War II, in 1942, the Department of Defense needed land for an aerial gunnery range. The northern part of Pine Ridge Reservation was chosen, some 343,011 acres. Oglala people living in this area were given a ten day notice to move from there. There were some 125 families living in the gunnery range; most left to relocate, leaving their belongings behind them. During the 10 day eviction notice non-Indians burned or stole what had been left behind. After the 10 day notice the Air Force strafed and bombed the remaining houses. There were three cemetery sites in the area which were eventually turned over to various churches to care for. The land in the gunnery range was supposed to be returned to the people but the defense department turned it over to the Federal government. In 1964, the National Park Service requested 123,200 acres of the land for the present Badlands National Monument. In 1968, Representative Berry sponsored a bill in Congress to facilitate this request. At the

same time, Senator Mundt introduced a bill in the Senate which as similar but better for the Oglala people. Both bills said former owners could repurchase their lands and both accepted land being given to the Badlands. Berry's bill passed through in a modified form. Mundt's did not pass.

The National Park Service did receive the lands requested, most of which were put aside for the protection of the black footed ferret. Some owners did repurchase their lands. The remaining lands are still held by the federal government. Again, legislation was started to return these lands to the Oglala Sioux people. By the process of legislation, in future years, perhaps more of the original land in Oglala Sioux ownership can be returned to the Tribe or individuals.

#### CONCLUSION:

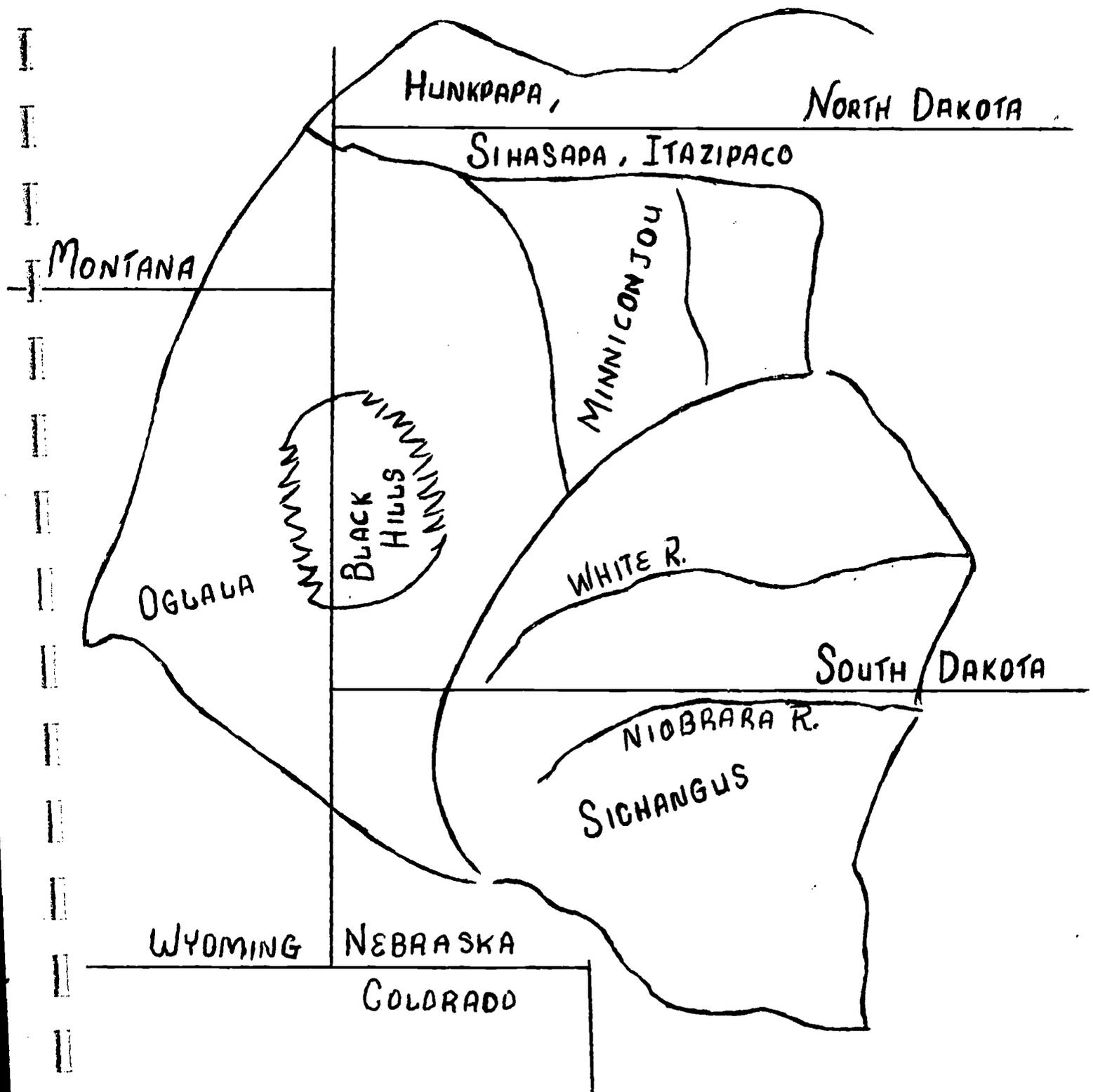
In discussion with the consultant for this unit, Makoce, the following items were given as responses to the preceding unit.

- 1) The biggest problem with land today is the heirship system.
- 2) What hurts the landowner on the Reservation the most is the regulations in the allocation program which is implemented by the Bureau of Indian Affairs.
- 3) The Bureau of Indian Affairs was set up to take care of all Indian's lands. It is their prime reason for existing. It is also their weakness.
- 4) The Bureau of Indian Affairs is responsible primarily to those people who are landowners.

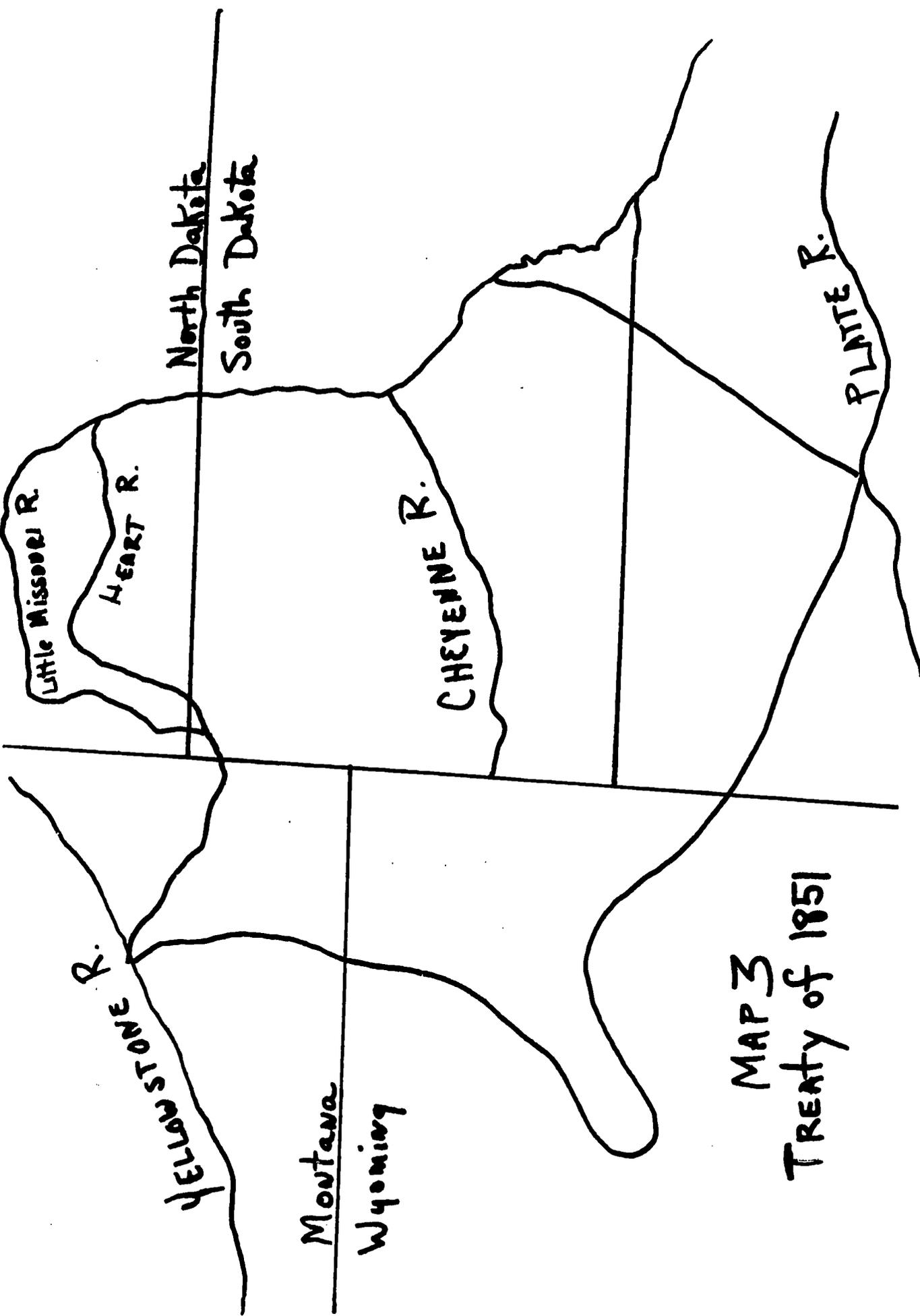
If a solution to the land problem could be found, it is all heirs to land agree upon what to do. These people can go through legislative work to correct laws. The Indian landowner wishes to help himself, to live on his own land, but there are no resources available to make a living. Through consolidation, land might be placed together to benefit more people. By separating the landowner from the non-landowner, the Bureau of Indian Affairs and the Oglala Sioux Tribal Council might see the issues more clearly. The people on Pine Ridge Indian Reservation are not in a position to make a successful living. In the people's tribal government, a change every two years has destroyed any chance for development to proceed. No one who has ever been elected has fulfilled all the needs of the people. If there is a solution, it will be the result of changing laws. By making the Bureau of Indian Affairs work directly with local communities or Districts, will give an opportunity for programs to be started with control in the hands of the people.

For the Lakota people, for the Oglala person, land in the sense of land holdings has been a changing shrinking reality. But land, Makoce, as mother, as giver of life, as sacred has not changed. And for the Lakota people, land will not change. It is the dearest thing they have on earth. It gives them life and it makes them who they are. If the Lakota are landless, if their land is terminated they cease to be as a people. For they hold land as a people, despite individual allotments. Finally, the Lakota people have claims on land, claims which must be heard and fulfilled. This is their land ! God-given!

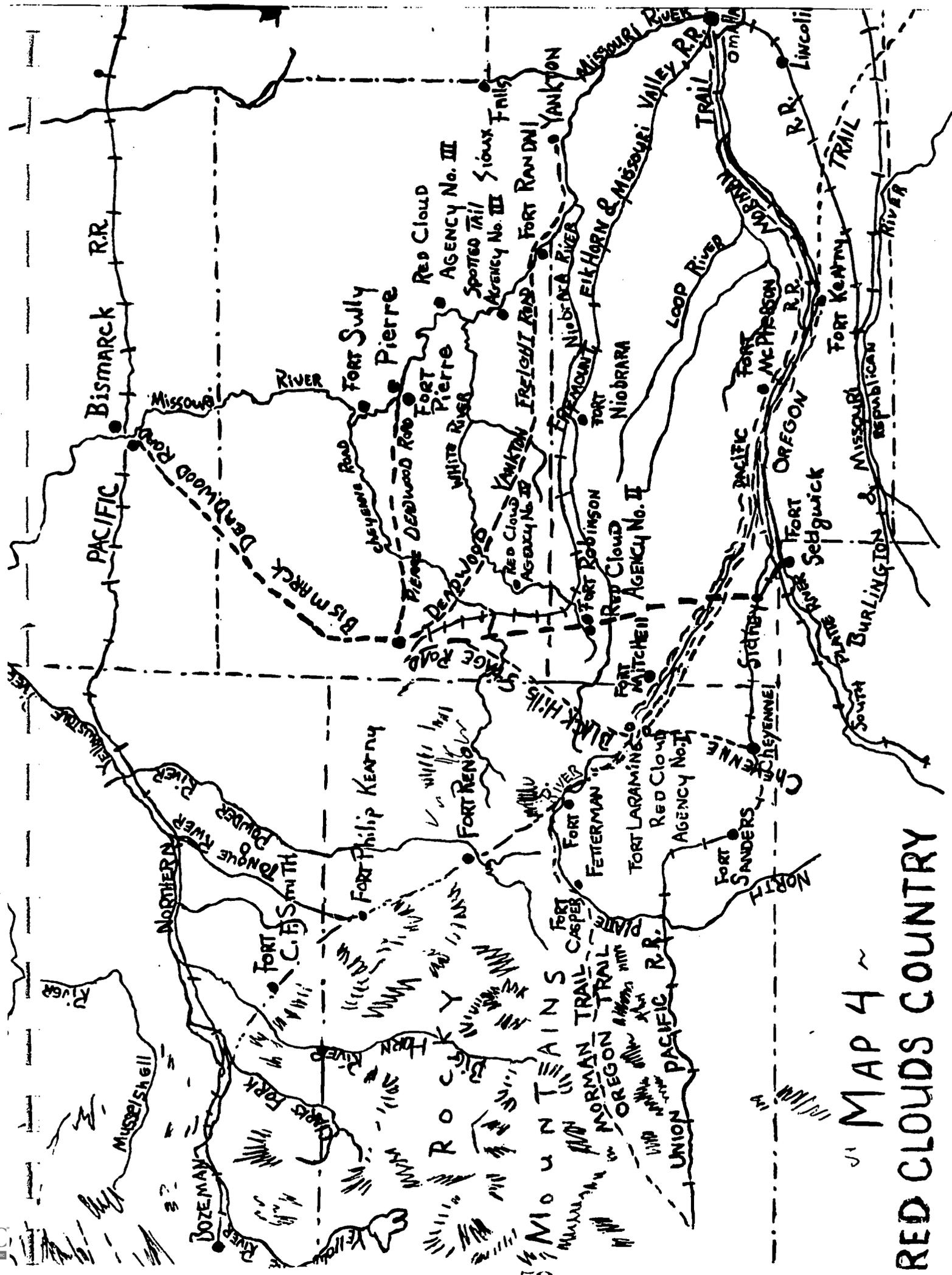




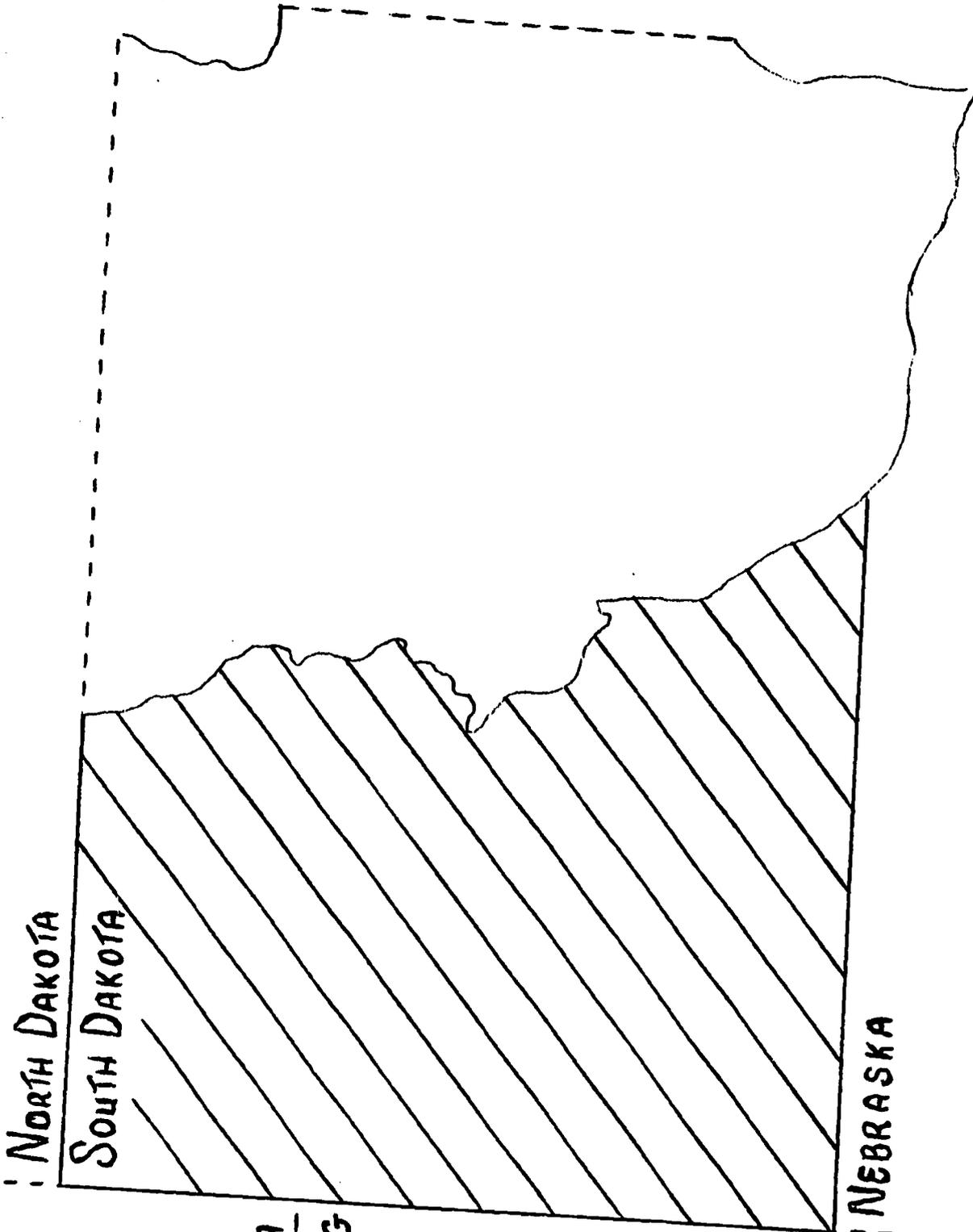
MAP 2  
 SUBDIVISIONS OF THE LAKOTA  
 1745 - 1868



MAP 3  
TREATY of 1851

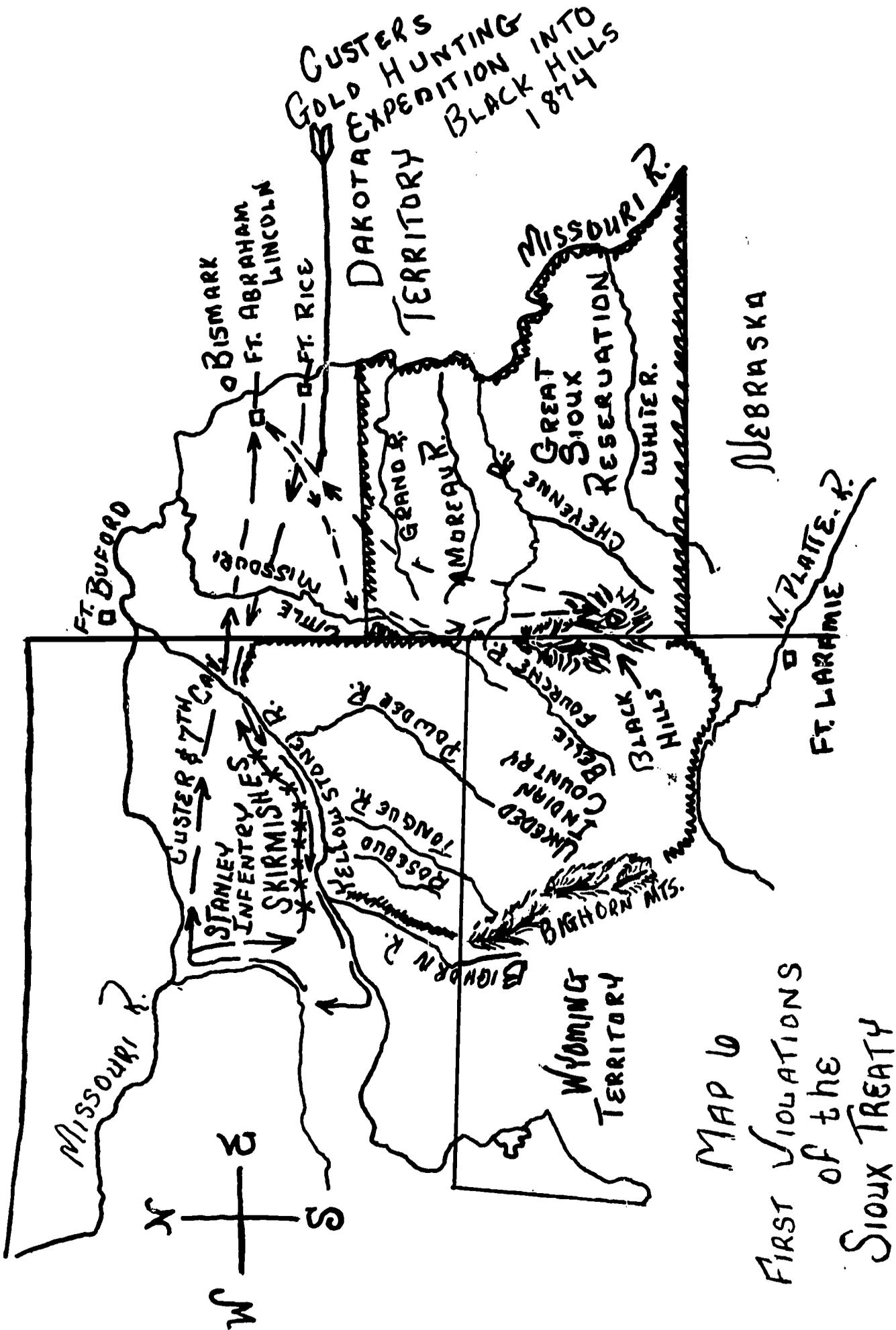


MAP 4  
RED CLOUDS COUNTRY

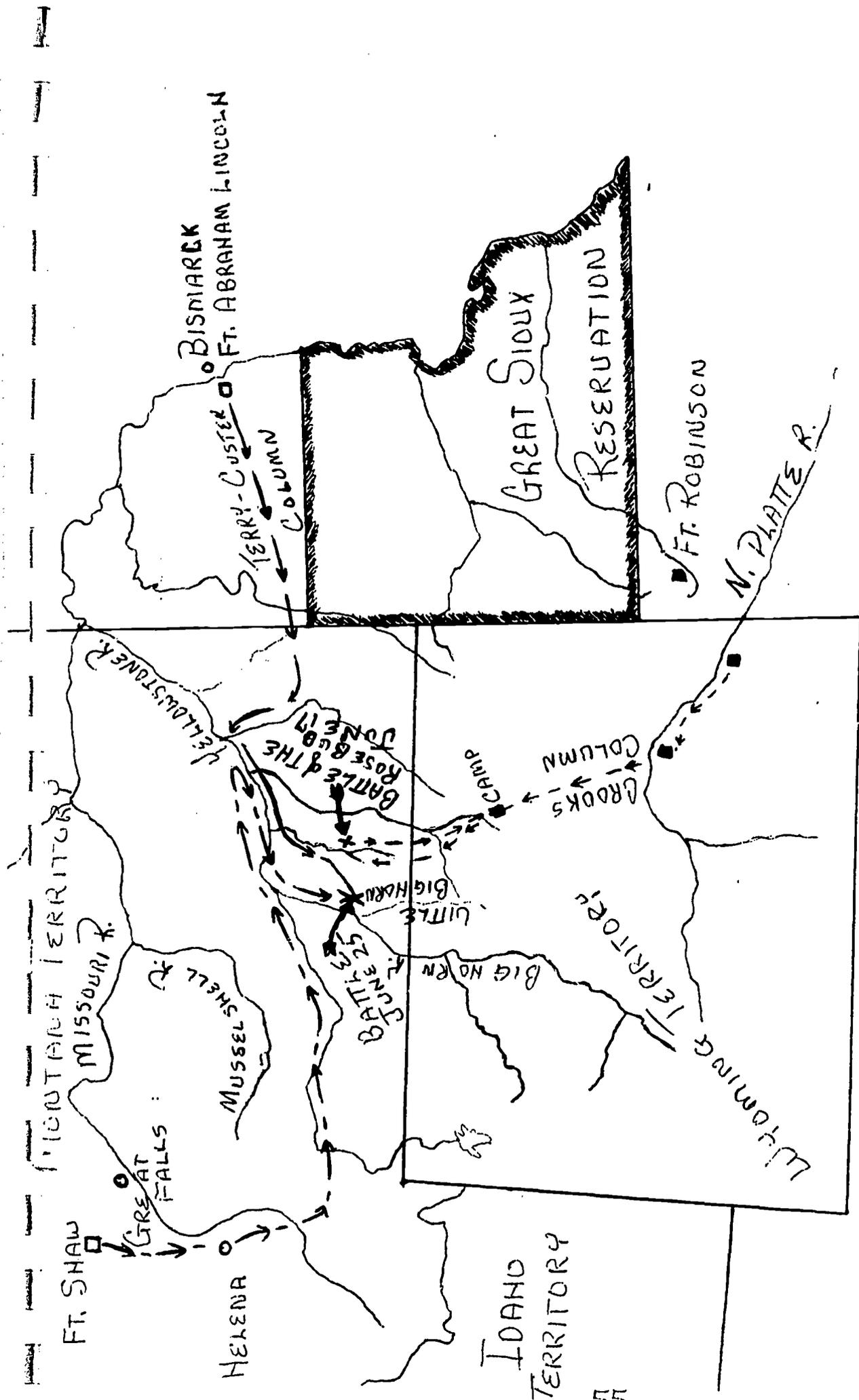


MAP 5  
TREATY OF 1868  
LAKOTA TERRITORY

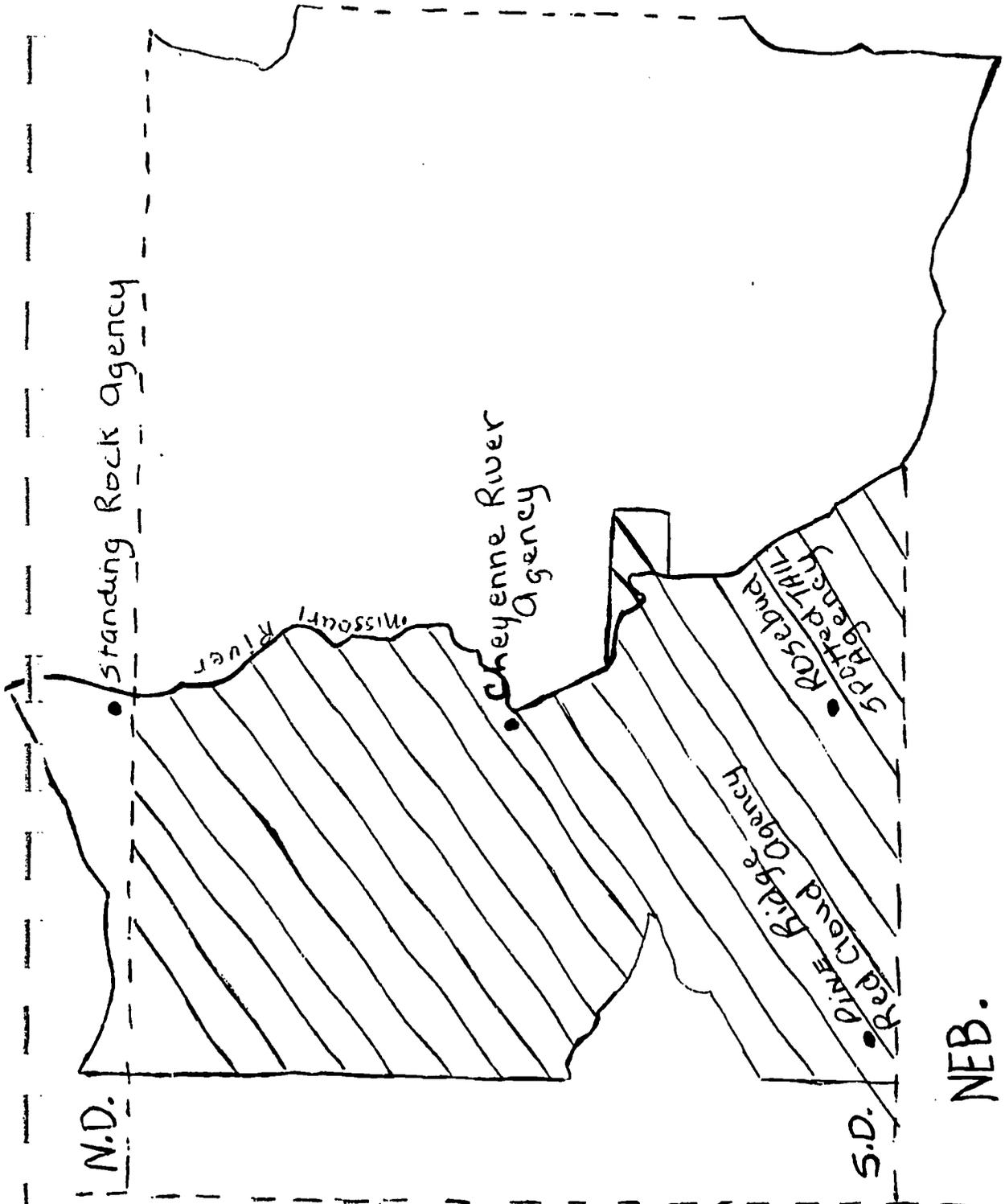
MONTANA  
WYOMING



MAP 10  
 FIRST VIOLATIONS  
 OF THE  
 SIOUX TREATY



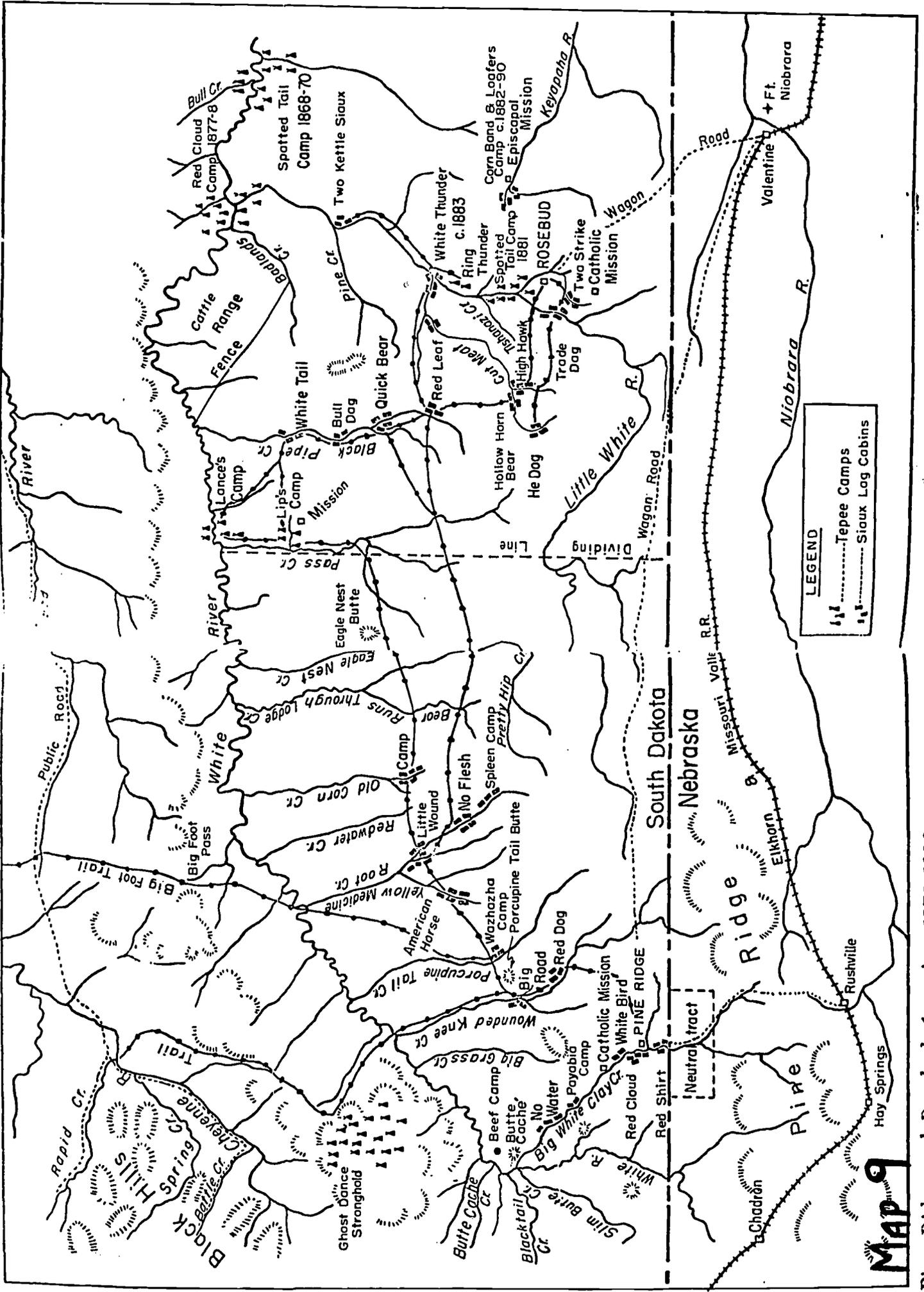
MAP 7  
 BIGHORN CAMPAIGN OF 1876  
 STRATEGY & PRINCIPAL MOVEMENTS



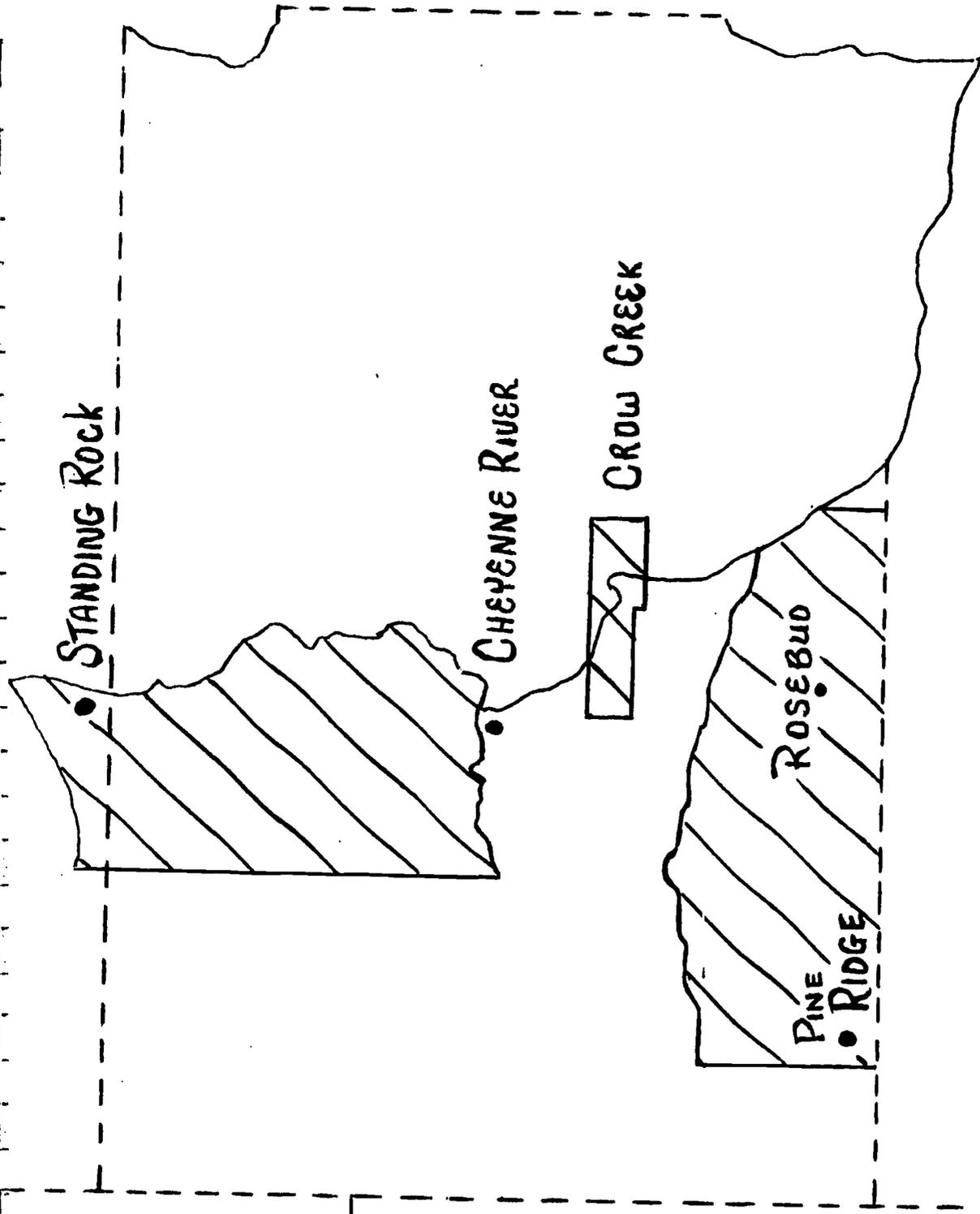
NEB.

MAP 8

AGREEMENT OF 1876: LAKOTA TERRITORY



Pine Ridge and Rosebud Agencies, 1878-1890

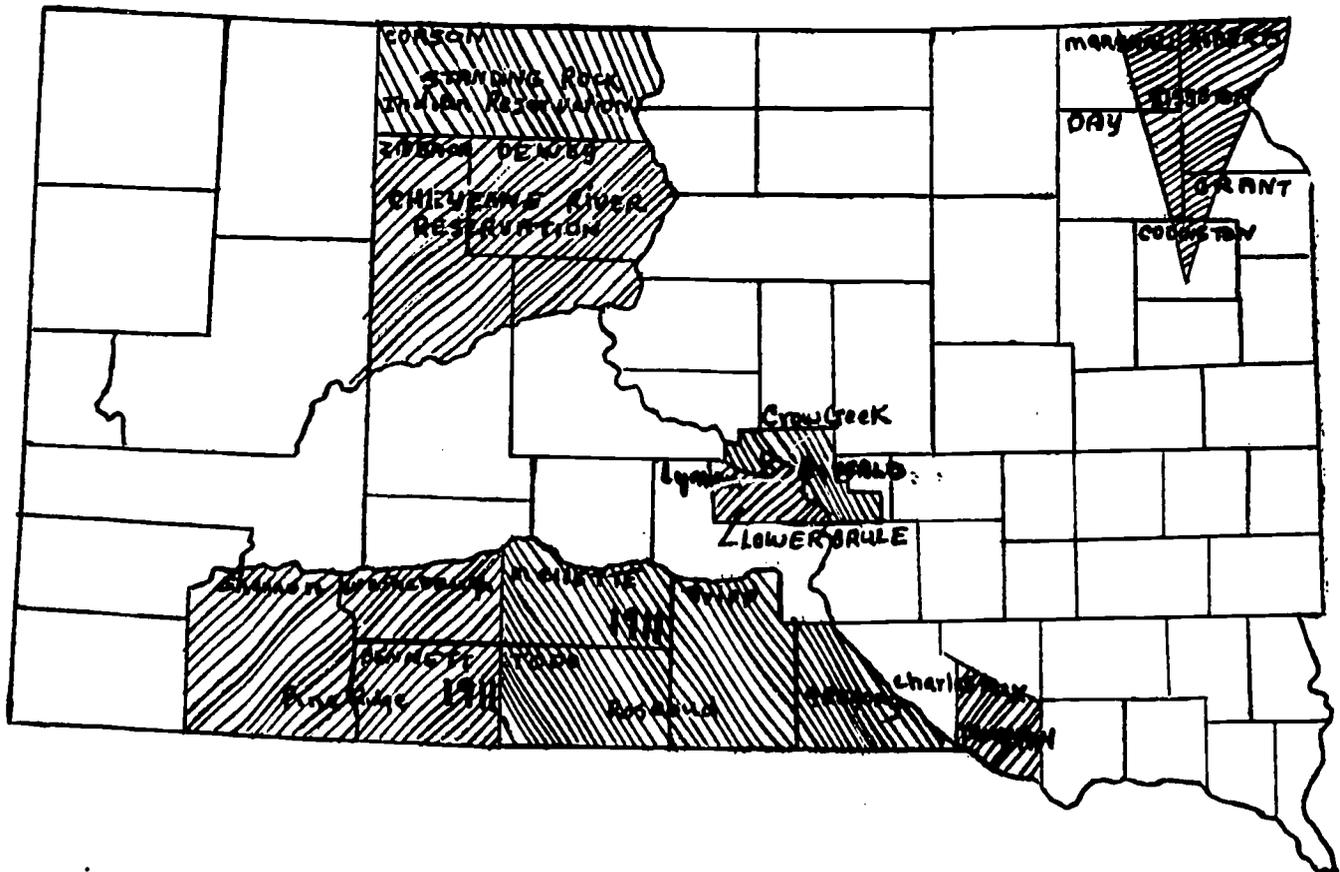


MAP 10  
SIOUX ACT OF 1889

# MAP 11

## RESERVATION LANDS

### SOUTH DAKOTA



# PINE RIDGE RESERVATION

DISTRICTS AND COUNTIES

## MAP 12

