ABSTRACT

From the 1860s through the 1870s the U.S. frontier saw many Indian wars and skirmishes. A study and report on the conditions of the Indian tribes, released in 1867, led to an act to establish an Indian Peace Commission to end the wars and prevent future Indian conflicts. In the spring of 1868 a conference was held at Fort Laramie (Wyoming) that resulted in a treaty with the Sioux. This treaty was to bring peace between the settlers and the Sioux who agreed to locate on the Black Hills reservation in the Dakota Territory. This lesson studies the Sioux Treaty and examines the power granted to the President and the Senate in Article II, Section 2, Clause 2, of the U.S. Constitution, the power to make treaties with foreign nations. The lesson correlates to the National History Standards and to the National Standards for Civics and Government. It furnishes four primary source documents: (1) the Sioux Treaty of 1868; (2) a photograph of Spotted Tail, a Sioux chief; (3) Alfred Terry's telegram account of the Battle of Little Bighorn; and (4) a letter giving a Sioux account of Custer's defeat at the Battle of Little Bighorn. The lesson provides the historical background for the treaty signing and lists four books for further reading. It outlines ten diverse teaching activities, including brainstorming, student research, document analysis, role playing, creative writing, and research and analysis. (Contains a written document analysis worksheet and a photograph analysis worksheet.) (BT)
The Constitution Community

Expansion and Reform (1801-1861)

The Sioux Treaty of 1868

By Linda Darus Clark

National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408
1-866-325-7208

http://www.nara.gov/education/classrm.html

2001

The Constitution Community is a partnership between classroom teachers and education specialists from the National Archives and Records Administration. We are developing lessons and activities that address constitutional issues, correlate to national academic standards, and encourage the analysis of primary source documents. The lessons that have been developed are arranged according to historical era.
Sioux Treaty of 1868

Constitutional Connection

This lesson relates to the power granted to the president and the Senate in Article II, Section 2, Clause 2, of the U.S. Constitution, the power to make treaties with foreign nations.

This lesson correlates to the National History Standards.

Era 4 - Expansion and Reform (1801-1861)

• **Standard 1B** - Demonstrate understanding of federal and state Indian policy and the strategies for survival forged by Native Americans.

This lesson correlates to the National Standards for Civics and Government.

**Standard III.A.1.** - Explain how the U.S. Constitution grants and distributes power to national and state government and how it seeks to prevent the abuse of power.

Cross-curricular Connections

Share this exercise with your history, language arts, and government colleagues.

List of Documents

1. Sioux Treaty of 1868 (page 1, page 2, page 3)

2. Photograph of Spotted Tail

3. Alfred Terry's telegram account of the Battle of Little Bighorn

4. Letter from Captain John S. Poland to the Assistant Adjutant General of the Department of Dakota in Saint Paul, Minnesota, which gives an account from seven Sioux Indians of Lt. Col. George Armstrong Custer's defeat at the Battle of the Little Bighorn on June 25, 1876
**Historical Background**

"This war was brought upon us by the children of the Great Father who came to take our land from us without price."

--Spotted Tail, *The report and journal of proceedings of the commission appointed to obtain certain concessions from the Sioux Indians*, December 26, 1876

The history of Native Americans in North America dates back thousands of years. Exploration and settlement of the western United States by Americans and Europeans wreaked havoc on the Indian peoples living there. In the 19th century the American drive for expansion clashed violently with the Native American resolve to preserve their lands, sovereignty, and ways of life. The struggle over land has defined relations between the U.S. government and Native Americans and is well documented in the holdings of the National Archives.

(From the American Originals exhibit script at http://www.nara.gov/exhall/originals/sioux.html)

From the 1860s through the 1870s the American frontier was filled with Indian wars and skirmishes. In 1865 a congressional committee began a study of the Indian uprisings and wars in the West, resulting in a *Report on the Condition of the Indian Tribes*, which was released in 1867. This study and report by the congressional committee led to an act to establish an Indian Peace Commission to end the wars and prevent future Indian conflicts. The United States government set out to establish a series of Indian treaties that would force the Indians to give up their lands and move further west onto reservations.

In the spring of 1868 a conference was held at Fort Laramie, in present day Wyoming, that resulted in a treaty with the Sioux. This treaty was to bring peace between the whites and the Sioux who agreed to settle within the Black Hills reservation in the Dakota Territory.

The Black Hills of Dakota are sacred to the Sioux Indians. In the 1868 treaty, signed at Fort Laramie and other military posts in Sioux country, the United States recognized the Black Hills as part of the Great Sioux Reservation, set aside for exclusive use by the Sioux people. In 1874, however, General George A. Custer led an expedition into the Black Hills accompanied by miners who were seeking gold. Once gold was found in the Black Hills, miners were soon moving into the Sioux hunting grounds and demanding protection from the United States Army. Soon, the Army was ordered to move against wandering bands of Sioux hunting on the range in accordance with their treaty rights. In 1876, Custer, leading an army detachment, encountered the encampment of Sioux and Cheyenne at the Little Bighorn River. Custer's detachment was annihilated, but the United States would continue its battle against the Sioux in the Black Hills until the government confiscated the land in 1877. To this day, ownership of the Black Hills remains the subject of a legal dispute between the U.S. government and the Sioux.

**For Further Reading**

Teaching Activities

Brainstorming

1. Before beginning document analysis, display the picture of Spotted Tail (photo citation number 111-SC-82538) and ask students to comment. Students may use the Photo Analysis Worksheet developed by the National Archives education staff. Ask them what they can infer from the photograph. Responses may include comments about his posture and the way he is dressed. They may infer that he must be a person of some importance or that he looks serious, almost regal in his posture. Explain to students that this is a picture of a Brule Sioux chief named Spotted Tail. Ask students to speculate what his duties as chief might include. Responses should include ensuring the care and safety of his people, finding good hunting grounds, and signing treaties with the white man.

Research

2. Provide students with background information about the Sioux and their lives in the Black Hills before 1868; or, as a homework assignment prior to this lesson, ask students to research the life and history of the Sioux and report their findings to the class.

Document Analysis

3. Divide students into small groups. Photocopy the Treaty with the Sioux at Fort Laramie in 1868, and provide one set to each group, with a copy of the Written Document Analysis Worksheet developed by the National Archives education staff. Ask students to complete the analysis and share their findings with the class. This activity can also be conducted in a computer lab where groups would locate the document and worksheet on line.

4. Ask students to read through the document again and then to identify the terms agreed to by the chiefs and headmen and the terms agreed to by the agents of the United States. Lead a class discussion using the following questions: What does each side gain or lose in this treaty? Ask them to compare the signatures of the U.S. government agents and the chiefs. What is the significance of the two names of each chief or headman? What might this suggest about cultural differences between the two parties? What types of problems could these differences create? Finally, ask students to speculate on what each party hoped to accomplish through this treaty.
Role Playing

5. Students may want to speculate how such treaty negotiations would be different today. Divide the class into small groups representing either the U.S. government agents or the Indian chiefs and headmen. Ask each group to decide five key points they would emphasize in their treaty negotiations, and then instruct groups to negotiate their treaties. Once the treaties are negotiated, written, and signed, display them around the classroom for students to view. Conclude with a class discussion on the process of treaty negotiations and the difficulties encountered.

Creative Writing

6. As a creative writing activity ask students to write the speech they think Spotted Tail would give to his people explaining the treaty signing and terms of agreement. Ask for volunteers to present their speeches to the rest of the class.

7. Write the following quote from Spotted Tail and the date on the board: "This war was brought upon us by the children of the Great Father who came to take our land from us without price." December 26, 1876. Ask a student to read the quote and the date of the quote to the class. Ask students to write a paragraph explaining what this quote might suggest as to what the future held for Spotted Tail, his people, and the other chiefs who signed the treaty in 1868.

Research and Analysis

8. Ask students to write an editorial for a newspaper following the Battle of Little Bighorn in 1876 taking the perspective of either the U.S. government or the Sioux.

9. Divide students into two groups. Assign one group to review Alfred Terry's telegram reporting on the Battle of Little Bighorn. Ask the other group to review the accounts of seven Sioux on the Battle of Little Bighorn. Each group should share their findings and then answer these questions: How are the accounts similar? How are they different? What do these reports say about General Custer's orders and his actions? Ask students to suggest reasons for the differences in the reports, determine which is more reliable, and consider what decisions they would have to make as historians when reviewing these documents.

10. In 1990 House bill H.R. 4660 proposed Custer Battlefield be renamed the Little Bighorn Battlefield National Monument and a memorial to the Indians be erected at the site. There was a hearing before the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs. Congressman Ben Nighthorse Campbell of Colorado testified, as did representatives of the National Park Service and several people speaking on behalf of the Indian tribes and the Morning Star Foundation. The bill was approved on December 10, 1991, and became Public Law 102-201. Most of the major newspapers printed articles or editorials about this in 1991. They are a good source of the pro and con arguments on this change. You may want students to research this event and
then create a readers' theater or a reenactment of the hearings. Students may also want to locate the Little Bighorn Battlefield National Monument web page at http://www.nps.gov/libi which is part of the National Park Service's home page.

The documents included in this project are from Record Group 77, Records of the Office of the Chief of Engineers; Record Group 94, Records of the Adjutant General's Office, 1780's-1917, and Record Group 393, Records of United States Army Continental Commands, 1821-1920.

They are available online through the National Archives Information Locator (NAIL) database at <http://www.nara.gov/nara/nail.html>. Their control numbers are NWDNS-77-HQ-264-801; NWDNS-77-HQ-264-854; NWCTB-94-CORR-PI17E12-3840AGO1876; and NWCTB-393-DMO-PI172E2547-5019DMO1876. Selected photographs of Custer's 1874 Expedition are also available in NAIL, control numbers NWDNS-77-HQ-264-801 and NWDNS-77-HQ-264-854. NAIL is a searchable database that contains information about a wide variety of NARA holdings across the country. You can use NAIL to search record descriptions by keywords or topics and retrieve digital copies of selected textual documents, photographs, maps, and sound recordings related to thousands of topics.

The 1868 treaty is also featured in the online American Originals Exhibit at http://www.nara.gov/exhall/originals/tribes.html.

This article was written by Linda Darus Clark, a teacher at Padua Franciscan High School in Parma, Ohio.
Photograph Analysis Worksheet

Step 1. Observation
A. Study the photograph for 2 minutes. Form an overall impression of the photograph and then examine individual items. Next, divide the photo into quadrants and study each section to see what new details become visible.

B. Use the chart below to list people, objects, and activities in the photograph.

<table>
<thead>
<tr>
<th>PEOPLE</th>
<th>OBJECTS</th>
<th>ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Step 2. Inference
Based on what you have observed above, list three things you might infer from this photograph.

Step 3. Questions
A. What questions does this photograph raise in your mind?

B. Where could you find answers to them?
Written Document Analysis Worksheet

1. TYPE OF DOCUMENT (Check one):
   ___ Newspaper  ___ Map  ___ Advertisement
   ___ Letter  ___ Telegram  ___ Congressional record
   ___ Patent  ___ Press release  ___ Census report
   ___ Memorandum  ___ Report  ___ Other

2. UNIQUE PHYSICAL QUALITIES OF THE DOCUMENT (Check one or more):
   ___ Interesting letterhead  ___ Notations
   ___ Handwritten  ___ "RECEIVED" stamp
   ___ Typed  ___ Other
   ___ Seals

3. DATE(S) OF DOCUMENT: ____________________________________________

4. AUTHOR (OR CREATOR) OF THE DOCUMENT: ___________________________
   POSITION (TITLE): ________________________________________________

5. FOR WHAT AUDIENCE WAS THE DOCUMENT WRITTEN? ________________
   __________________________________________________________________

6. DOCUMENT INFORMATION (There are many possible ways to answer A-E.)

   A. List three things the author said that you think are important:
      1. ____________________________________________________________
      2. ____________________________________________________________
      3. ____________________________________________________________

   B. Why do you think this document was written?
      __________________________________________________________________

   C. What evidence in the document helps you know why it was written? Quote from the document.
      __________________________________________________________________
D. List two things the document tells you about life in the United States at the time it was written:


E. Write a question to the author that is left unanswered by the document:


Designed and developed by the
Education Staff, National Archives and Records Administration, Washington, DC 20408.
Articles of a Treaty made and concluded by and between Lieutenant General William T. Sherman, Generals William J. Harney, Generals Alfred H. Terry, Generals C. C. Augur, A. H. Henderson, Nathaniel P. Logan, John B. Chambers and Samuel F. Tatnall, duly appointed Commissioners on the part of the United States and the different Bands of the Sioux Nation of Indians by their Chiefs and Head Men whose names are hereunto subscribed, they being duly authorized to act in these premises.

Article I. From this day forward all disputes between the parties to this agreement shall forever cease. The Government of the United States does peace and its honor is fully pledged to keep it. The Indians therefor and they now pledge their honor to maintain it.

A. All men among the Indians or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians; the United States will, upon proof made to the Agent, and forwarded to the Commissioner of Indian Affairs, have the party in question or cause the offender to be arrested, and punished according to the laws of the United States and also reimburse the Indians for all loss sustained.

B. No man among the Indians shall commit any wrong or depredation upon the person or property of anyone, white or Indian, subject to the authority of the United States, and a punishment, the Indians having named, shall be given that they
between the respective parties hereto, so far as such
pacts and agreement obligate the United State
or furnish and provide money, clothing or other
outside of property to such Indians and Bands
of Indians as become parties to this Treaty, but
no further.

In testimony of all which we the said Commiss-
ioners and the Chiefs and Head men of the
Brule Band of the Sioux Nation have hereunto
set our hands and seals at Fort Saramac,
Lacina Territory this twenty ninth day of
April in the year one thousand eight hundred
and sixty eight

J. W. Layton

W. C. Harned

A. T. Taylor

John B. Anderson

S. T. Tappan

J. B. Hargrave

R. B. Wheeler

Secretary
Executed the part of the Band of Sioux, by the Chiefs and Headmen whose names are hereunto annexed, they being thereunto duly authorized, at Fort Laramie this
the twenty-ninth day of April in the year A.D. 1868.

[Signatures and names of Chiefs and Headmen]

(John S. W. Bible)
Secretary of Commerce

Document 1: Sioux Treat of 1868, Page 3
Document 2: Photograph of Spotted Tail
The following is a copy of General Terry's report of the action of Army twenty-fifth at Camp on Little Big Horn River, June twenty-fifth, 1876, to Adjutant General, Division of the Missouri.

[Handwritten text]

Dear Sir,

It is my painful duty to report that day before sunset on the twenty-fifth instant a great Indian outbreak took place in the woods under his command at time in excess of the...
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 2
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 3
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 4
for his force to attempt to renew the fight in
the valley he joined
won the battle. Capt. Mays
with his company Blue
at first at some distance
in the rear with a
train of pack mules. He
also came up to Reno
doon the unit at force
was nearly surrounded
by Indians. Many of the
army with rifles occupied
position which command
the ground held by

Document 3: Copy of General Alfred Terry's telegram reporting the
Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col.
George Armstrong Custer, Page 5
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 6
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 7
WILLIAM ORTON, Pres., New York.
A. H. BREWER, Sec'y.

Received at N.E. cor. 14th St. and Penn. Ave., Washington, D.C.

To

turn upon itself almost completes a circle. One of the officers in front of the bodies of his horses, some of whom dropped along the path, others reeled where death appeared to have been made. There is abundant evidence that a gallant retreat was offered by the officers and the officers, except the last one, were killed as they fell.
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 9
Wounded, Mr. Boston

Custer, a brother of

me Reed, a nephew of

General Custer were with

him and were killed. No

other officers than those

whom I have named are

among the killed. Want to

missing. It is impossible

to yet to obtain an

accurate list of the

enlisted men whose

killed. I want to

number of killed.
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 11
Twenty-fifth's instant
the columns reach's gent
Gibbon's point near the
mound of the dip hornery
in the morning of the
twenty-fourth at 9:45 a.m.
between 11 a.m. and the
afternoon all his men
animals were across the
yellow line at 4:45.

Terry's Column
of Line 5 companies of
the Seventh Infantry
Fort Companies of the
Seventh Infantry

Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 12
Battle of the Little Bighorn

Guns marched out to
across Little Bighorn creek
starting soon after first
battle in the morning
of June twenty-fifth. 1876

The infantry made a march
of twenty-two miles
over the most difficult
country which I have
ever seen in detail.
Scouts might be sent into
the valley of the little
big horn. The cavalry
would not the battery was

Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 13
Intelligence of the battle had been received, it was supposed, at the headquarters of General Custer. It was not believed that disaster could have occurred to such a large force as twelve 12 Companies of Cavalry - the infantry which had broken Camp on the 25th of June, came up and the whole force was captured.
Column entered and moved up the valley of the Little Bighorn during the afternoon. Efforts were made to send Cour to what was supposed to be General Custer's position and to obtain information of the condition of affairs, but those who were sent out were driven back by parties of Indians who in increasing numbers were seen hovering in General Gibbon's front.
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 17
June 25th - Major Reno intrenched position was reached. The withdrawal of the Indians from around Reno's Command and from the Valley commenced undoubtedly caused the appearance of Pipe River troops. Maj. Reno & Capt. Brinton both of whom are officers of great experience accustomed to large masses of Mounted. When Estimated the number of Indians engaged at least 500.
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 19
Very Confidential that there were a number of white men fighting with the Indians. It is believed that the loss of the Indians was large. There are yet no official reports in regard to the battle, but what is stated as gathered from the officers who were on the ground. It cannot be given. It is since
Document 3: Copy of General Alfred Terry's telegram reporting the Battle of the Little Bighorn, June 25, 1876, and the defeat of Lt. Col. George Armstrong Custer, Page 21
Document 4: Letter from Captain John S. Poland to the Assistant Adjutant General of the Department of Dakota in Saint Paul, Minnesota, which gives an account from seven Sioux Indians of Lt. Col. George Armstrong Custer's defeat at the Battle of the Little Bighorn on June 25, 1876, Endorsement
Headquarters 6th Inf. Volunteer Inf.
Sturgis, S.D., July 24, 1876

To the Assistant Adjutant General
Department of Dakota
Saint Paul, Minnesota

Sir:

I respectfully report the following:

On the 28th of June, 1876, seven Indians were induced by me to return from the Little Big Horn where they had been engaged in the battle of June 25th, with the 7th Cavalry.

The Indians refused to state who engaged them in the battle, or where they were engaged, or how many of their men were killed or captured, and said they knew of no special cause why they should not return to the agency. They said they had been engaged in taking the ponies away from the white men, and that they were captured and surrendered as prisoners of war. They said they did not know why Captain Custer should have been killed, and that they had heard that he was killed in battle.

I am, sir, your obedient servant,

[Signature]

Document 4: Letter from Captain John S. Poland to the Assistant Adjutant General of the Department of Dakota in Saint Paul, Minnesota, which gives an account from seven Sioux Indians of Lt. Col. George Armstrong Custer's defeat at the Battle of the Little Bighorn on June 25, 1876, Page 1
confined, surrounded, and finally asked to surrender. He refused, and the struggle ensued. The troops rallied on the opposite side of the ravine, and the battle raged. The Indians retreated up the ravine, and the cavalry pursued them. The fight continued for some time, with heavy losses on both sides. The Indian scouts returned to their camps, and the cavalry pursued them. The Indians then decamped into the interior and returned to their homes. The report to the Commanding Officer and Adjutant General of the Department of Dakota in Saint Paul, Minnesota, which gives an account from seven Sioux Indians of Lt. Col. George Armstrong Custer's defeat at the Battle of the Little Bighorn on June 25, 1876, Page 2.
The lieutenant that was killed was killed by the fire of a Sioux Indian named "Red Fox," who was a leader in the Minnesota massacre of 1863.

After the battle, the Indians entered the field to plunder and mutilate the dead. A general engagement was indulged in, and a distribution of small arms ammunition hurriedly made. Then the attack on Wagon Ground was vigorously pursued.

Up to this attack, the Indians had been for entirely few hours, but now, they say, their most recent loss took place. They give version of numbers, but say that one agent was many. Sitting Bull may not have been personally engaged in the fight. He remained in the Council tent during the actions. Crazy Horse with a large band; and Black Moon, one of the principal leaders on the 25th of June, Kilbey, Chief of the Blackfoot, at the head of four hundred lodges left the agency about the 15th of May. He was prominently engaged in the battle of June 25, and afterward reenlisted. Sitting Bull fought taking part in personal part of the engagement. Kilbey also went and fought, and that he was forced into the fight, but that he determined to return to the agency, and that he will return to the agency of the Indian for it. He is an Indian actually on the agency to get the Indian fathers, the agent, and make confession to receive redress for his defeat, and is against the band.
Letter to the Assistant Adjutant General of the Department of Dakota in Saint Paul, Minnesota, which gives an account from seven Sioux Indians of Lt. Col. George Armstrong Custer's defeat at the Battle of the Little Bighorn on June 25, 1876, Page 4
Document 4: Letter from Captain John S. Poland to the Assistant Adjutant General of the Department of Dakota in Saint Paul, Minnesota, which gives an account from seven Sioux Indians of Lt. Col. George Armstrong Custer's defeat at the Battle of the Little Bighorn on June 25, 1876, Page 5
Document 4: Letter from Captain John S. Poland to the Assistant Adjutant General of the Department of Dakota in Saint Paul, Minnesota, which gives an account from seven Sioux Indians of Lt. Col. George Armstrong Custer's defeat at the Battle of the Little Bighorn on June 25, 1876, Page 6
NOTICE

Reproduction Basis

☐ This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.

☑ This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").

EFF-089 (3/2000)